

ANDHRA PRADESH LAND REVENUE (ADDITIONAL WET ASSESSMENT) ACT, 1975

2 of 1975

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An Act to provide for the levy of additional land revenue assessment on wet lands in the State of Andhra Pradesh. Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty Sixth Year of Republic of India as follows:

1. Short title, extent and commencement :-

- (1) This Act may be called the Andhra Pradesh Land Revenue (Additional Wet Assessment) Act, 1975.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall be deemed to have come into force on the 1st July, 1974.

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) "fasli year" means a period of twelve months commencing on the first day of July of every year;

(b) "Government" means the State Government;

(c) "Government Source of Irrigation" means any source of irrigation which is owned or controlled by the Government or constructed or maintained by them but does not include a rain fed tank which ordinarily supplies water for a period of less than eight months in a fasli year; Explanation:- The expression rain fed tank means a tank which derives supply of water from a source other than a river;

(d) "land revenue" means the amount of land revenue as defined in Clause (f) of Section 2 of the Andhra Pradesh Land Revenue (Enhancement) Act, 1967, (Act 8 of 1967), or as the case may be as determined under Section 5 of that Act, in regard to the wet land, together with the additional land revenue as determined and payable for any wet land under that Act;

(e) "law" includes any enactment, ordinance, regulation, order, bye law, rule, scheme, notification, or other instrument having the force of law;

(f) "pattadar" includes every person who holds land directly under the Government under a patta or whose name is registered in the land revenue accounts of the Government as pattadar or as occupant or khatadar and who is liable to pay land revenue;

(g) "Revenue Divisional Officer" means the Revenue Divisional Officer in whose jurisdiction the wet land is situate and includes any officer of the Revenue Department not below the rank of a Revenue Divisional Officer empowered by the Government to exercise the powers and perform the functions of the Revenue Divisional Officer under this Act;

(h) "Tahsildar" means the Tahsildar in whose jurisdiction the wet land is situate and includes a Deputy Tahsildar in independent charge of a taluk or sub taluk and any other officer of the Revenue Department not below the rank of a Deputy Tahsildar empowered by the Government to exercise the powers and perform the functions of the Tahsildar under this Act.

(i) "wet land" means land registered as wet, single crop wet, or double crop wet or compounded double crop wet, or special rate wet land, in the land revenue accounts of the Government, or assessed as such but does not include a wet land which is registered in the land revenue accounts of the Government as being irrigated under any well, spring channel parrekhalva, naddinala, vagunala, kasam, sona, bila, uppawatbonda, doruvu, bhurki, kole or by cross bunding.

3. Levy of additional land revenue assessment on wet lands :-

(1) In respect of every wet land in the State held by a pattadar and served by a Government source of irrigation, there shall be levied and collected by the Government from the pattadar for every fasli year commencing on the first day of July, 1974 and for each subsequent fasli year, an additional land revenue assessment at the rate of one hundred per cent of the land revenue payable thereon for that fasli year.

(2) The additional land revenue assessment referred to in sub section (1) in respect of any wet land shall be in addition to the land revenue payable by a pattadar in respect of that land.

*[(3) In respect of every wet land in the State held by a pattadar and served by a Government source of irrigation, there shall be levied and collected by the Government from the pattadar for every fasli year commencing on the first day of July 1986, and for each subsequent fasli year, an additional land revenue assessment at the rate of one hundred per cent, of the total amount of land revenue and the additional land revenue assessment under sub section (1) payable thereon for that fasli year.

(4) The additional land revenue assessment referred to in sub section (3) in respect of any wet land shall be in addition to the land revenue payable by a pattadar in respect of that land and the additional land revenue payable under sub section (1).]

4. Determination of additional land revenue assessment :-

(1) The additional land revenue assessment payable under this Act by each pattadar in respect of his wet lands in every village shall ordinarily be determined for the fasli year commencing on the * [first day of July, 1974 or as the case may be the first day of July, 1986,] and assessed by the Tahsildar in accordance with the

provisions of Section 3. The additional land revenue assessment so determined shall continue in force until modified by the competent authority in accordance with the provisions of this Act.

(2) As soon as may be, on the commencement of this Act the Tahsildar shall, subject to any general or special orders issued by the Government in this regard, cause a list to be prepared and published in such form as may be laid down by the rules made in this behalf, containing the names of the pattadars in every village within his jurisdiction and the extent of the wet lands held by them, the land revenue payable thereon and the additional land revenue assessment payable under this Act.

(3) The list prepared under sub section (2) shall be published in such manner as may be laid down by the rules made in this behalf in the village and on such publication, every pattadar who is liable to pay the additional land revenue assessment under this Act shall be deemed to have had notice of such assessment.

(4) Any person interested in and objecting to the additional land revenue assessment specified in the list published under sub section (3), may make an application in writing to the Tahsildar within thirty days from the date of publication of the said list and the Tahsildar shall after considering the objections in every such application pass such order thereon as he thinks fit and serve the same on the person concerned. Every such order shall, subject to the provisions of Sections 6 and 7, be final.

(5) If no application is made under sub section (4) within the period specified, the additional land revenue assessment specified in the list published under sub section (3) shall, subject to the provisions of Sections 6 and 7, be final.

5. Remission of additional land revenue assessment :-

(1) Where on account of total or partial failure of crops, the land revenue in respect of any wet land has been remitted in accordance with the rules made therefor, the additional land revenue assessment payable in respect of such land under this Act shall stand remitted at the same rate at which the land revenue was remitted.

(2) Where any question arises whether any pattadar is entitled to remission of additional land revenue assessment under sub section (1), or regarding the extent of such remission the question shall be

decided by the Tahsildar.

6. Appeal :-

(1) Any person who has not made an application under sub section (4) of Section 4 may within thirty days from the date on which the additional land revenue assessment specified in the list published has become final under sub section (5) of that section appeal against such additional land revenue assessment to the Revenue Divisional Officer who shall pass such order as he may think fit confirming, modifying or annulling such additional land revenue assessment appealed against.

(2) Any person aggrieved by a decision or an order passed by the Tahsildar under this Act may within thirty days from the date of service on him of the decision or order, appeal to the Revenue Divisional Officer, who shall pass such order as he may think fit, confirming, modifying or annulling the decision or order appealed against.

7. Revision :-

The District Collector may either suo motu or on an application, call for and examine the records of any officer subordinate to him in respect of any decision, order or other proceedings made under this Act to satisfy himself as to the correctness, legality or propriety of any such decision or order or as to the regularity of such proceedings and if in any case it appears to him that such decision, order, or proceedings should be modified, annulled, or reversed or remitted for consideration, he may pass order accordingly: Provided that the District Collector shall not pass an order adversely affecting any party unless the party has been given opportunity of making representation.

8. Additional land revenue assessment payable under this Act to be treated as public revenue due upon the land :-

The additional land revenue assessment payable under this Act, by a pattadar in respect of any wet land shall be deemed to be public revenue upon the said land and the provisions of the Andhra Pradesh Revenue Recovery Act, 1864 (Act II of 1864) shall apply.

9. Notification of Government source of irrigation :-

(1) For the purpose of levying additional land revenue assessment under Section 3, the Board of Revenue shall, by notification published in the Andhra Pradesh Gazette and the District Gazette,

specify the Government source of irrigation and may in like manner include in, or exclude from, such notification any such source.

(2) Any person aggrieved by a notification published under sub section (1), may within thirty days from the date of publication of the notification in the Andhra Pradesh Gazette and the District Gazette, whichever is later, prefer an appeal to the Government whose decision thereon shall be final.

10. Power to make rules :-

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

(2) Every rule made under this Act shall, immediately after it is made be laid before each House of 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 sessions 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 in the Andhra Pradesh Gazette 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.

11. Bar of jurisdiction of Courts :-

The rates of additional land revenue assessment levied in accordance with the provisions of this Act shall not be called in question in any court of law.

12. 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, custom or usage having the force of law, or contract or judgment, decree or order of a court or other authority.

13. Repeal of Andhra Pradesh Ordinance 10 of 1974 :-

The Andhra Pradesh Land Revenue (Additional Wet Assessment) Ordinance, 1974 is hereby repealed.

