
ANDHRA PRADESH (TELANGANA AREA) TENANCY AND AGRICULTURAL LAND RULES, 1950

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ANDHRA PRADESH (TELANGANA AREA) TENANCY AND AGRICULTURAL LAND RULES, 1950

In exercise of the powers conferred by sub-sections (1) and (2)(i) of Section 97 read with Sections 35 and 37 of the A.P. (Telangana

Area) Tenancy and Agricultural Lands Act, 1950 (No.XXI of 1950)
H.E.H. The Nizam is pleased to make the following rules :-

1. Short title and commencement :-

These Rules may be called the A.P. (Telangana Area) Tenancy and Agricultural Land Rules of 1950 and shall come into force from date of publication of the same in the Official Gazette.

2. Preparation of Preliminary Record of Tenancies of Agricultural Land :-

As soon as may be but not later than a month from the date of publication of these rules in the Jarida, a Preliminary Record of Tenancies of Agricultural Lands shall be prepared in duplicate for every village by the patwari thereof in Form No.I appended herewith based on his own knowledge and inspection, when necessary, and on such information as may be available from the village records or is furnished by persons in possession of, or holders of rights in agricultural lands as to the nature and extent of the interest which they have in such lands.

3. Announcement :-

(i) On completion of the Preliminary Record of Tenancies under Rule 2 the patwari shall announce in the village by beat of drum daily for a period of 3 days there from that Preliminary Record of Tenancies is ready and shall also publish a notice to the same effect in the chavadi or other conspicuous place specified by the Tahsildar as the case may be. The patwari shall show the said record and explain the entries thereof to any person of the village who goes to him for the purpose.

(ii) The patwari shall make the Preliminary Record of Tenancies available for reference and inspection by the villages in the manner prescribed in sub-rule (i) for a period of 15 days from the date of the first announcement under sub-rule (i).

(iii) At the end of the period of 15 days fixed in sub-rule (ii), the patwari and the mali patel of the village shall certify at the foot of the Preliminary Record of Tenancies that the requirements of sub-rules (i) and (ii) have been duly complied with.

4. Objections by villagers :-

Any person adversely affected by any entry in the Preliminary Record of Tenancies prepared under Rule 2 may apply to the patwari orally or in writing not later than 3 days from the expiry of

15 days allowed for reference and inspection under Rule 3(ii) for rectification of such entry and the patwari shall at once give him an acknowledgement receipt of such an application in Form II appended.

5. Disposal of the objections by the patwari :-

On receipt of an application under Rule 4 and after making such enquiry as he deems necessary, the patwari may, if he considers that the said entry was wrongly made, rectify the same; if he considers that the original entry was correctly made, he shall enter the particulars of the application for rectification in the Register of Disputed Cases in Form No.III appended hereto.

6. Record to be forwarded to the Tahsil Office through the Revenue Inspector :-

As soon as it may be, but not later than 7 days after the expiry of 15 days prescribed in sub-rule (ii) of Rule 3; the patwari shall forward a copy of the Preliminary Record of Tenancies and the Register of Disputed Cases to the Office of the Tahsil in which the village is situate through the Giradawar of the area.

7. Enquiry and check by the Revenue Inspector :-

(i) On a day to be fixed in advance, of which previous intimation shall be given to the villages not less than 3 days and not more than 7 days before the day fixed, the Girdawar shall read out and check every entry in the Preliminary Record of Tenancies and the Register of Disputed Cases and certify the accuracy of the said entries in the presence of the villagers assembled in the Chavadi or in any conspicuous place in the village.

(ii) If any person who is adversely affected by an entry in the Preliminary Record of Tenancies or the Register of Disputed Cases, is present and consents to such an entry being corrected during such check, the Girdawar shall note the fact in Register of Disputed Cases and make the necessary corrections in the Preliminary Record of Tenancies under his signature and delete the former entry from the Register of Disputed Cases under his signature.

(iii) If any person present who is adversely affected, disputes the correctness of an entry, whether he has filed an application regarding the same before the patwari under Rule 4 or not, the Girdawar shall correct such error if admitted by all parties, under his signature. If the error is not admitted by all parties, he shall enter the dispute with all particulars in the Register of Disputed

Cases if, such an entry has not already been made by the patwari.

(iv) On completion of the check of the Preliminary Record of Tenancies and the Register of Disputed Cases under sub-rule (i), (ii) and (iii), and Girdawar

8. Revenue Inspector to forward the Records to the Tahsildar :-

As soon as may be, but not later than a week after the completion of the enquiry under the provisions of Rule 7, the Girdawar shall forward the Preliminary Record of Tenancies and Register of Disputed Cases to the Tahsildar.

9. Enquiry of disputed cases by Tahsildar :-

(i) As soon as may be but not later than a month after the receipt of the Preliminary Record of Tenancies and Register of Disputed cases in the Tahsil Office, the Tahsildar or the officer authorised by Government in this behalf, shall, enquire into and decide every case entered in the Register of the Disputed Cases on an appointed day of which due notice in advance shall be given to the parties to the disputes.

(ii) The Tahsildar or the said officer, shall record in the Register of Disputed Cases a brief summary of the evidence at the enquiry and his orders thereon with the grounds for his decision.

(iii) The Tahsildar or the said officer shall communicate his decision orally to the parties, if they are present at the time of his decision and shall make a note to that effect in the Register of Disputed Cases. If the parties are not present, he shall send written intimation of the decision by post to the last known address or addresses of the party or parties, as the case may be, and note in the Register of Disputed Cases, the date of despatch of such intimation.

(iv) The Tahsildar or the said officer shall under his signature amend the entries in the Preliminary Record of Tenancies in accordance with his orders under sub-rule (ii). He shall send a copy of every amended entry to the patwari who shall carry out the amendments in his copy of the Preliminary Record of Tenancies under his signature

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10. Preliminary Record to be declared as Provisional Record

of Tenancies :-

(1) After passing orders in all disputed cases and incorporating the changes referred to in sub-rule (iv) of Rule 9 the Tahsildar shall declare the Preliminary Record of Tenancies as the Provisional Record of Tenancies and append a certificate in such record that it shall be declared to be Provisional Record of Tenancies with effect from the date of such certification.

(ii) The Tahsildar shall announce that the Preliminary Record of Tenancies has been declared as a Provisional Record of Tenancies under sub-rule (i) by affixing copies of notice to that effect on the notice board in his office and in the Chavidi of the village to which such record relates or if in such village there is no Chavadi, in such place as he may specify.

(iii) During his next visit to such village after such publication the Girdawar of the area shall check whether all the amendments to entries in the Preliminary Record of Tenancies communicated by the Tahsildar to the Patwari under the provisions of sub-rule (iv) of Rule 9 have been duly incorporated by the Patwari and if all the amendments have been so incorporated or after getting such amendments incorporated in the Preliminary Record of Tenancies, the Girdawar shall append a certificate in the Preliminary Record of Tenancies that all such amendments of entries have been incorporated therein and that the Preliminary Record of Tenancies has been declared by the Tahsildar as Provisional Record of Tenancies. He shall note in his certificate the date of such declaration by the Tahsildar.

11. Appeal :-

An appeal against an order passed by the Tahsildar or by the officer authorised by Government in this behalf under the provisions of Rule 9 shall lie to the Second Taluqdar within one month from the date of the order.

12. Revision :-

The Second Taluqdar, the Taluqdar, the Board of Revenue, or the Government may of their own accord at any time or within 3 months from the date of an order in appeal under Rule 11, on the application of any party, call for and examine the Provisional Record of Tenancies relating to any entry and pass orders thereon as they deem fit and proper.

13. Amendment of entries in Provisional Record of

Tenancies :-

The Tahsildar shall amend the entries in the Provisional Record of Tenancies in accordance with the orders passed in appeal or revision under his signature and shall communicate copies of the entries so amended to the Patwari who shall thereupon alter the relevant entries in his copy of the Provisional Record of Tenancies accordingly.

14. Acquisition of rights to be reported :-

(i) Any person who after the preparation of the Preliminary or Provisional Record of Tenancies acquires any interest or right in land as a holder or a tenant in any village by succession, survivorship, inheritance, partition, purchase, gift or otherwise, shall report his acquisition of such an interest or right, orally or in writing to the Patwari of the village in which such land is situated or in writing to the Tahsildar of the area within one month from the date of such acquisition.

Provided that if the person acquiring such interest or right in land is a minor or otherwise disqualified, his guardian having charge of his property shall make the report to the patwari or the Tahsildar.

(ii) The patwari shall at once give a written acknowledgement of the report made to him under sub-rule (i) in Form II appended herewith to the person making it.

(iii) The patwari shall immediately forward every report made to him under sub-rule (i) to the Tahsildar of the area.

(iv) If the patwari has reason to believe that an acquisition of any interest or right in land of description referred to in sub-rule (i) has taken place, of which a report has not been made to him under that sub-rule, he shall immediately report such an acquisition to the Tahsildar of the area.

15. Register of Mutations :-

The Tahsildar shall enter in a Register of Mutation maintained in Form IV appended herewith every report made or forwarded to him under Rule 14.

(ii) The Tahsildar or the officer authorised by Government in this behalf shall inquire into every acquisition of interest or right in land entered in the Register of Mutations within 30 days of its entry in such register after giving prior notice of the time, date and place of

enquiry to all persons who are believed to be interested in the mutation.

(iii) The Tahsildar or the said officer shall record a brief summary of the evidence at his enquiry and of the grounds for his decisions in the Register of Mutations.

(iv) The Tahsildar shall amend the entry made in the Provisional Record of Tenancies in accordance with the orders under sub-rule (iii) under his signature and shall communicate copy of the entry so made to the patwari who shall thereupon alter the relevant entry in his copy of the Provisional Record of Tenancies accordingly.

16. Appeal and Revision :-

(i) On an order passed by the Tahsildar or the officer authorised by Government in this behalf under the Provision of Rule 15, an appeal shall lie to the Second Taluqdar of the area within one month from the date of such order.

(ii) The Second Taluqdar, Board of Revenue or the Government may of their own accord at any time, or within 3 months from the date of an order in appeal under sub-rule (i) of the application of any party, call for and examine the records relating to such appeal and may pass such orders thereon as they deem fit and proper.

(iii) The Tahsildar shall amend the entries in the Provisional Record of Tenancies in accordance with the orders in appeal under sub-rule (i) under his signature or revision under sub-rule (ii) and shall communicate copies of the entries so amended to the patwari who shall thereupon alter the relevant entry in his copy of the Provisional Record of Tenancies accordingly.

17. Obligation to furnish information :-

(i) Any person whose rights, interest or liabilities are required to be or have been entered in any record or register under these rules, shall be bound, on the requisition of the Tahsildar or the officer authorised by Government in this behalf to enquire under Rule 9 or Rule 15 to furnish or produce for his inspection within one week from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(ii) The Tahsildar or the said officer shall at once give a written acknowledgement thereof to the person furnishing any information

or producing any document under sub-rule (i) and shall note under his signature the date of such production.

18. Penalty for failing to furnish information :-

Whoever fails to make a report required by Rule 14 or to furnish any information or to produce any document required under Rule 17 within the time fixed in Rule 14 or Rule 17, as the case may be, shall be liable at the discretion of the Tahsildar or the said officer, to a fine not exceeding Rs.25 which shall be collected as an arrear of land revenue.

19. Refusal of Assistance under Section 72 of the Land Revenue Act and Section 32 of the Tenancy and Agricultural Lands Act :-

The Tahsildar shall refuse assistance to any landholder to recover possession of land from a tenant either under Section 72 of the Land Revenue Act or Section 32 of the Tenancy and Agricultural Lands Act or any other orders for the time being in force, if his claim to such assistance is not supported by a certified copy or entries in Provisional Record of Tenancies relating to such land.

20. Inspection of copies :-

(i) The Provisional record of Tenancies shall during office hours on all working days be open for inspection by the public in the Tahsil Office and with the village patwari. Certified copies thereof shall be given to all persons applying for the same to the Tahsildar.

(ii) For every certified copy of entries in Provisional Register of Tenancies a fee at the rate of 8 annas for each survey number shall be charged.

21. Certified copy of record to be annexed to a plaint or an application :-

(i) Every application under the Hyderabad Tenancy and Agricultural Lands Act, 1950 and every plaint or application in a Civil Court relating to any land to which the said Act applied shall be accompanied by a certified copy of an entry in the Provisional Record of Tenancies relevant to such lands.

(ii) If the plaintiff or applicant fails to comply with sub-rule (i) for any use which the Court Tribunal or Officer, before whom the plaint or application, as the case may, has been filed, deems sufficient, he shall produce such certified copy within such reasonable time as

may be fixed by the Court, Tribunal or Officer, as the case may be, and if such certified copy is not so annexed or produced, the plaint or application shall be rejected. But such rejection shall not by itself, preclude the presentation of a fresh plaint in respect of the same cause of action, or a fresh application in respect of the same matter, with a certified copy annexed.

(iii) After the disposal of any case in which a certified copy of any such entry has been filed, the Court, Tribunal or Officer, as the case may be, shall communicate to the Tahsildar any error appearing in such entry or any alteration therein that may be required by reason of a decree or order of the said Court, Tribunal or Officer and a copy of such communication shall be kept with the record of the proceedings. The provisions of this sub-rule shall apply also to an appellate or revisional decree or order, provided that in the case of an appellate or revisional decree or order passed by the High Court, the communication to the Tahsildar shall be sent by the court in which the original proceedings were instituted.

(iv) The Tahsildar shall on receipt of such communication cause the relevant entry in the Provisional Record of Tenancies to be amended in accordance with the decree or the decision of the Court, Tribunal or Officer, as the case may be, so far as it adjudicates upon any right required to be entered in the Record of Tenancies, and shall forward copy of the entry so amended to the patwari who shall thereupon amend such entry in his copy of the Provisional Record of Tenancies accordingly.

22. Court Fees :-

Every memorandum of appeal under Rule 11 or sub-rule (i) of Rule 16 and every application for revision under Rule 12 or sub-section (ii) of Rule 16 shall bear the court fees prescribed under the Court Fees Act.

23. Final Record of Tenancies :-

(1) For every village an abstract of tenancy shall be prepared in Form No.5 appended herewith based on the Provisional Record of Tenancies relating thereto and such an abstract of tenancies shall, with effect from 10th June, 1951, be deemed to be the final record of tenancies if the said village subject to the final orders on applications, if any, filed under Sections 5, 35 and 37 of the said Act relating to any land therein.

(2) The final record of tenancies of a village shall be amended by

the Tahsildar in accordance with the final orders passed on applications filed under Sections 5, 35 and 37 of the said Act.

(3) If on a representation made to him, the Tahsildar is of opinion that any entry in the final record of Tenancies of a village is not correct or the name of any person which should have been entered in the said records has not been so entered, the Tahsildar may at any time before 10-6-1952 amend the said record suitably under his signature.

23A. . :-

(i) A Taluq Commission consisting of the Tahsildar of a Tahsil as Chairman and two other non-official members nominated by the Government for such period as they may deem fit not exceeding one year, shall examine the final records of all the villages within the jurisdiction of the said Tahsildar.

Provided that the Chairman of the Taluq Commission shall have the option, if he is satisfied that any one of or both the non-official members are in any way interested in the cases before the Commission to replace one or both of them when hearing such cases in any specified area, subject to the prior approval of the Collector, from such panel of names as may be notified by the Government.

Provided further that no representation in respect of wrong entry in or omission from the final record of tenancies shall be entertained after the 31st January, 1955.

(ii) Whenever any wrong entry in or omission from the final records of the Tenancies of any village comes to the notice of the Commission either on a representation made by any person in that behalf or otherwise, the Commission shall issue a notice to all the persons interested in the land, either as landholders, or as tenants specifying the time, date and place at which it proposes to enquire into the matters:

Provided that such enquiry shall not be held before the expiry of 7 days from the date of issue of such notice.

(3) On the dates specified or on such later date as may, from time to time, be fixed by the Commission, it shall hold a summary enquiry by taking such oral or documentary evidence, relating thereto as may be produced by all or any of the parties and such

other evidence as it may consider necessary and expedient and pass such orders as it may deem fit in the matter.

(4) The decision of the majority of its members shall be decision of the Commission.

Provided that a decision given by a Chairman and any one of the non-official member shall be deemed to be a decision of the Commission when the other non-official member is absent or cannot for any reason take part in the proceedings

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Provided further that when there is difference of opinion between the Chairman and the non-official member the case shall be referred to the other non-official member and any decision given by him shall be deemed to be the decision of the commission.

(5) An appeal shall lie from every order passed by the Commission to the Collector whose order thereon shall be final.

(6) Every appeal under sub-rule (5) shall be filed within 15 days from the date of the order of the Commission.

23B. . :-

(1) The Tahsildar can amend final records of tenancies of the concerned village in accordance with the order passed by the Commission or on appeal by the Collector and issue certificate in Form 6 to the tenant.

(2) The Tahsildar shall forward a copy of every amendment made by him in the final records of tenancies under the provisions of sub-rule (i) to the Patwari of the concerned village, who shall thereupon amend his copy of final record of tenancies accordingly.

23C. . :-

After the expiry of the period for which a Taluq Commission was constituted under sub-rule (i) of Rule 24-A Cases relating to wrong entry in or omission from the final records of tenancies referred to in sub-rule (ii) of Rule 24-A pending before the said Commission shall be transferred for disposal to the Deputy Collector concerned.

Provided that the provisions contained in sub-rules (2), (3), (5) and (6) of Rule 24-A shall apply Mutatis Mutandis to the hearing and disposal of cases transferred to the Deputy Collector.

24. Certificate to be issued to protected Tenants :-

On and after 10th June, 1951, the Tahsildar shall issue to every tenant registered in the final record of tenancies as a protected tenant and to every person under whom such person holds any land as a protected tenant, a Certificate in Form No.6, appended herewith, on payment of annas two, by the person registered as protected tenant and annas eight by the person under whom he holds as a protected tenant respectively.

25. Applicability of provisions of other rules :-

Unless there is anything repugnant therein, the provisions of Rules 14 to 23 shall apply Mutatis Mutandis to the final record of tenancies prepared under Rule 24.