

ANDHRA PRADESH LAND GRABBING (PROHIBITION) RULES, 1988

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**ANDHRA PRADESH LAND GRABBING (PROHIBITION) RULES,
1988**

In exercise of the powers conferred by sub section (1) of Section 16 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (Act 12 of 1982) and in supersession of the rules issued in G.O.Ms.No. 967, Revenue (L) Department date 5th July, 1982 and published at pages 19 of Part 1 Extraordinary of the Andhra Pradesh Gazette dated the 5th July, 1982, the Governor of Andhra Pradesh hereby makes the following rules:

1. Short Title and Commencement :-

These rules may be called the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988.

2. Definitions :-

In these rules, unless, the context otherwise requires.

(a) Act means Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.

(b) Court means the Special Court constituted under Section 7 of the Act and includes the Special Tribunal as defined under clause (i) of Section 2 of the Act;

(c) Form means, a form appended to these rules:

(d) Mandal Revenue Officer means, a Mandal Revenue officer holding the charge of a Revenue Mandal;

(e) Revenue Inspector means, Revenue Inspector holding the charge of a Revenue Inspector post in a Revenue Mandal, and includes a Special Revenue Inspector appointed by the District Collector for purpose of these rules;

(f) Revenue Divisional Officer means, a Deputy Collector, a Sub Collector or an Assistant Collector, incharge of a Revenue Division;

(g) Registrar means, Registrar of the Special Court.

(h) Village means, Revenue Village

(i) Tribunal means, the Special Tribunal as defined in Section 2 (i-b) of the Act.

3. Procedure for making Application :-

(1) Every application to be made before the Special Court under sub section (1) of Section 8 or before the Special Tribunal under sub section (1) of Section (7-A) of the Act, shall be in Form I and shall be signed and verified by the applicant.

(2) Every application under sub rule (1) shall be made in respect of the lands specified in sub section (3) of Section 1 or in respect of lands situated in other areas notified under sub section (38-A) thereof,

(3) Every such application shall be presented in person or by an authorised agent or an advocate to such Officer of the Court as may be authorised in this behalf by the Chairman of the Special Court or the Presiding Officer of the Special Tribunal.

(4) Every such application shall contain statement in a concise form of the material facts of the claim made therein and shall be accompanied by true copies of all the documents duly attested on which the applicant proposes or is likely to rely. The petitioner shall file copies in the Court to be verified by the Mandal Revenue Officer or by the Officer authorised by the Court in this behalf and as many copies as are required for service on all the respondents.

4. Court Fees :-

{ Every application filed before the Special Court or the Special

Tribunal and also appeals and reviews filed before the Special Court shall be accompanied by a Court fee as specified below:-

5. Procedure of suo motu Action :-

Where a Chairman or any member of the Special Court desires that any case should be taken cognizance of suo motu , he may record a statement of facts within his knowledge and place it before the Special Court.

6. Verification of Application :-

(1) Every application filed under sub section (1) of Section 8 of the Act or every case taken cognizance of suo motu by the Special Court or an application filed under sub section (1) Section 7 A of the Act, before the Special Tribunal, may be referred for local inspection or verification or both by the Mandal Revenue Officer having jurisdiction over the area or by any other Officer of the Government authorised by the Court in this behalf.

(2) The Mandal Revenue Officer or the Officer to whom the application has been referred under sub rule (1) shall make or cause to be made an inspection or verification or both, as soon as may be practicable and shall submit a full and complete report within two weeks from the date of receipt or order with reference to Revenue Records and facts on ground as to the following:

(i) the correctness of the statements made in the application with regard to columns 1 to 15 and 19 in Form 1;

(ii) the facts relating to ownerships, actual possession and use of the land concerned; and

(iii) such other particulars and information as would be useful to the Court to arrive at a correct decision on the claims made in the application.

(3) The Mandal Revenue Officer or the Officer to whom the application has been referred under sub rule (1) shall also furnish copies of the extracts of the Government records to show the survey number and sub division number and proof of possession, ownership and use of the land and the payment of dues to the Government.

(4) A copy of the report referred to in sub rule (2) may be furnished to the applicant, to the respondents and other persons, if any having interest in the land on payment of copying charges.

7. Notice of taking cognizance of a case :-

(1) The Special Court shall before taking cognizance of the case under the Act give notice in Form 11 A by publishing it in the Andhra Pradesh Gazette.

(2) The Special Tribunal shall before taking cognizance of the case under the Act give notice in Form IIB by publishing it in the Andhra Pradesh Gazette.

8. Notice to persons interested in land :-

(1) The Special Court shall give notice in Form III A to the persons known or believed to be interested in the land.

(2) The Tribunal shall give a notice in Form III B to the persons known or believed to be interested in the land.

9. Notice to the Land Grabbers :-

. :- The Special Court shall before passing an order under sub

section (7) of section 8 of the Act, and the Special Tribunal shall before passing an order under sub section (5) of Section 7 A of the Act, give notice to the land grabber in Form IV.} Rule 9 Subs. by G.O.Ms.No.916, Revenue (AandR), dt: 12-9-1994.

10. Serving of Notice :-

All notices under the Act and the rules made thereunder shall be served by registered post with acknowledgment due. Within three days after the order of the Court the petitioner or appellant shall file before the Registrar Superintendent or as the case may be, the required number of covers correctly addressed and bearing the required stamps and accompanied by postal acknowledgment forms. The postal acknowledgment purporting to bear the signature of the respondent or adult member of the family shall be sufficient service of the notice. The Court may declare that an endorsement of refusal made by the postman shall be deemed to be sufficient service. If the covers returned with an endorsement that the addressee is not residing at the address or left the place without instructions, the Court may direct substituted service by publication in any Newspaper in the local language having circulation in the area in which the respondent is known to have last resided.

11. Filing of Counter :-

The respondent of interested party may, and if so directed by the Court shall, file Counter within a period of fourteen days or such extended time as the Court may grant.

12. Withdrawal of the case from the Special Tribunal :-

An application for withdrawal of a case pending before any Special Tribunal shall be made to the Court in the form of original petition accompanied by an affidavit stating the reasons for the withdrawal of the application. Notice of the withdrawal shall be served on the other side before presentation of the petition.

13. Application of the Code of Civil Procedure, 1908 :-

The Special Court shall have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) when trying an application in respect of the following matters namely:

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents and material objects;

(c) issuing Commission for examination of witnesses;

(d) every enquiry or investigation by the Court shall be deemed to be a judicial proceeding within the meaning of Section 193 and 228 of Indian Penal Code, 1860 (45 of 1860).

14. Transfer of criminal cases to other Benches :-

. :- If any bench of the Special Court trying a case of land grabbing on an application under section 8 of the Act, considers that the criminal liability should also be determined simultaneously it shall place the papers before the Chairman for entrustment of criminal trial to another bench. The judgment in the criminal case shall not however be delivered until the proceedings on the rights over property involved are settled.

15. Procedure for taking possession :-

(1) The Court Tribunal shall communicate its final decision or order to the affected parties and also in the Revenue Divisional Officer to give effect to the decisions of the Court.

(2) The Revenue Divisional Officer shall on receipt of the order of the Court issue or arrange to issue a direction in Form V deputing any Officer not lower in rank than a Revenue Inspector to take possession of the grabbed land on behalf of the Court and deliver and possession of the land to the person ordered by the Court.

(3) A copy of the authorisation issued by the Revenue Divisional Officer shall be served or arranged to be served on the person in

possession or occupation of the land, as the case may be.

(4) Where the person in possession or occupation of the grabbed land delivers possession thereof voluntarily, the officer so deputed by the Revenue Divisional Officer under sub rule (2) shall record a statement of the person to that effect and also record a certificate in Form VI and send the same to the Revenue Divisional concerned and the Court.

(5) Where the person in possession or occupation of the grabbed land fails to deliver possession of that land voluntarily the officer, so deputed under sub rule (2) may enter on the land and take possession thereof on behalf of the Revenue Divisional Officer after removing any obstruction or unauthorised occupant, if any, on such land, by taking such Police assistance as may be necessary and record a certificate in Form VII duly attested by two witnesses.

(6) The certificate in Form VII shall be prepared in triplicate and one copy each shall be sent to the Special Court Revenue Divisional Officer Mandal Revenue Officer.

(7) Where the Revenue Divisional Officer directs the Officer so deputed to deliver possession to the person ordered by the Court, the Officer shall accordingly possession and record a certificate to that effect.

(8) Where the Revenue Divisional Officer has been directed that the land taken possession of shall be kept under his control and management, the officer so deputed under sub rule (2) shall, take possession of the land and report the same to the Revenue Divisional Officer and seek his directions.

(9) As order granting compensation and also profits and cost of redelivery passed in favour of a owner other than the Government, may be executed by the Court through the Tribunal in accordance with the provision of the Code of Civil Procedure, 1908.

(10) The Tribunal shall execute its order granting compensation and also profits and costs of redelivery passed in favour of a owner other than the Government in accordance with the provisions of the Code of Civil Procedure, 1908.

16. Appeals :-

(1) An appeal under sub section (3) of Section 7-A of the Act shall be preferred in the form of a Memorandum in Form VIII signed by the appellant or his advocate and presented do the Registrar. The Memorandum shall set forth concisely and under distinct heads, the grounds of objection to the order appended against and the precise relief sought for.

(2) The Memorandum of appeal presented shall be accompanied by as many authenticated copies on plain paper, of the Memo of appeal, and order of the Tribunal as there are respondents to be served and four such copies in addition for Court record, besides the certified copy of the order as required to be filed under O. XLI Rule 1 of the Code of Civil Procedure, 1908, (Central Act V of 1908).

(3) When appeal is presented after the expiry of the period prescribed by the Act, it shall be accompanied by an application supported by an affidavit stating the facts on which the appellant relies to satisfy the Court that he had sufficient cause for not preferring an appeal within the period specified. If the Special Court sees no reason to reject the application, without issue of notice to the respondents, notice shall be issued to the respondents and the matter shall be finally decided by the Special Court before it proceed to deal with the appeal.

(4) Where on the day fixed or any other day to which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.

Explanation:- Nothing in this sub rule shall be construed as empowering the Court to dismiss the appeal on merits.

(5) Where the appellant appears and the respondent does not appear, the appeal shall be heard ex parte.

17. Procedure of Hearing Applications Appears :-

The Code of Civil Procedure shall mutatis mutandis apply to the hearing of applications appeals before the Special Court so far as they are not inconsistent with the provisions of the Act and the rules made thereunder.

18. Review :-

(1) An application for the review of the order passed by the Court shall be preferred within thirty days from the date of the order of which the review is sought.

(2) Review application shall be decided ordinarily by the same members who have passed the order or judgment under review. If however the member ceases to hold office, the Chairman shall nominate any other member in his place to hear the review petition. In cases where the Chairman who happened to be the member of the Bench ceases to hold Office, his successor shall hear the review petition.

19. Seal and Emblem :-

The Official Seal and Emblem of the Special Court Special Tribunal shall be such as may be specified by the Government.

SCHEDULE 1 SCHEDULE

SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 2

SCHEDULE

SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 3

SCHEDULE

SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 4

SCHEDULE

SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 5

SCHEDULE

SCHEDULE

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Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 6

SCHEDULE

SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 7

SCHEDULE

SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 8

SCHEDULE

SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 9

SCHEDULE

SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S.No. Sub division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)