

**ANDHRA PRADESH SPLITTING UP OF JOINT PATTAS ACT,
1965**

2 of 1965

[19th January, 1965]

CONTENTS

1. Short title and extent
2. Definitions
3. Splitting up of joint pattas
4. Transfer by grant of pattas
5. Appeal
- 5A. Revision
6. Power of Tahsildar and Collector
7. Supply of copies of Orders of Transfer or grant of Pattas to Village Officers
8. Power to exempt land or class of land
9. Power to make rules
10. Act to over ride other laws, contracts, etc.

**ANDHRA PRADESH SPLITTING UP OF JOINT PATTAS ACT,
1965**

2 of 1965

[19th January, 1965]

An Act to provide for the splitting up of joint pattas in the State of Andhra Pradesh and for matters connected therewith. Be it enacted by the Legislature State of the Andhra Pradesh in the Fifteenth Year of the Republic of India as follows:-

1. Short title and extent :-

(1) This Act may be called the Andhra Pradesh splitting up of Joint Pattas Act, 1965.

(2) It extends to the whole of the State of Andhra Pradesh.

2. Definitions :-

In this Act, unless the context otherwise requires:

(a) Collector means any officer in charge of a revenue division and

includes a Deputy Collector, a Sub Collector and an Assistant Collector;

(b) Government means the State Government;

(c) joint holding means a parcel or parcels of land held by two or more persons under a joint patta;

(d) joint pattadars in relation to a joint holding means the persons who hold land directly under the Government under a joint patta or whose names are registered in the revenue records as joint pattadar or as joint occupants and who are jointly and severally liable to pay land revenue in respect of such holding;

(e) land means land which is used or is capable of being used for purposes of agriculture, including horticulture, but does not include land used exclusively for non agricultural purposes;

(f) pattadar means a person who holds land directly under the Government under a patta or whose name is registered in the revenue records as pattadar or as occupant and who is liable to pay land revenue in respect of such land;

(g) prescribed means prescribed by rules made under this Act;

(h) Tahsildar means the Tahsildar within whose jurisdiction the land or a part thereof 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.

3. Splitting up of joint pattas :-

(1) Every joint patta granted to, or held by, joint pattadars immediately before the commencement of this Act, except that granted to, or held by, a Hindu joint family, shall be split up in the manner provided in sub sections (2) and (3).

(2) Every joint pattadar shall be entitled for the grant of a separate patta to him in respect of his share of land in the joint holding.

(3) The Tahsildar shall, after publishing notice in the manner prescribed calling upon the joint pattadars and other persons known or believed to be interested in the grant of separate pattas and after holding an inquiry in the manner prescribed, by order determine the share of land of each pattadar in the joint holding

and grant him a separate patta for that share. The Tahsildar shall thereafter get the shares of land sub divided, where necessary, in the manner prescribed. The costs incurred by the Government in connection with such sub division shall be determined and recovered in the manner prescribed from the pattadars concerned in proportion of their shares.

(4) No person shall be registered in the revenue records as a joint pattadar or granted a joint patta in respect of a holding except in the case of a Hindu joint family.

4. Transfer by grant of pattas :-

(1) Every person acquiring ownership of any land by succession, estate or interstate, or by sale, gift, exchange, partition or by any other means shall be entitled for the transfer or grant of a patta for such land.

(2) The Tahsildar shall, after publishing notice in the manner prescribed calling upon the owner and other persons known or believed to be interested in the transfer of patta or the grant of patta for such land and after holding an inquiry in the manner prescribed, by order, affect the transfer of patta or grant patta for such land. The Tahsildar shall thereafter get such land sub divided, where necessary, in the manner prescribed. The costs incurred by the Government in connection with such sub division shall be determined and recovered in the manner prescribed from the pattadars concerned in proportion to their shares.

5. Appeal :-

Any person aggrieved by an order of the Tahsildar under Section 3 or Section 4 may, within ninety days from the date of communication to him of such order, appeal to the Collector. The decision of the Collector thereon shall, subject to any judgment, decree or order of a competent court, or revision under Section 5A be final.

5A. Revision :-

(1) The Collector may suo motu at any time call for and examine the records of the Tahsildar in respect of any decision, order or other proceedings made under this Act, for the purpose of satisfying himself as to the correctness or 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, reversed or remitted for consideration, he may pass orders accordingly:-

Provided that no order adversely affecting any party shall be passed under this section unless he has been given an opportunity of making his representation.

(2) The Collector may stay the execution of any decision, order or proceeding of the nature referred to in sub section (1) pending the exercise of his powers under this section in respect thereof.

6. Power of Tahsildar and Collector :-

The Tahsildar and the Collector shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 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) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

7. Supply of copies of Orders of Transfer or grant of Pattas to Village Officers :-

The village karanam or patwari shall, be supplied with a copy of every order made under Section 3, Section 4, Section 5 or Section 5 A for effecting in the manner prescribed, necessary changes in the revenue records maintained by him.

8. Power to exempt land or class of land :-

The Government may, by general or special order and for reasons to be recorded therein, exempt any land or class of land from all or any of the provisions of this Act.

9. Power to make rules :-

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

Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the form and contents of pattas;

(b) the fees to be paid in respect of applications for the issue of certified copies of pattas.

(3) Every rule made under this section 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 thereafter 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 over ride other laws, contracts, etc. :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law, custom, usage or agreement for the time being in force.