

## **CONSOLIDATION OF HOLDINGS RULES, 1957**

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## **CONSOLIDATION OF HOLDINGS RULES, 1957**

In exercise of the powers conferred by Section 47 of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956 (Hyderabad Act XL of 1956), the Governor of Andhra Pradesh hereby makes the following rules, namely

### **1. . :-**

These rules may be called the Consolidation of Holdings Rules, 1957.

### **2. . :-**

(1) In these rules, unless the context otherwise requires,

(a) Act means the A.P.(T.A.) Prevention of Fragmentation and

Consolidation of Holdings Act, 1956 (Act XL of 1956).

(b) section means a section of the Act.

(c) Form means a form appended to these rules.

(2) Words and expressions used in these rules but not defined therein shall have the meanings assigned to them in the Act.

**3. . :-**

The notification referred to in Section 15 shall be in Form I and shall, besides being published in the official Gazette, be also published;

(i) by affixture in the village chavadi, or if there is no village chavadi, in some conspicuous place in the village or villages specified in the notification; and

(ii) by beat of drum in the village or villages specified in the notification.

**4. . :-**

(1) The Consolidation Officer shall, as soon as may be, after his appointment under Section 15, proceed to constitute a Village Committee under sub section (1) of Section 42, for each of the villages specified in the notification under Section 15, in the manner hereinafter provided.

(2) The Consolidation Officer shall issue a notice requiring the owners of the village to assemble on a date and at a time and place in the village specified in such notice for the purpose of constituting a Village Committee.

(3) The notice referred to in sub rule (2) shall be in Form II and shall be published

(i) by affixture in the village chavadi, or if there is no chavadi in some conspicuous place in the village; and

(ii) by beat of drum in the village.

(4) The Consolidation Officer shall be present in the village on the date and at the time and place specified in the notice referred to in sub rule (2) and shall, after taking into consideration the wishes of the owners assembled, nominate the members of the Village Committee.

(5) The number of members of the Village Committee shall be fixed by the Consolidation Officer, and such number shall not, except with the approval of the District Collector, or other officer empowered by the Board of Revenue in this behalf, be less than five or exceed nine.

(6) The Consolidation Officer shall, as soon as may be after the constitution of the Village Committee cause to be published in the village a notice specifying the name of the members of the Village Committee.

(7) The notice referred to in sub rule (6) shall be in Form III and shall be published in the same manner as the notice referred to in sub rule (3).

**5. . :-**

(1) The Consolidation Officer shall, as soon as may be after the constitution of the Village Committee under Rule 4, proceed to convene a meeting thereof.

(2) The members of the Village Committee shall, at the meeting referred to in sub rule (1), elect a Chairman from amongst themselves.

(3) In the event of the members of the Village Committee being unable to elect a Chairman, on account of an equality of votes or for other reason, the Consolidation Officer shall nominate a Chairman from among the members of the Village Committee.

(4) When a vacancy arises in the Village Committee whether on account of death, resignation of any of its members or otherwise, the Consolidation Officer may nominate any person as member to fill the vacancy.

(5) The provisions of sub rules (2) and (3) shall apply, as far as may be, to the filling up of any vacancy that may arise in the office of the Chairman.

**6. . :-**

(1) The Village Committee shall meet as often as may be necessary, and whenever required to do so by the Consolidation Officer.

(2) The Chairman, or in his absence such other member as may be nominated by him, shall preside over the meetings of the Village

Committee and shall keep a record of the proceedings thereof.

(3) All questions shall be decided by a majority of the votes of the members present and voting, the Chairman or other presiding member having, in addition, a casting vote in all cases of equality of votes.

(4) The Consolidation Officer may participate in any meeting of the Village Committee but shall not be entitled to vote.

(5) All meetings of the Village Committee shall be open to the public.

(6) Copies of all resolutions passed by the village Committee shall be communicated forthwith by the Chairman to the Consolidation Officer, and all communications intended for the Village Committee shall be addressed to the Chairman.

**7. . :-**

(1) The Consolidation Officer shall, as soon as may be after his appointment under Section 15, make the proclamation referred to in Clause (b) of sub section (2) of Section 28 in each of the villages specified in the Notifications under Section 15 by issuing a notice calling upon all persons who claim to be entitled to the possession of any holding in the village under any of the Acts referred to in sub section (1) of Section 28, to make within a period of 30 days from the date of publication of such notice, an application to be put in possession of such holding.

(2) The notice referred to in sub section (1) shall be in Form IV and shall be published in the same manner as the notice referred to in sub section (3) of Rule 4.

**8. . :-**

(1) Before proceeding to prepare a scheme for the consolidation of holdings in respect of the lands in any village, the Consolidation Officer shall, under sub section (1) of Section 16 issue a notice calling upon the owners and the Village Committee concerned to offer, on a date and at a time and place in the village specified in such notice, their suggestions, if any, in regard to the Scheme of consolidation.

(2) The notice, referred to in sub rule (1) shall be in Form V and shall be published in the same manner as the notice referred to in

sub rule (3) of Rule 4. Copy of the notice shall also be served on the Chairman of the Village Committee.

(3) The Consolidation Officer shall visit the village on the date specified in the notice referred to in sub rule (1), and shall, at the time and place specified therein, receive the suggestions, if any, made by the owners or by the Village Committee.

**9. . :-**

(1) In preparing a scheme for the Consolidation of Holdings, the Consolidation Officer shall have regard to the following principles, and to such other principles as may from time to time be laid down by the Government or the Board of Revenue, in this behalf:

(a) The lands in the village shall be grouped into separate blocks, having regard to the following factors:

(i) the kind and number of the crops grown,

(ii) the quality and fertility of the soil,

(iii) the nature of the irrigation facilities, if any, available.

Provided that the number of blocks into which the lands in any village are grouped shall not without the approval of the District Collector or other officer empowered by the Board of Revenue in this behalf exceed four.

(b) Consolidation of holdings, shall, as far as possible, be effected with respect to the plots situated within the same block.

(c) The allotment of plots shall be made, having regard to the following factors, namely:

(i) the location of the residence of the owner; and

(ii) the improvements, if any, made by the owner to the land.

(2) In preparing the scheme for the consolidation of holdings, the Consolidation Officer shall consult the Village Committee, who shall, in addition to discharging and performing the duties and functions imposed or assigned by the Act, advise the Consolidation Officer in regard to,

(a) the grouping of the lands in the village into separate blocks;

(b) the valuation of the different kinds of lands in the village;

(c) the amalgamation of any road, street, lane or path with any holding, referred to in sub section (1) of Section 18,

(d) the assignment of land for common purposes or the cessation of such assignment, referred to in Section 19, and

(e) such other matters as may, from time to time, be referred to it by the Consolidation Officer.

(3) In preparing the scheme for the Consolidation of Holdings, the Consolidation Officer shall take into consideration the suggestions made and the advice tendered by the owners and the Village Committee.

**10. . :-**

Every scheme for the Consolidation of Holdings shall include

(i) A map of the village exhibiting the existing survey numbers and their sub divisions and the lands used for communal purposes, including roads, cart tracts, foot paths, burial grounds, and grazing areas,

(ii) Another map of the village exhibiting by suitable markings, the alteration in the location of the various plots as a result of the proposed scheme of consolidation.

(iii) A statement of valuation in Form VI.

(iv) A statement of consolidated lands in Form VII.

(v) A statement of compensation in Form VIII and an abstract thereof in Form IX; and

(vi) Such other statements or particulars as may be specified by the Board of Revenue in this behalf.

**11. . :-**

(1) The draft scheme for the consolidation of holdings shall be published under sub section (1) of Section 20, in the manner hereinafter provided.

(2) The records relating to the scheme shall be kept open for public inspection in the Village Chavadi, or if there is no chavadi, in some convenient place in the village, for a period of thirty days, and a notice to that effect shall be issued by the Consolidation Officer requiring any person likely to be affected by the scheme to communicate in writing to the Consolidation Officer, his objections.

If any, relating thereto, before the expiry of the period specified above.

(3) The notice referred to in sub rule (2) shall be in Form X and shall be published in the same manner as the notice referred to in sub rule (3) of Rule 4.

(4) The procedure laid down in sub rules (2) and (3) shall, as far as may be, be followed for the publication of an amended scheme under sub section (2) of Section 20, and for the publication of a modified scheme under the proviso to sub section (3) of Section 21.

**12. . :-**

The declaration referred to in sub section (1) of Section 18 shall be in Form XI, and shall be published along with the draft scheme referred to in Section 20, in the same manner as the notice referred to in sub rule (3) of Rule 4.

**13. . :-**

(1) The notification referred to in sub section (1) of Section 23 shall be in Form XII.

(2) The scheme as confirmed shall be published under sub section (1) of Section 22 in the manner hereinafter provided.

(3) The records relating to the scheme shall be kept open for public inspection in the village chavadi, or if there is no chavadi, in some convenient place in the village, for a period of 15 days, and a notice to that effect in Form XIII shall be published in the village in the same manner as the notice referred to in sub rule (3) of Rule 4.

**14. . :-**

The agreement of two thirds or more of the owners effected by a scheme for the consolidation of holdings, to enter into possession of the holdings allotted to them thereunder, referred to in sub section (1) of Sec.22, shall be communicated to the Consolidation Officer by an application in writing in this behalf signed by the owners concerned.

(2) The Consolidation Officer shall, after making such enquiry, if any, as he considers necessary, pass such orders as he deems fit on the application referred to in sub rule (1).

(3) If the Consolidation Officer, in passing such an order under sub rule (2), decides to allow all the owners to enter into possession

forthwith, or from such date as may be specified by him, he shall cause to be published in the village a notice of such decision.

(4) The notice referred to in sub rule (3) shall be in Form XIV and shall be published in the same manner as the notice referred to in sub rule (3) of Rule 4.

**15. . :-**

(1) If the Consolidation Officer is satisfied, after making such enquiry if any, as he considers necessary, wither suo motu or on an application made in this behalf, that it is necessary to evict any person from any land for the purpose of putting a owner in possession of a holding to which he is entitled under a scheme for the consolidation of holdings he shall pass an order requiring such person to vacate the land within a period specified in such order, which shall be not less than 15 days from the date of service thereof:

Provided that no such order shall be passed unless the person concerned has been given a reasonable opportunity of showing cause against the order proposed.

(2) If any person in possession in respect of whom an order has been passed under sub rule (1) refuses or fails to vacate the land within the period specified in such order, the Consolidation Officer may evict him from such land by force.

**16. . :-**

(1) The deposit of the compensation referred to in sub section (4) of Section 22 shall be effected by payment of the amount.

(a) to the Consolidation Officer, who shall pass a receipt for the same; or

(b) into the concerned sub treasury, in which case the receipt for such payment that shall be filed with the Consolidation Officer:

Provided that where the scheme of Consolidation involves an exchange of land between two owners, it shall be open to one of the owners concerned to pay the amount, if any, due to the other directly, and the receipt for such payment shall be filed with the Consolidation Officer.

(2) The amount of compensation so deposited shall be disbursed to the land owners entitled to receive it by the Consolidation Officer.



**17. . :-**

(1) The allotment of a holding under sub section (5) of Section 22 shall be made in the manner hereinafter provided.

(2) The Consolidation Officer shall issue a notice in Form XV inviting applications, within a period specified in such notice, from persons desirous of being allotted the holding on payment of the value thereof.

(3) The allotment may be made to any one of the applicants, having regard to the following factors:

(i) the extent of the land, if any, already owned by the applicant,

(ii) the proximity of the applicant's holding, if any, to the holding in question.

(4) Every allotment of a holding made under this rule shall be in conformity with the provisions contained in Chapter V of the Hyderabad Tenancy and Agricultural Land Act, 1950 (Hyderabad Act XXI of 1950).

(5) Where the allotment of any holding cannot be made to any person under this rule, either on account of the absence of persons eligible for such allotment or for other reason, action may be taken in respect of such holding in accordance with the provisions contained in sub section (6) of Section 22.

**18. . :-**

The certificate referred to in sub section (1) of Section 25 shall be in Form XVI.

**19. . :-**

(1) If the holding of a owner included in a scheme of consolidation, which has come into force under Section 23, is burdened with a mortgage, debt or other encumbrance, other than a lease, such mortgage, debt or other encumbrance, shall, under sub section (1) of Section 31, be transferred therefrom and attach itself,

(i) in cases where the market value of the holding allotted is less than, or equal to, that of the original holding, to the whole of the allotted holding.

(ii) in cases, where the market value of holding allotted is greater than the original holding, to such part of the allotted holding as

may be equal in market value to the original holding.

(2) In determining the location of the part of allotted holding to which a mortgage, debt or other encumbrance is transferred under item (ii) of sub rule (1), the Consolidation Officer shall have regard to the proximity of the lands included in the holding, to the other lands, if any, held by the owner, on the one hand, and by the mortgagee, creditor or other encumbrancer, on the other.

**20. . :-**

(1) If the Consolidation Officer is satisfied, after making, such enquiry, if any, as he considers necessary, either suo motu or on application made in this behalf, that any mortgagee or other encumbrances is entitled to the possession of any holding or part thereof to which his mortgage or encumbrance has been transferred under sub section (1) of Section 31, he shall pass an order that such mortgagee or other encumbrancer be put into possession, of such holding or part thereof, and may in passing such order direct that the owner or other person in possession of such holding or part thereof, vacate the land within a period specified in such order which shall be not less than 15 days from the date of service thereof:

Provided that no such order shall be passed unless the owner or other person in possession has been given a reasonable opportunity of showing cause against the order proposed.

(2) If the owner or other person in possession in respect of whom an order has been passed under sub rule (1) refuses or fails to vacate the land within the period specified in such order, the Consolidation Officer may evict him from such land by force.

**21. . :-**

The copy of the order referred to in sub section (1) of Section 32 shall, besides being affixed to a place near the holding, be also published in the same manner as the notice referred to in sub rule (3) of Rule 4, and a copy thereof shall be served on each of the owners and lessees concerned.

**22. . :-**

The provisions contained in Rules 19 and 20 shall be applicable, as far as may be, to transfers of leases under sub section (2) of Section 32.

**23. . :-**

Every appeal under sub section (4) of Section 32, against the decision of the Consolidation Officer under the said section, shall lie to the Collector and shall be filed within a period of 30 days from the date of receipt of the order communicating such decision.

**24. . :-**

(1) The draft of the variation referred to in sub section (1) of Section 35, together with a notice in Form XVII inviting objections from any person affected thereby, shall be published in the Official Gazette and shall also be published in the following manner:

(i) by affixture on the notice board of the Tahsil Office or offices concerned;

(ii) in the village or villages concerned, in the same manner as the notice referred to in sub rule (3) of Rule 4.

(2) The notification referred to in sub section (3) of Section 35, shall be in Form XVIII and shall besides being published in the Official Gazette, be also published in the following manner:

(i) by affixture on the notice board of the Tahsil Office or offices concerned;

(ii) in the village or villages concerned, in the same manner as the notice referred to in sub rule (3) of Rule 4.