

LAONI RULES, 1950

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LAONI RULES, 1950

In exercise of the powers conferred by Section 172 of the A.P. [Telangana Area) Land Revenue Act, 1317 F., the Governor is pleased to make the following Rules :

1. . :-

(a) These rules may be called the Laoni Rules, 1950, and shall come into force from the date of their publication in the Gazette.

(b) From the date of enforcement of these Rules, the Laoni Rules, 1347F, shall be repealed; but any action taken under the said Rules shall be deemed to have been taken under these Rules.

2. . :-

Any person desiring to take up unoccupied land shall submit a petition to the Tahsildar in writing. This application need not be stamped. The person so applying shall not enter upon the land without obtaining the previous permission in writing from the Tahsildar s Office.

3. . :-

The village patwari shall furnish to any person desirous of so applying full information regarding the nature of the land available for being granted for cultivation. No fee shall be charged for giving such information and if applicant is illiterate; the Patwari himself should if requested to do so, assist in writing the application.

4. . :-

(a) A separate file with a fly sheet as per Form A shall be opened in respect of each application received by the Tahsildar for land for laoni.

(b) An Index Register of all the applications received shall be maintained in Form B.

5. . :-

(a) The applications shall be registered in the order in which they are received in a register in Form C (1) to be opened separately for each kind of land such as (a) lands assessed as waste (b) unassessed lands and (c) reserved lands.

(b) Applications for vacant sites for building purposes, etc. shall be entered in a register in Form C (2).

(c) Each application on being duly entered in the registers shall be forwarded by the Tahsildar to the Girdawar of the halqa in which the village is situate for submission of detailed inspection and report.

6. . :-

The Girdawar shall maintain a register in Form D and enter therein the particulars of the application received from the Tahsil Office. He shall then issue a notice in Form E stating therein the name of the applicant particulars of the land applied for the date on which the Girdawar would inspect the land, such date being fixed not earlier than 15 days from the date of issue of notice Copies of the notice shall be served on the applicant and on the adjoining land holders.

The village officers shall also affix a copy of the notice in a conspicuous place in the village chavadi and on the land applied for; and the contents thereof shall be proclaimed by beat of drum.

7. . :-

On the date fixed for inspection, the Girdawar shall proceed to the village and in the presence of the applicant and of such of the adjoining land holders as may be present, of the village officials and of other prominent persons of the village, draw up a panchanama mentioning therein the nature of the land applied for the extent required, and all relevant information about other applicants who may also indicate their willingness to take up the land, and prepare a sketch of the land applied for showing its approximate position to other lands of the village. He shall also obtain on the sketch the signature or thumb impression, if illiterate of the applicant to confirm his application for the particular land.

8. . :-

The Girdawar in his report enclosing the said panchanama shall give full information as regards the total extent of land under each head available in the village, the number of cattle, the nature of the land applied for, the bona fide nature of the application, and other relevant matters and submit it to the Tahsildar within a month from the date of receipt of the application from the Tahsildar for inspection and report. This report shall be accompanied by a memorandum in Form F.

9. . :-

The Tahsildar shall, on receipt of the report from the Girdawar decide whether the request of the applicant for grant of land may be complied with, after giving due consideration to the following matters:

(a) If the land applied for is reserved for public purposes, such as sources of irrigation, lands with groves of trees where people are in the habit of assembling periodically for purposes of fairs, jattras or worship, or when the lands are treated as reserved forests or are set apart for the use of the Public Works Department or for manufacturing salt, or taking clay for purposes of potters trade, etc., the application shall be rejected and the applicant be informed accordingly within a month of the report from the Girdawar of the halqa.

(b) Before passing any orders on applications for grant of lands out of small scattered numbers of poramboke and kharij khata, the Tahsildar shall ascertain whether the land is required to be set apart under Section 25 of the A.P. (Telangana Area) Land Revenue Act for pasturage, for cattle, for grass reserves, for any Government purposes or for the benefit of the public. Atleast 10 per cent of the total area under cultivation in a village shall be set apart as grazing lands for cattle, etc. No lands shall be assigned unless these minimum requirements have been provided for. If after providing for grazing lands, some land is still available for cultivation, the Tahsildar shall submit a recommendation to the Collector for sanction of such occupation in all cases where the extent of land applied for is more than 8 acres of dry land. The Tahsildar shall also refer to the Collector for orders all applications for land under wet cultivation. Where the land applied for is 8 acres or less of dry land and the estimated value of the same with Malki or value of trees, buildings, etc., thereon is below 100 rupees, the Tahsildar is authorised to grant the same after holding an auction thereof himself or through the Girdawar.

(d) In case of lands which adjoin forest boundaries or which contain sendhi or toddy trees at the rate of more than 50 per acre; the Tahsildar shall submit the records to the Collector, and the Collector shall pass orders after ascertaining from the Forest and Excise Departments, whether they have any objection to the granting of the land applied for. The Forest and the Excise Department shall express their views within a period of two months from the date they receive proposal from the Collector in this behalf. If there be any objection either to the Forest or to the Excise Department the land shall not be given on Laoni and shall be reserved for the purposes of the Forest or Excise Department with the approval of the Board of Revenue. But in respect of lands adjoining the forests whose boundaries have been demarcated, it is sufficient to order the Tahsildar to inspect the land personally and to report as to whether the forest boundaries have been demarcated. If such a report discloses that the demarcation has been completed and if the revenue records show that the area of the forest has been separately noted and excluded from other lands by correction of akarbands and maps, it shall not be necessary to consult the Forest Department.

(e) If the area applied for is only a part of a number and if there be no objection for the grant of such land, the land applied for shall be

measured roughly by the Girdawar and allotment made after fixing a temporary assessment at the rate at which the adjoining land or the nearest adjoining number has been assessed already. This temporary rate of assessment shall be levied till the Department of Land Records (survey and Settlement) completes the sub divisional survey and corrects the akarband.

(f) While submitting papers, the valuation of trees standing on the land shall be made in the first instance by the Girdawar according to the local estimate and thereafter scrutinised by the Tahsildar. The Tahsildar shall then auction the trees on the spot by fixing a date after giving wide publicity. In case of Sendhi or Toddy trees, the valuation shall be at the rate of Rs.10 per tappable tree or at such other rate as may be fixed from time to time.

(g) When it is decided to dispose of the land by auction the auction amount of the land and the trees standing thereon shall be recovered as follows : On the date of the auction, after the auction is held or within a period of a week from the date of order of allotment where lands are allotted without auction the party to whom the land is allotted shall deposit 25 per cent, of the value of the land and the auction amount of the trees thereon and the balance of 75 per cent within 15 days thereafter. On receipt of the full amount, permission to occupy the land shall be given to the party in the Form G in duplicate and the signature of the allottee shall be obtained thereon along with date. One copy of the permission shall be given to the allottee and the other copy with necessary endorsement of service shall be returned along with record to the Tahsildar by the Girdawar. The Girdawar shall personally serve all such notices and obtain acknowledgments. A memo shall also be given to the village officers to note in the village records the particulars of the land, the name of the person, and the assessment to be recovered, etc., and revenue shall be collected on the land, according to the rates so fixed till the akarband is finally corrected by the Survey and Settlement Department.

(h) If on the report of local officers, the Collector finds that a proper price may not be secured by an auction or that there is likelihood of vested interests acting together and putting up prices so as to make it impossible for the poorer classes to get the land at a fair price, the Collector may fix an upset price, and allot the land to the applicant without holding an open sale.

(i) The sale shall be held after giving 15 days previous notice to the inhabitants of the Village. A copy of the sale notice in Form H shall be pasted on the notice board of the Tahsil office and the village chavdi.

10. . :-

The sale shall be confirmed by the Tahsildar where it is held by the Girdawar; by the Deputy or Asst. Collector in charge of the division where it is held by the Tahsildar and by the Collector where it is held by the Deputy or Asst. Collector. Where the sale is conducted by the Collector himself, the Board Revenue shall be confirming authority. At the conclusion of the sales the authority conducting the sale shall submit the records along with the necessary challan numbers pertaining to the payment of the full price by the party to the proper authority as indicated above. The confirming authority shall then pass orders either confirming the sale if there be no objection or cancelling the same if he is of the opinion that the sale should be cancelled and a fresh sale held. In case the confirming authority is of the opinion that the land cannot be granted for laoni he shall order accordingly. After the endorsement of his order, the papers shall be sent back to his next subordinate officer, and if that subordinate officer is not the Tahsildar, the intermediate authority shall sent the papers with the final orders in the usual course to the Tahsildar. The Tahsildar shall in case of confirmation of the sale, issue a permission for occupation in Form G prescribed in sub rule (g) of Rule 9, Otherwise, an order of rejection shall be issued to the party intimating that the land cannot be granted, for the reasons assigned in such order. In cases where the recommendation for grant is rejected the amount realised from the party whose bid has been accepted, shall also be refunded without any delay and the fact of such refund be entered in the connected records of the office.

11. . :-

Where a land granted for occupation does not already bear survey number, a reference shall be made by the Tahsildar to the District Land Record Officer for getting the phodi work completed.

12. . :-

The District Land Record Officer, after receiving record, shall arrange to have the land sub divided and to have a separate number assigned thereto in accordance with the prescribed rules to classify the soil, and to arrange to get the akarbands and maps

corrected. After such correction has been made the records shall be sent back to the Tahsildar to make a notice in the village records showing the area finally determined as a result of such phodi work and the assessment due thereon.

13. . :-

If, as a result of the completion of the phodi work done by the Land Records Department, the area in the occupation of the grantee is found to be within 20 per cent or one acre whichever is more in respect of irrigated lands. The Land Records Officer shall assign the number including such area and the grantee shall be liable to pay pro rata price realised during the auction or grant for upset price for such extra land. If the area in occupation is found to be more than 20 percent or the extent of the margin noted above, the matter shall be referred back to the Tahsildar for his opinion as to whether these extra lands may be added on to the land of the grantee, or be excluded. The Tahsildar shall after obtaining the previous sanction of the sanctioning authority who had originally granted the land communicate his final opinion as to whether such extra land should be added or excluded from the holding as the case may be. Action shall then be taken accordingly by the Land Records Officer and the phodi work completed.

14. . :-

Any variation in the assessment rates as fixed by the Land Records Officer in the akarbands shall take effect only from the year following the year of such correction in the akarband and shall have no retrospective effect.

15. . :-

No lands in the special areas notified under Section 58 A of A.P. (Telangana Area) land Revenue Act, shall be assigned except in accordance with the following rules :

(a) The object of the special laoni is to make land available in certain areas to such landless persons of agricultural and backward classes as may be notified from time to time, and who have not sufficient means to purchase land either at the ordinary laoni auctions or otherwise. The selection of the most deserving applicant should be made by the Tahsildar after due publicity in the village or at the place fixed for the allotment proceedings.

(b) Special laoni, proceedings may ordinarily take place twice a year in the months of April and September, and may also take

place at other times when the Tahsildar is visiting the locality.

16. . :-

In making selection for special laoni preference shall be given to persons who reside in the village, but do not possess any patta or shikmi rights in any land in the village or elsewhere or who have insufficient land but possess bullocks and agricultural implements. Persons who are already cultivating lands are asamis or bataidars shall be given preference over other labourers.

17. . :-

The persons selected by the Tahsildar shall be given possession of the land after auctioning the timber standing thereon. The auction purchaser shall be required to remove the timber within the time fixed by the Tahsildar having regard to the area and the volume of timber standing thereon:

Provided that where the auction purchaser is the person selected he shall be entitled to take possession of the land with the standing timber after payment of the auction amount :

Provided further that where the Tahsildar has sufficient reasons to believe that the means of such person make it difficult for him to pay the auction amount in one lumpsum, he may report accordingly to the Collector while submitting his proposal for the selection of such a person for confirmation of the Collector. The Collector may, if he thinks fit, order that the auction amount shall be recovered in three annual instalments, commencing from such date as may be fixed by the Collector according to his discretion and circumstances of the case.

18. . :-

The selection by the Tahsildar of any person for special laoni shall be confirmed by the Collector within a month from the date of the proposal for such selection, after satisfying himself that there has been no material irregularity in the proceedings.

19. . :-

The allottee of the land shall prepare the land for cultivation within three years of being placed in possession and commence cultivation of the land thereafter. The pattadar may be rejected by the order of the Collector for breach of any of the above conditions:

Provided that he has been served with a notice calling upon him to comply with the conditions which he has violated and he fails to

comply with it within three months of the date of service thereof. If lands has been transferred in contravention, the conditions, the Collector may eject the transferee.

20. . :-

After sanction has been accorded by the Deputy or Assistant Collector in the case of ordinary laoni and by the Collector in the case of special laoni, the Tahsildar shall obtain an agreement from the person to whom land is to be allotted and after recovering any amounts due shall give him permission in writing to occupy the land.

21. . :-

The Tahsildar shall be careful not to give such permission until the auction amount of the timber, has been paid, unless the payment thereof by instalments has been allowed under proviso to Rule 17. All amounts realised from the auction of timber, shall be credited to the Forest Department.

22. Land revenue shall be payable from the crop session in which possession of the land was given :-

Provided that in the case of unoccupied or waste land which is granted on patta under special laoni, the Collector may, if he is satisfied that the land has been brought into cultivation or all possible efforts are being made for its cultivation, remit the land revenue for a period not exceeding three years from the date the allottee of the land is placed in possession of the land.

23. . :-

The special laoni provisions shall apply to all applications for assessed land which are not reserved. The Tahsildar may grant pattas under the rules laid down above.

24. . :-

A register shall be maintained as in Form I in respect of all lands granted under Special Laoni Rules.