

**ANDHRA PRADESH WATANS (ABOLITION) RULES, 1978**

## CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Preparation of a register by the Collector or other authorised Officer in Form I
4. Determination of the amount payable under Section 4
5. Mode of payment of the amount payable under Section 4
6. Objections in regard to the right to receive the amount payable under Section 4
7. Disposal of objections
8. Payment of the amount payable under Section 4
9. Determination of amount for extinguishment of other rights
10. Appeal against the award passed under sub-rule (2) of Rule 9 for extinguishment of other rights

**ANDHRA PRADESH WATANS (ABOLITION) RULES, 1978**

In exercise of the powers conferred by Section 8 of the Andhra Pradesh Watans (Abolition) Act, 1978 (Act 10 of 1978) the Governor of Andhra Pradesh hereby makes the following rules

**1. Short title, extent and commencement :-**

- (1) These rules may be called the Andhra Pradesh Watans (Abolition) Rules, 1978.
- (2) They extend to the whole of the Telangana Area of the State of Andhra Pradesh.
- (3) They shall be deemed to have come into force on the 8th December, 1977.

**2. Definitions :-**

In these rules, unless the context otherwise requires

- (a) "Act" means the Andhra Pradesh Watans (Abolition) Act, 1978;
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a section of the Act;

**3. Preparation of a register by the Collector or other authorised Officer in Form I :-**

Immediately after the publication of these rules in the Official Gazette, the Collector or any other Officer, appointed by the Government to perform the functions of the Collector under the Act, shall prepare a register showing the nature of Watans and like in respect of village in Form I.

**4. Determination of the amount payable under Section 4 :-**

- (1) The Collector shall determine the amount payable under Section 4 in respect of each watan in village which shall be indicated in figures and words in his handwriting and each entry shall be signed by him.
- (2) While determining the amount payable to a Watandar or a Hissedar in proportion to his share in a Watan, the Collector shall take into account the order of succession appertaining thereto passed by the competent authority or the order of a competent Civil Court determining the rights of persons therein.
- (3) Where succession to a Watan has been granted by the Deputy Collector, or Sub-Collector, or Assistant Collector and where an appeal or revision against the order granting such succession is pending with the District Collector or the Commissioner of Land Revenue or the Government as the case may be, the Officer who has passed that order shall, without regard to the pendency of such appeal or revision, determine the amount payable to the Watandar or Hissedar, by taking into account the succession granted either by that Officer or the appellate authority immediately before the commencement of the Act.
- (4) Where the determination of succession to a Watan is pending with the Deputy Collector or Sub-Collector or Assistant Collector immediately before the commencement of the Act, such officer shall take up such proceedings and pass necessary orders granting succession in favour of the rightful claimants.

**5. Mode of payment of the amount payable under Section 4 :-**

- (1) The Collector shall issue a notice in Form 11, showing the amount payable and the names of the persons entitled to receive the same which shall be served on the persons entitled to receive the amount in the manner specified in the Code of Civil Procedure, 1908.
- (2) Copies of the notice shall be affixed on the notice board in the Office of the Collector, Taluk Officer, Village Chavidi and at a public place in the village to which the Watan pertains.

**6. Objections in regard to the right to receive the amount payable under Section 4 :-**

Objections in regard to the right to receive the amount payable under Section 4 or as to the appointment thereof for which a notice has been issued under sub-rule (1) of Rule 5, may be filed before the Collector within thirty days

from the date of publication of the notice together with documentary evidence therefor.

**7. Disposal of objections :-**

(1) On receipt of objections under Rule 6, the Collector shall hold summary enquiry and dispose them of. The proceedings shall, as far as practicable be governed by the provisions of the Code of Civil Procedure, 1908.

(2) On the disposal of objections, the Collector shall pass final orders awarding payment of the amount payable under Section 4 to the person entitled to receive the same.

**8. Payment of the amount payable under Section 4 :-**

(1) Where there is no dispute regarding the right to receive the amount payable under Section 4 or regarding the apportionment thereof, the Collector on making an award under sub-rule (2) of Rule 7, shall tender payment of the same to the person entitled thereto.

(2) Where there is a dispute regarding the right to receive the amount payable under Section 4 or as to the apportionment thereof, the Collector shall resolve the dispute, determine the succession and make payment of the same.

**9. Determination of amount for extinguishment of other rights :-**

(1) Any person having a claim on the extinguishment or modification of any right to or interest in a Watan and where no amount for such extinguishment or modification has been provided for in the Act, shall apply to the Collector in Form III for payment of an amount therefor within ninety days from the date of commencement of these rules.

(2) The Collector shall, on receipt of such application, hold an enquiry into the claim, by giving an opportunity of being heard either in person or by Counsel and shall, after making such further enquiry, as he deems necessary, make an award determining the amount payable to such claimant in the manner and according to the method provided for in sub-section (1) of Section 23 and Section 24 of the Land Acquisition Act, 1894.

(3) Every order passed under sub-rule (2), shall be served on the person in whose favour the award has been passed.

(4) The Collector shall then pay the amount of award to the person concerned.

**10. Appeal against the award passed under sub-rule (2) of Rule 9 for extinguishment of other rights :-**

(1) Any person aggrieved by the award passed by the Collector under sub-rule (2) of Rule 9 may appeal to the Commissioner of Land Revenue within sixty days from the date of communication of the award.

(2) Every appeal filed under sub-rule (1) shall bear the court fee stamps as follows

(a) On every memorandum of appeal	Five Rupees	(b) On every application or petition	Two Rupees	(c)
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(3) The memorandum of appeal shall be accompanied by a copy of the order appeal against or a certified copy thereof.

(4) While deciding the appeals under this rule, the Commissioner of Land Revenue shall exercise all the powers of a Civil Court and shall follow the same procedure which a Civil Court follows in deciding appeals from decrees or orders of an original Court under the Code of Civil Procedure, 1908.