

**ANDHRA PRADESH ASSIGNED LANDS (PROHIBITION OF
TRANSFERS) ACT, 1977**

9 of 1977

[29th April, 1977]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Prohibition of transfer of assigned lands
4. Consequence of breach of provisions of section 3
- 4A. Appeal
- 4B. Revision
5. Prohibition of registration of assigned lands
6. Exemption
7. Penalty
8. Protection of action taken
9. Power to make rules
10. Act to override other laws
11. Power to remove difficulties
12. Repeal of Ordinance 2 of 1977

**ANDHRA PRADESH ASSIGNED LANDS (PROHIBITION OF
TRANSFERS) ACT, 1977**

9 of 1977

[29th April, 1977]

An Act to prohibit transfers of certain lands assigned to landless poor persons in the State of Andhra Pradesh. BE it enacted by the Legislature of the State of Andhra Pradesh in the Twenty eighth Year of the Republic of India as follows

1. Short title, extent and commencement :-

- (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall be deemed to have come into force on the 21st January, 1977.

2. Definitions :-

In this Act, unless the context otherwise requires,

3. Prohibition of transfer of assigned lands :-

(1) Where, before or after the commencement of this Act, any land has been assigned by the Government to a landless poor person for purposes of cultivation or as a house site, then, notwithstanding anything to the contrary in any other law for the time being in force or in the deed of transfer or other document relating to such land, it shall not be transferred and shall be deemed never to have been transferred ; and accordingly no right or title in such assigned land shall vest in any person acquiring the land by such transfer.

(2) No landless poor person shall transfer any assigned land, and no person shall acquire any assigned land, either by purchase, gift, lease, mortgage, exchange or otherwise.

(3) Any transfer or acquisition made in contravention of the provisions of sub section (1) or sub section (2) shall be deemed to be null and void.

(4) The provisions of this section shall apply to any transaction of the nature referred to in sub section (2) in execution of a decree or order of a civil court or of any award or order of any other authority.

(5) Nothing in this section shall apply to an assigned land which was purchased by a landless poor person in good faith and for valuable consideration from the original assignee or his transferee prior to the commencement of this Act and which is in the possession of such person for purposes of cultivation or as a house site on the date of such commencement.

4. Consequence of breach of provisions of section 3 :-

(3) Any person who unauthorisedly re-enters and occupies any land from which he was evicted under this section, shall be punished with imprisonment for a term which may extend upto six months or with fine upto rupees five thousand or with both.

]

(4) *[Any order passed in revision under Section 4 B, and subject to such order, the decision in appeal under section 4 A and subject to the said orders in revision and appeal any order passed under

sub section (1)] shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by any officer or authority or Government in pursuance of any power conferred by or under this Act.

(5) For the purposes of this section, where any assigned land is in possession of a person, other than the original assignee or his legal heir, it shall be presumed, until the contrary is proved, that there is a contravention of the provisions of sub section (1) of section 3.

4A. Appeal :-

(1) Any person aggrieved by an order passed by the Mandal Revenue Officer under sub section (1) of Section 4, may within ninety days from the date of receipt by him of such order appeal to the Revenue Divisional Officer.

(2) Any person aggrieved by an order passed by the Revenue Divisional Officer under sub section (1) of Section 4 may, within ninety days from the date of receipt by him of such order appeal to the District Collector.

4B. Revision :-

(1) The District Collector may in respect of any proceedings not being a proceeding covered by sub section (2) of Section 4 A on an application made to him and the Government may in respect of any proceedings either suo motu or on an application made to them, call for and examine the record of any officer subordinate to him or them to satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order taken or passed therein, and if in any case, it appears to the District Collector or as the case may be to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly. Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order adversely affecting any person shall be passed under sub section (1), unless such person has been given an opportunity of making his representation.

(3) The District Collector or the Government as the case may be, may also suspended the execution of the decision or order pending exercise of their power under sub section (1)].

5. Prohibition of registration of assigned lands :-

Notwithstanding anything in the Registration Act, 1908, on or after the commencement of this Act, no registering officer shall accept for registration any document relating to the transfer of, or the creation of any interest in, any assigned land included in a list of assigned lands in the district which shall be prepared by the District Collector and furnished to the registering officer, except after obtaining prior permission of the District Collector concerned for such registration.

6. Exemption :-

Nothing in this Act shall apply to the assigned lands held on mortgage by the State or Central Government, any local authority, a co operative society, a scheduled bank or such other financial institution owned, controlled or managed by a State Government or the Central Government, as may be notified by the Government, in this behalf.

7. Penalty :-

(1) Whoever acquires any assigned land in contravention of the provisions of sub section (2) of section 3 shall be punished with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

(2) Whoever opposes or impedes the District Collector or any person authorised, in taking possession of any assigned land under this Act shall be punished with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.

(3) No court shall take cognizance of an offence punishable under this section, except with the previous sanction of the District Collector.

8. Protection of action taken :-

(1) No suit, prosecution or other legal proceeding shall lie against any person, officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered, by virtue of any provision of this Act, or for anything which is in good faith done or intended to be done in pursuance of this Act, or any rules made thereunder.

9. Power to make rules :-

(1) The Government may, by notification, make rules for carrying out all or any of purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Act to override other laws :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage or contract or decree or order of a court, tribunal or other authority.

11. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, published in the Andhra Pradesh Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the removal of the difficulty :

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

12. Repeal of Ordinance 2 of 1977 :-

The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Ordinance, 1977 is hereby repealed.

