

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

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In exercise of the powers conferred by sub-section (1) and Clause (i) sub-section (2) of Section 97 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950, H.E.H. the Nizam is pleased to make the following rules

1. Short title, extent and commencement :-

These rules may be called the A.P. (Telangana Area) Tenancy and Agricultural Lands Rules, 1950. They extend to the whole of the Telangana Area.

2. Definitions :-

(1) In these rules:

(i) "Act" means the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950;

(ii) "Form" means the form appended to these rules.

(iii) "Section" means section of the Act.

(2) Words and expressions used in these rules but not defined therein shall have same meaning assigned to them in the Act and in the A.P. (Telangana Area) Land Revenue Act of 1317 F.

3. Extension of quantity and value of the crop :-

(a) For the purpose of fixing the maximum rent payable in respect of any lands under Section 11, the total yield of the lands or its value shall be determined by the Tribunal.

(b) Such yield shall be determined by the Tribunal in either of the following ways whichever may be lower.

(i) On the basis of the average yield per acre of the important food or other crops grown on such land in accordance with crop rotation usual or customary, as may be arrived at by actual crop-cutting experiments by the Revenue, Agricultural or any other Department of Government on same or of similar lands in the local area in which such land is situate: Provided that where no crop cutting experiments have been made by any Department of Government, the Tribunal may arrange for such experiments or determine the average yield on the basis of evidence placed before it by the parties or otherwise:

Provided that the yield of all the mixed crops, if any, grown on the land shall be taken into account:

Provided further that purpose of determining the yield of such land, grass, hay or straw shall not be taken into account excepting when the crop grown on such land is a fodder crop.

(ii) On the actual average yield per acre of such land agreed to by the landholder and the tenant.

(c) The value of the yield shall be calculated on the average market prices of such important food and other crops grown on such land in accordance with crop rotation usual or customary or on similar classes of land in the local area in which such land is situate, for the months of December to March. If the market prices of such crops prevailing in the local area for the months of December to March are recorded by the Revenue, Agriculture, Marketing or any other Department, the prices so recorded shall be taken as the market price of such crops.

4. Determination of crop share payable as rent :-

(1) Whenever the rent payable by a tenant to the landholder consists of a share of the crop grown on the land held by the tenant the quantity of produce to be given to the landholder shall be ascertained in such manner as may be agreed upon between the tenant and the landholder. If there is no such agreement or if there is a dispute between the parties, the tenant or landholder, as the case may be shall, before the removal of the crop from the threshing floor, or the field, make an application to Patwari of the village or such officer as may be authorised by the Tahsildar in this behalf. The Patwari or the said officer shall before the removal of the crop or any part of it for any purpose whatsoever from the threshing floor or the field as the case may be, immediately inspect the crops in the presence of two respectable residents of the village after giving reasonable notice of such inspection to both the tenant and the landholder. The Patwari or the said officer shall thereupon arrange to get a panchanama drawn up of the actual produce of the land, of which the produce or rental share is in dispute. The produce recorded in the panchanama, which shall be signed by the said residents of the village present and the Patwari or said officer, as the case may be, shall be deemed to be the actual produce:

Provided that where the crop grown on the land is fodder-crop, such application shall be made for determination of the actual produce, and the panchanama be drawn up before the crop is removed from the field.

(2) In case the landholder declines to receive the share of actual produce as determined under sub-rule (1), the tenant shall be entitled to remove the entire crop from the threshing floor or the field, as the case may be, and the landholder shall recover his rent by proceeding under Section 72 of the A.P. (Telangana Area) Land Revenue Act, 1317 F.

(3) In case the tenant refuses to give the landholder the share of the actual produce as determined under sub-rule (1), the landholder shall be put in possession of his share of the produce by the Patwari or the said officer, as the case may be, in the presence of the two respectable residents of the village and the landholder shall recover the balance of his share, if any, by proceeding under Section 72 of the A.P. (Telangana Area) Land Revenue Act.

5. Communication of crop share into cash :-

(1) When a notification under sub-section (1) of Section 13 is published in the Jarida the Tahsildar shall in the area specified in the notification cause copies of the notification in the regional language to be exhibited at prominent places in the villages concerned and shall also cause the contents of the notification to be made known to the villagers by beat of drum for 3 consecutive days.

(2) The Tahsildar shall give similar publicity to the rate of commutation if it is notified by the Government in the Jarida under sub-section (2) of Section 13.

(3) In the areas specified in the notification under sub-section (1) of Section 13 in respect of which the rate of commutation has not been fixed by the Government under sub-section (2) of Section 13, a landholder whose rent is recoverable wholly or partly as crop share shall on publication of the notification in the regional languages under sub-rule (1), apply to the Tribunal in whose jurisdictions the lands concerned are situate for commutation of

rents so far recoverable as crop share into cash. The application shall be in the Form appended, shall bear a court fee of Rs.1. It shall be submitted so as to reach the Tribunal within 3 months from the date of publication of notification under sub-rule (1).

(4) On receipt of an application under sub-rule (3) the Tribunal shall cause to be served upon the tenant concerned a notice to appear on the date specified therein and shall hold an enquiry as regards the crops raised on the land concerned, the actual yield of the crops and the total amount of the crop-share payable by the tenant to the landholder.

(5) After holding such enquiry as is deemed necessary under sub-rule (4) the Tribunal shall determine:-

(a) the actual yield of the crop in accordance with Rule 3;

(b) the share of the crop to which the landholder is entitled to subject to the provisions of Section 11. and shall fix the commuted cash rent in accordance with the provisions of Rule 3.