

## **ANDHRA PRADESH HOUSING SCHEMES (ACQUISITION OF LAND) ACT, 1961**

**39 of 1961**

**[22nd November, 1961]**

### CONTENTS

1. Short title
2. Definitions
3. Power to acquire land specified in the Schedule
4. Transfer of land to Housing Board
5. Right to receive compensation
6. Compensation for the land acquired
7. Apportionment of compensation
8. Payment of compensation or deposit of same in Court
9. Payment of Interest
10. Powers of prescribed authority
11. Service of notices and orders
12. Protection of action taken in good faith
13. Bar of jurisdiction of Civil Court
14. Certain persons to be public servants
15. Power to make rules
16. Cancellation of previous notifications issued for acquisition of land acquired under this Act

## **ANDHRA PRADESH HOUSING SCHEMES (ACQUISITION OF LAND) ACT, 1961**

**39 of 1961**

**[22nd November, 1961]**

An Act to provide for the acquisition of certain lands required for the purpose of executing housing schemes under the Andhra Pradesh Housing Board Act, 1956. BE it enacted by the Legislature of the State of Andhra Pradesh in the Twelfth Year of the Republic of India, as follows:

### **1. Short title :-**

This Act may be called the Andhra Pradesh Housing Schemes (Acquisition of Land) Act, 1961.

### **2. Definitions :-**

In this Act, unless the context otherwise requires,

(a) court means a principal civil court of original jurisdiction and includes any other civil court which may be specified by the Government, by notification in the Andhra Pradesh Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

(b) Government means the State Government;

(c) land includes things attached to the earth or permanently fastened to anything attached to the earth;

(d) persons interested in relation to any land, includes all persons claiming or entitled to claim, an interest in the compensation payable on account of the acquisition of that land under this Act, and a person shall be deemed to be interested in land, if he is interested in an easement affecting the land;

(e) prescribed means prescribed by rules made under this Act.

### **3. Power to acquire land specified in the Schedule :-**

(1) Where the Government are satisfied that it is necessary to acquire any land specified in the Schedule for the purpose of executing housing schemes under the Andhra Pradesh Housing Board Act, 1956 (Act XLVI of 1956), they may, at any time, acquire the land by publishing in the Andhra Pradesh Gazette a notice to the effect that the Government have decided to acquire it in pursuance of this Section:

Provided that before publishing such notice, the Government shall call upon the owner of, or any other person who, in the opinion of the Government, is interested in, such land to show cause why it should not be acquired and after considering the cause, if any, shown by any person interested in the land, the Government may pass such orders as they deem fit.

(2) When a notice as aforesaid is published in the Andhra Pradesh Gazette, the land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the Government free from all encumbrances.

(3) The Government may, by order, authorise any authority or officer subordinate to them to exercise all or any of the powers conferred and perform all or any of the duties imposed on them by this section, subject to such conditions and restrictions as may be

specified in the order.

#### **4. Transfer of land to Housing Board :-**

(1) Where any land has been acquired under Section 3, the Government may transfer the land to the Housing Board constituted under Section 3 of the Andhra Pradesh Housing Board Act, 1956 (Act XLVI of 1956), for the purpose of executing housing schemes framed under that Act; and thereupon the land shall vest in such Board.

(2) Where land is transferred under Sub section (1) to the Housing Board aforesaid, the Housing Board shall be liable to pay the cost of acquisition of the land.

#### **5. Right to receive compensation :-**

Every person whose right, title or interest in any land is acquired under this Act shall be entitled to receive and be paid compensation as hereinafter provided.

#### **6. Compensation for the land acquired :-**

The amount payable as compensation shall be as specified in column (4) of the Schedule against the land specified in column (1) to (3) thereof.

#### **7. Apportionment of compensation :-**

(1) Where there are several persons interested, the prescribed authority shall determine the persons who, in its opinion, are entitled to the compensation and the amount payable to each of them.

(2) If any dispute arises as to the apportionment of the compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the prescribed authority may refer such dispute to the decision of the court and the court shall, in deciding any such dispute, follow, so far as may be, the provisions of Part III of the Land Acquisition Act, 1894 (Central Act I of 1894).

#### **8. Payment of compensation or deposit of same in Court :-**

(1) The prescribed authority shall tender payment of the compensation to the persons entitled thereto any shall pay it to them.

(2) If they refuse to receive it, or if there be no person competent

to align the land, or if there be any dispute as to the right to receive compensation or as to the apportionment of it, the prescribed authority shall deposit the amount of the compensation in the court and the court shall deal with the amount so deposited in the manner laid down in Section 32 and 33 of the Land Acquisition Act, 1894 (Central Act I of 1894).

**9. Payment of Interest :-**

When the amount of such compensation is not paid or deposited on or before taking possession of the land, the prescribed authority shall pay the amount with interest thereon at the rate of four per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

**10. Powers of prescribed authority :-**

(1) The prescribed authority may, with a view to carrying out the purposes of Section 5 or Section 7, by order, require any person to furnish such information in his possession relating to any land which is acquired under this Act as may be specified in such order.

(2) The prescribed authority shall, while holding an inquiry under this Act, have all the powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office ; and
- (e) issuing commissions for examination of witnesses.

**11. Service of notices and orders :-**

(1) Save as otherwise provided by this Act and subject to the provisions of this Section, and of any rules that may be made

under this Act, every notice issued or order made under this Act shall (a) in the case of any notice or order affecting an individual, corporation or firm, be served in the manner provided for the service of summons in Rule 2 of Order XXIX or Rule 3 of Order XXX as the case may be, in the First Schedule to the Code of Civil

Procedure, 1908 (Central Act 5 of 1908); and

(b) in the case of any notice or order affecting an individual person (not being a corporation or firm), be served on such person

(i) by delivering or tendering it to that person;

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to the head of the office in which such person is employed or to any adult male member of the family of such person, or by affixing a copy of it on the outer door, or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or

(iii) if service cannot be effected under sub clause (i) or sub clause (ii), by post.

(2) Where the ownership of the land is in dispute or the persons interested in the land are not readily traceable and the notice or order cannot be served without undue delay, service of the notice or order shall be effected by publishing it in the Andhra Pradesh Gazette, and where possible, a copy thereof may also be affixed on any conspicuous part of the land to which it relates.

## **12. Protection of action taken in good faith :-**

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

(2) No suit or other legal proceeding shall lie against the Government or the prescribed authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

## **13. Bar of jurisdiction of Civil Court :-**

Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Government or the prescribed authority is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any power conferred by or under this Act.

## **14. Certain persons to be public servants :-**

The prescribed authority, and every officer empowered by the Government, while exercising any power or performing any duty under this Act, shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

**15. Power to make rules :-**

(1) The Government may, by notification in the Andhra Pradesh Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Section shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry 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 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect 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.

**16. Cancellation of previous notifications issued for acquisition of land acquired under this Act :-**

All notifications issued before the commencement of this act in respect of any land acquired under this Act are hereby cancelled and shall be deemed never to have been issued and no suit, prosecution or other legal proceeding shall lie against the Government or any person for any action taken thereunder. SCHEDULE IS OMITTED