

**Andhra Pradesh Record Of Rights In Land And Pattadar
Pass Books (Amendment) Act, 1994**

9 of 1994

[08 March 1994]

CONTENTS

1. Short title and Commencement
2. Amendment of long title
3. Amendment of section 1
4. Amendment of section 2
5. Insertion of new section 3A
6. Substitution of new section for section 4
7. Amendment of section 5
8. Insertion of new section 3B
9. Amendment of section 6
10. Amendment of section 6A
11. Substitution of new section for section 6B
12. Amendment of section 6C
13. Amendment of section 6D
14. Substitution of new section for section 9
15. Amendment of section 10
16. Amendment of section 11
17. Repeal of Ordinance 6 of 1993

**Andhra Pradesh Record Of Rights In Land And Pattadar
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AN ACT FURTHER TO AMEND THE ANDHRA PRADESH RECORD OF RIGHTS IN LAND AND PATTADAR PASS BOOKS ACT, 1971.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows:-

* Received the assent of the Governor on the 2nd. March, 1994.
For Statement of objects and Reasons, Please see Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 22nd December, 1993 at Page 9;

1. Short title and Commencement :-

(1) This Act may be called the Andhra Pradesh Record of Rights In Land and Pattadar Pass Books (Amendment) Act, 1994

(2) It shall be deemed to have come into force on the 31st October, 1993.

2. Amendment of long title :-

In the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Act, 1971 (Act 26 of 1971) (hereinafter referred to as the principal Act), in the long title, for the words "Record of Rights in Land", the words "Rights in Land", shall be substituted.

3. Amendment of section 1 :-

In sub-section (1) of section 1 of the principal Act, for the words "Record of Rights in Land", the words "Rights in Land" shall be substituted.

4. Amendment of section 2 :-

In section 2 of the principal Acts-

(i) for sub-section (2-aa), the following section shall be substituted, namely:-

"(2-aa) credit agency means any banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949), the State Bank of India and its subsidiaries, a corresponding new Bank, a Regional Rural Bank, a Co-operative Bank or credit society by whatever name called, Agricultural Development Bank and includes any other agency or individual the main object of which is to lend money;"

(ii) for sub-section (6-b) the following shall be substituted, namely:-

"(6-b) "title deed and pass book" means the title deed and pass book issued under section 6-A."

5. Insertion of new section 3A :-

After section 3 of the principal Act, the following section shall be inserted, namely:-

"Modification of Laws inconsistent with this Act.

3-A (1) In relation to any village in which the provisions of this Act, are in force, the provision of the Andhra Pradesh (Telangana Area)

Land Revenue Act, 1317 (Act VIII of 1317F) Fasli or of any other law for the time being in force which are inconsistent with the provisions of this Act shall have effect subject to such omissions or modifications as may be required for the removal of the inconsistency.

(2) In particular and without prejudice to the generality of sub-section (1) in relation to any village in which the provisions of this Act are in force, in Telangana Area, sections 103 and 141 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 (Act VIII 1317 F) Fasli shall have effect in relation to such village as if the word "Pattadar" in each of the said sections were substituted by the word occupant.

6. Substitution of new section for section 4 :-

For section 4 of the principal Act, the following section shall be substituted, namely:-

4. "Acquisition of rights to be intimated.--

(1) Any person acquiring by succession, survivorship, inheritance, partition, Government patta, decree of a court or otherwise any right as owner, pattadar, mortgagee, occupant or tenant of a land and any person acquiring any right as occupant of a land by any other method shall intimate in writing his acquisition of such right, to the Mandal Revenue Officer within ninety days from the date of such acquisition, and the said Mandal Revenue Officer shall give or send a written acknowledgement of the receipt of such intimation to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Mandal Revenue Officer.

(2) Notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908), every registering Officer appointed under the Act and registering a document relating to a transaction in land, such as sale, mortgage, gift, lease or otherwise shall intimate the Mandal Revenue Officer of the Mandal in which the property is situate of such transaction.

Explanation-I: The right mentioned above shall include a mortgage without possession and a right determined by civil court.

Explanation-II: A person in whose favour a mortgage is discharged or extinguished, or a lease is determined, acquires a right within the meaning of this section."

7. Amendment of section 5 :-

In section 5 of the principal Act, for the words "recording authority", wherever they occur, the words "Mandal Revenue Officer" shall be substituted.

8. Insertion of new section 3B :-

After section 5-A of the principal Act, the following section shall be inserted, namely:-

5-B. Appeal.--

An appeal shall lie against an order passed by the Mandal Revenue Officer under sub-section (4) of section 5-A, to the Revenue Divisional Officer within thirty days of the date of communication of the order and the Revenue Divisional Officer shall, after due enquiry pass such order on the appeal as he deems fit; and such order shall, subject to revision under section 9 be final."

9. Amendment of section 6 :-

To section 6 of the principal Act, the following shall be added at the end, namely:-

"Any mortgage or charge created earlier to a mortgage or charge created in favour of a credit agency shall lose its priority if it is not entered in the pattadar pass book."

10. Amendment of section 6A :-

In section 6A of the principal Act,-

(i) In sub-section (1), the following shall be added at the end, but before the proviso, namely:-

"The owner-pattadar shall apply for the issue of a title deed in addition to a pass book";

(ii) In the first proviso to sub-section (1), for the words "pass book", the words "pass book and title deed" shall be substituted;

(iii) in sub-sections (2), (3) and (4) for the words "pass book", the words "Title deed and pass book" shall be substituted;

(iv) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) The title deed issued under subsection (1) and duly certified by the Mandal Revenue Officer, or such other authority as may be prescribed, shall be the title deed in respect of an owner pattadar and it shall have the same evidentiary value with regard to the title

for the purpose of creation of equitable mortgage under the provisions of the Transfer of Property Act, 1882 (Central Act 4 of 1882) as a document registered in accordance with the provisions of the Registration Act, 1908 (Central Act 16 of 1908) has, under the law."

11. Substitution of new section for section 6B :-

For section 6B of the principal Act, the following section shall be substituted, namely:-

6B Pass book holder to have entries of alienation etc., recorded in pass book.-- (1) Notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908), every pass book holder presenting a document of title deed before a registering officer appointed under the said Act, on or after coming into force of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books (Amendment) Act, 1994 relating to a transaction in land, such as purchase or sale, mortgage, gift, lease or otherwise shall get the necessary entries in respect of such transaction recorded in the title deed and pass book by such registering officer.

(2) Every pass book holder acquiring a right by succession, survivorship, inheritance, partition, Government patta, court decree, or otherwise shall get necessary entries in respect of such right recorded in the title deed and in the pass book- by the Mandal Revenue Officer."

12. Amendment of section 6C :-

In section 6C of the principal Act:-

(i) in sub-section (1) for the proviso the following proviso shall be substituted, namely:-

"provided that after three months from the date of publication of the notification under sub-section (2) of section 3, in the Andhra Pradesh. Gazette, no loan shall be granted by any credit agency to a owner pattadar without the production of the title deed and pass book and to others without the production of their pass books.";

(ii) in sub-section (2) for the words "Pass Book", in two places where they occur, the words "title deed and pass book" shall be substituted;

(iii) for sub-section (3) the following sub-section shall be substituted, namely:-

"(3) Every loan referred to in sub-section (1) shall be deemed to have been secured by a charge on the land or interests of the

borrower. If any loan referred to in sub-section (1) remains unrecovered, then the credit agency shall request the Collector to recover the loan. On receipt of such request from a credit agency by the Collector, every loan referred to in sub-section (1) shall be liable to be recovered as arrears of land revenue by the Revenue Department and the amount recovered shall be paid to the credit agency. The recovery under the Revenue Recovery Act shall be without prejudice to other modes of recovery available to a credit agency."

13. Amendment of section 6D :-

In section 6 D of the principal Act, ---

- (i) in sub section (1), for the words "pass book", in two places where they occur, the words "title deed and pass book" shall be substituted;
- (ii) in sub-section (2), for the words "pass book" in two places where they occur, the words "title deed and pass book" shall be substituted.

14. Substitution of new section for section 9 :-

For section 9 of the principal Act, the following section shall be substituted, namely:-

9. "Revision.--

The Collector may either suomotu or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue officer or Revenue Divisional Officer under sections 3, 5, 5A or 5B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that no such order adversely affecting any person shall be passed under this section unless he had an opportunity of making a representation".

15. Amendment of section 10 :-

Section 10 of the principal Act shall be renumbered as sub-section (1) of that section and after the sub-section as so renumbered the

following sub-section shall be inserted, namely;-

"(2) The provisions of section 5 and sections 12 to 24 of the Limitation Act, 1963 (Central Act 35 of 1963), shall apply for the purposes of extension and computation of the periods prescribed in sections 3(3), 4(1), 5(5), 5A and 5B of this Act."

16. Amendment of section 11 :-

In section 11 of the principal Act, in sub-section (2) in clause (bb) for the words "Pass books", the words "title deeds and pass books" shall be substituted.

17. Repeal of Ordinance 6 of 1993 :-

The Andhra Pradesh Records of Rights in Land and Pattadar Pass Books (Amendment) Ordinance, 1993 is hereby repealed.