

**Andhra Pradesh Vacant Lands In Urban Areas (Prohibition
Of Alienation) Act, 1972**

12 of 1972

[31 July 1972]

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PREAMBLE

An Act to prohibit alienation of certain vacant lands in urban areas of the State of Andhra Pradesh.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-third Year of the Republic of India as follows.--

1. Received the assent of the President on 29-7-1972, for Statement of Objections and Reasons, see A.P. Gaz., Part IV-A, Extra., dt. 20-6-1972.

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh Vacant Lands in Urban Areas (Prohibition of Alienation) Act, 1972.

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

(3) It shall be deemed to have come into force on the 5th June, 1972.

2. Declaration as to giving effect to certain directive principles :-

It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specific in clauses (b) and (c) of Article 39 of the Constitution of India.

3. Definitions :-

In this Act, unless the context otherwise requires: -

(a) "compact block" means any block of vacant land in an Urban Area, exceeding one thousand square meters in extent, whether owned by one or more persons;

(b) "Government" means the State government;

(c) "notification" means a notification published in the Andhra Pradesh Gazette, and the word "notified" shall be construed accordingly;

(d) "person" includes an individual, undivided Hindu family, a trustee, a company, a society, or an association of individuals, whether incorporated or not;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "trust" includes a trust created for public purposes of a charitable or religious nature;

(g) "urban Area" means.--

(i) the area which is comprised within the jurisdiction of the Municipal Corporation of Hyderabad and of every municipality constituted under the Andhra Pradesh Municipalities Act, 1965 (A.P. Act No. 6 of 1965) and also any such area in the vicinity within a distance, not exceeding 16 kilo meters, from the local limits of the said Municipal Corporation of Hyderabad or, as the case may be, of the Municipality, as the Government may, having regard to the extent of, and the scope for, urbanization of that area or other relevant considerations specify in this behalf, by notification; and

(ii) any other area which the Government may, by notification, declare to be an urban area, having regard to the possibility in the near future of any project being established in that area, which in the opinion of the Government is likely to lead to urbanization of that area;

(h) "vacant land" means all land in an urban area, agricultural or non-agricultural other than land on which any building has been or is being constructed in accordance with any law regulating such construction and the land appurtenant to such building.

Explanation.-- For purposes of this clause, any land which is vacant on the date of commencement of this Act shall be deemed to be vacant land, notwithstanding that the construction of a building thereon has been commenced on or after the said date.

4. Prohibition of alienation, etc. :-

(1) No person who owns any vacant land shall, on or after the commencement of this Act, alienate such land by way of sale, lease for a period exceeding six years, gift, exchange, usufructuary mortgage or otherwise, or effect a partition or create a trust of such land; and any alienation made, or partition effected, or trust created in contravention of this section shall be null and void:

Provided that nothing in this sub-section shall apply to the

alienation by any person of any one plot of vacant land owned by him not exceeding one thousand square meters in extent and not forming part of a compact block.

(2) The provisions of sub-section (1) shall apply to any transaction of the nature referred to therein, in execution of a decree or order of a civil court or of any award or order of any other authority.

5. Restrictions on registration of documents :-

Notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908).--

(a) no document relating to partition or creation of a trust of vacant land shall be registered on or after the commencement of this Act, by any registering officer appointed under the said Act;

(b) no document relating to alienation of a vacant land shall be registered by any registering officer appointed under the said Act, unless the person presenting the document furnishes a declaration by the transferor in the prescribed form which shall be subject to verification in the prescribed manner.--

(i) that the plot of vacant land owned by him and intended to be alienated does not exceed one thousand square metros in extent;

(ii) that such vacant land does not form part of a compact block;
and

(iii) that no other plot of vacant land owned by him has been alienated on or after the commencement of this Act;

(c) a document relating to alienation or partition of any vacant land or the creation of any trust of any vacant land registered on or after the commencement of this Act shall, for the purposes of Section 4, take effect and operate only from the time of such registration, notwithstanding that such document has not been

registered within this State.

6. Act not to apply in certain cases :-

Nothing in this Act shall apply to any transfer of a vacant land by or in favor of.---

(a) a State Government or the Central Government or a local authority;

(b) a Government company as defined in Section 617 of the Companies Act, 1956 (Central Act 1 of 1956);

(c) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed, by a State Government or the Central Government;

(d) such Co-operative house building societies established for the purposes of providing house accommodation to weaker sections of the people, as may be approved by the Government in this behalf:

Provided that if at any time the Government are satisfied that if the approval accorded to any society has not served the purpose for which it was accorded they may withdraw such approval, after giving an opportunity to the society for making a representation against the proposed withdrawal;

(e) a bank;

Explanation.-- For purposes of this clause, bank means a banking company as defined in Section 5 of the Banking Regulation Act, 1949 (Central Act 10 of 1949) and includes the State Bank of India, constituted by the State Bank of India Act, 1954 (Central Act 23 of 1955), a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959) and a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5.

of 1970) and any other financial institution notified in this behalf by the Government.

7. Power to exempt :-

(1) The Government may, by general or special order and for reasons to be recorded therein, exempt any area from the provisions of this Act.

(2) The Government may, if they consider it necessary so to do for avoiding any hardship, exempt, by order, any alienation or other transfer of any vacant land from all or any of the provisions of this Act.

(3) Subject to any rules that may be made in this behalf, the District Collector may, by order, exempt any alienation or other transfer of any vacant land from the provisions of this Act in case the land is to be used for educational scientific, industrial or commercial purposes or for such other purposes as may be prescribed.

8. Penalty for Contravention, etc. :-

(1) If any person contravenes any of the provisions of this Act or the rules made there under or makes a declaration which he knows or has reason to believe to be false, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) No Court shall take cognizance of an offence punishable under this Act except with the previous sanction of the District Collector.

9. Power to make rules :-

(1) The government may, by notification, make rules for carrying

out the purposes of this Act.

(2) Every rule made under this Act, 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, from the date on which the modification or annulment is notified, 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 override other laws :-

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

11. Repeal of Andhra Pradesh Ordinance 3 of 1972 :-

The Andhra Pradesh Vacant Lands in Urban Areas (Prohibition of Alienation) Ordinance, 1972 is hereby repealed.