

**Tungabhadra Project (Prevention Of Speculation In Land)
Act, 1947**

13 of 1947

[15 July 1947]

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SCHEDULE 1 :- SCHEDULE I

**Tungabhadra Project (Prevention Of Speculation In Land)
Act, 1947**

13 of 1947

[15 July 1947]

An Act to prevent speculation in land in the Tungabhadra Project area. Whereas the State Government have commenced the execution of the Tungabhadra Project in order to conserve and utilize to the best advantage the waters of the Tungabhadra river; And whereas considerable purchase of land which are of a speculative character have been made in the area which is likely to be irrigated when the Project is completed; And Whereas it is necessary to prevent speculation in land in the area aforesaid; It is hereby enacted as follows:-

1. Short Title, Extent, And Commencement :-

(1) This Act may be called the Tungabhadra Project (Prevention of Speculation in Land) Act, 1947.

(2) (a) It extends to the villages in the 1[Kurnool district which are specified in the Schedule.]

(b) The State Government may, by notification in the 2[Andhra Pradesh Gazette]-

(i) remove from the Schedule any village or portion of a village;

(ii) extend all or any of the provisions of this Act to any village or portion of a village in the said district or any other district, subject to such modifications as may be specified in the notification:

Provided that no such notification shall come into force, unless it is approved by the 2[Andhra Pradesh Legislative Assembly].

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

1. Substituted for the words "Bellary and Kurnool Districts" by A.A. (Amendment) order, 1954.

2. Substituted by A.P.A.O., 1957.

3. Came into force on 10-6-1948.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context-

(1) "permit" means a permit granted under this Act;

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

(3) "project area" or "area" means the area consisting of the villages or portions of villages specified in the Schedule as modified from time to time;

(4) "project land" or "land" means land in such area.

2A. Appointment Of Local Officer :-

1[The State Government may, by notification in the Andhra Pradesh Gazette, appoint any person either by name or by virtue of his office to be a Local Officer for all or any of the purpose of this Act.

(2) Every person so appointed shall, subject to the control of the State Government, and of any officer or authority appointed by them in this behalf, exercise the powers and perform the duties of a Local Officer within such local limits and for such periods as the State Government may direct.

(3) The State Government may delegate their powers under subsections (1) and (2) to any officer or authority"].

1. Inserted by Mad. Act 5 of 1951.

3. Right Of Government To Acquire Project Land In Certain Cases :-

1["(1) If at the commencement of this Act, any person owns more than fifty acres of project land purchased by him after the 1st October, 1944, he shall, on demand made by the Local Officer in writing within ten years from the commencement of this Act, be bound to sell to the State Government the excess over fifty acres, at the price or prices mentioned in such demand];

(2) If any project land which the State Government are entitled to purchase under sub-section (1) is alienated in any manner within the period of 2(ten years aforesaid, they shall have the same right against the alienee as they would have had against the alienor under that sub-section.

(3) The State Government may dispose of any project land purchased by them under this section, in any mariner they may think fit.

1. Substituted by ibid.

2. Substituted for the words "three years" by Mad. Act 5 of 1951.

3A. Owner To State Details Of Project Land Purchased By Him After 1St October, 1944 :-

1[Before making the demand under Section 3, sub-section (1), the Local Officer shall, by notice in writing require the owner to intimate to him in writing and before a specified date, the extent, boundaries and such other details as may be specified in the notice, of all project land purchased by the owner after the 1st October,

1944, the price at which each such land was purchased, and the boundaries and such other details as may be specified in the notice, of the fifty acres of such project land which the owner desires to retain for himself.]

1. Inserted by Mad. Act 5 of 1951.

3B. Procedure To Determine To Portion Of Project Land To Be Retained By Owner :-

1[(1) If before the date specified in such notice, the owner intimates to the Local Officer which fifty acres of the project land he desires to retain for himself, the owner shall be permitted to retain those fifty acres, and the demand under Section 3, sub-section (1), shall relate only to the rest of the project land:

Provided that the local Officer may include in such demand the whole or any portion of the fifty acres aforesaid and allow the owner to retain, in lieu thereof, an equal extent of other project land purchased by him after the 1st October, 1944, if the Local Officer is satisfied that it is necessary so to do, having regard to the convenient cultivation both of the land which is to be retained by the owner and of the land which is to be sold by him.

(2) If no such intimation is given to the Local Officer before the date specified in the notice aforesaid, the Local Officer shall decide which fifty acres of the project land purchased by the owner after the 1st October, 1944, he shall be permitted to retain for himself and shall make the demand under Section 3, sub-section (1), only in respect of the rest of the project land.]

1. Inserted by Mad. Act 5 of 1951.

3C. Procedure For Fixing The Price Of Project Land :-

1[(1) If the Local Officer is satisfied that the price intimated to him in respect of any land by the owner in pursuance of the notice under Section 3-A is the price at which the land was purchased by him and that such price is not unreasonable, the Local Officer shall accept the price and specify it in the demand under Section 3, sub-section (1)].

(2) If the Local Officer is not so satisfied or if the owner refuses or fails to intimate the price of the land, the Local Officer shall himself determine its market price on the date of its purchase by the owner and specify the price so determined in the demand under Section 3, sub-section (1).]

1. Inserted by Mad. Act 5 of 1951.

4. Acquisition Of Land In Project Areas To Be Made Only On Permit If It Exceeds Fifty Acres :-

(1) Save as otherwise expressly provided in this Act, no person shall acquire project land without a permit:

Provided that a person who has not acquired any land after the 1st October, 1944 or who has acquired less than fifty acres after that date, may acquire land, without a permit, up to a maximum of fifty acres or up to such an extent as will bring his acquisitions after that date up to a maximum of fifty acres.

(2) In computing the fifty acres aforesaid, land devolving on a person under the law of intestate succession or under any gift which is valid under Section 5 shall not be taken into account, but land acquired after the 1st October, 1944 and subsequently disposed of shall be taken into account.

(3) In the case of a Hindu Undivided Family, any acquisition made in the name of any member thereof with family funds shall be taken into account in computing the maximum of fifty acres which the family can acquire under sub-section (1).

(4) Where any land is acquired with funds belonging to two or more persons whether jointly or as tenants in common or as members of any association or partnership, the share of each of them in such land shall be taken into account in computing the maximum of fifty acres which he can acquire under sub-section (1).

5. Prohibition Of Gifts Of Project Land :-

No gift of project land, whether made by Will or by an instrument inter vivos, shall be valid unless it is made in favour of an individual or individuals or of a Hindu Undivided Family and unless the extent of the land comprised in the gift is within such maximum as may be prescribed.

6. Prohibition Of Benami Transactions In Project Land :-

Except in the case referred to in sub-section (3) of Section 4, where any project land is acquired in the name of a person in pursuance of a permit granted to such person, no suit shall be maintained against such person by any other person in any Court of law on the ground that the acquisition was made on behalf of the plaintiff or

on behalf of some other person through whom the plaintiff claims.

7. Application By Intending Purchaser For Certificate Of Eligibility :-

(1) Any person who desires to obtain a permit shall apply in the first instance to the Collector of the district in which he ordinarily resides, or to such other officer as may be appointed by the State Government in this behalf, for a certificate of eligibility. The certificate shall contain such particulars as may be prescribed.

(2) The Collector, or the other officer so appointed, shall thereupon make or cause to be made such inquiry as he may think fit and may, in his discretion, either issue or refuse to issue the certificate of eligibility.

8. Prescribed Authority To Grant Or Refuse Permits :-

(1) A person who has obtained a certificate or eligibility may apply to the prescribed authority for a permit, and such authority may, in his discretion, either grant or refuse to grant the permit.

(2) Every permit shall specify the maximum extent of land which the holder thereof may acquire and the time within which the acquisition shall be made and shall contain the condition referred to in Section 9 and any other conditions which may be prescribed.

9. Land Acquired Under Permit Not To Be Ordinarily Alienated For Fifteen Years :-

It shall be a condition of every permit that any land acquired in pursuance thereof shall not be alienated until the expiry of a period of fifteen years from such date as may be notified in the Andhra Pradesh Gazette, by the State Government as the date on which water from the Tungabhadra Project is made available for the irrigation of the land; and any alienation thereof made before the expiry of such period shall be null and void;

Provided that the prescribed authority may, on application, if satisfied that there are sufficient grounds for doing so, permit the land to be alienated before the expiry of the period aforesaid on such payment and subject to such conditions as maybe prescribed.

Explanation:- The expression "alienation" with its grammatical variation and cognate expressions shall not include a lease for a term not exceeding five years or a mortgage without possession.

10. Certain Acquisitions Of Project Land To Be Null And

Void :-

1[The following acquisition of project land shall be null and void:-

(1) Any acquisition of such land made by a person without obtaining a permit, where one is required under this Act.

(2) Any acquisition of such land made by a person who has obtained a permit under this Act, where the extent acquired, together with the extent acquired under previous transactions, if any, in pursuance of the permit, exceeds the maximum specified therein].

1. Substituted by Section 5 of Madras Act 5 of 1951.

10A. Right Of State Government To Acquire Land The Alienation Or Acquisition Of Which Is Null And Void :-

1[(1) Where the alienation or acquisition of any land is null and void under Section 9 or 10. the person who alienated such land or from whom it was acquired (hereinafter in this section referred to as the owner) shall be bound, on demand made by the Local Officer in writing, to sell such land to the State Government at the price mentioned in such demand.

(2) If no such intimation is given to the Local Officer before the date specified in the notice aforesaid, the Local Officer shall decide which fifty acres of the project land purchased by the owner after the 1st October, 1944, he shall be permitted to retain for himself and shall make the demand under Section 3, sub-section (1), only in respect of the rest of the project land.

(3) (a) If the Local Officer is satisfied that the price intimated to him in respect of the land by owner in pursuance of the notice under sub-section (2) is the price at which the land was purchased by him and that such price is not unreasonable, the Local Officer shall accept the price and specify it in the demand under sub-section (1).

(b) If the Local Officer is not satisfied or if the Owner refuses or fails to intimate the price of the land, the Local Officer shall himself determine its market price on the date of its purchase by the owner and specify the price so determined in the demand under sub-section (1).]

1. Section 10-A inserted by *ibid*.

10B. Power Of Local Officer To Take Possession Of Land If Owner Refuses To Sell :-

1[(1) If the land to which the demand under Section 3, sub-section

(1) or Section 10-A, sub-section (1), relates is not sold to the State Government in accordance with the terms of such demand, the Local Officer may tender to the owner the price mentioned in the demand or deposit the same in Court and take possession of the land on behalf of the State Government.

(2) If the Local Officer is opposed or impeded in taking possession of any land under sub-section (1), he shall, if he is a Magistrate, enforce the surrender of the land to himself, and if he is not a Magistrate, apply to any Magistrate having jurisdiction over the land, and such Magistrate shall enforce the surrender of the land to the Local Officer].

1. Section 10-B inserted by ibid.

11. Appeals :-

1[(1) Any owner on whom demand is made under Section 3, sub-section (1) or Section 10-A, sub-section (1), may within such time as may be prescribed, appeal to the Court which would have jurisdiction to entertain a reference in respect of the land if it had been acquired under the Land Acquisition Act, 1894, on the ground that any price mentioned in the demand is inadequate.

(2) Where an appeal is filed under sub-section (1), the Court shall determine the price at which the land in question was purchased by the owner and if it considers that price was not unreasonable, declare it to be the price payable to him. If the Court is not able to determine such price or considers that it was unreasonable, it shall determine the market price of the land at the time of its purchase by the owner and declare it to be the price payable to him.

(3) If the price declared by the Court under sub-section (2) exceeds that specified by the Local Officer in the demand under Section 3, sub-section (1), or Section 10-A, sub-section (1), as the case may be, the owner shall be, entitled to recover the excess from the State Government.

(4) Except as aforesaid, any person aggrieved by any order passed, or proceeding taken, under this Act by the District Collector or any authority prescribed or appointed under this Act, may, within the prescribed time appeal to the Board of Revenue; and the Board shall after giving the parties an opportunity of being heard, pass such orders on the appeal as it may think fit].

1. The original Section 11 numbered as sub-section (4) of that section and new sub-sections (1), (2) and (3) inserted by Madras

Act 5 of 1951.

12. Revision :-

The Board of Revenue may at any time, either suo motu or on application, call for and examine the records relating to any order passed, or proceeding taken under this Act by any authority or officer subordinate to it, for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding, and may pass such order in reference thereto as it thinks fit.

Nothing in this section shall apply to the orders or proceedings of any Court or Magistrate.

13. Bar Of Certain Proceedings :-

(1) No suit or other proceeding shall lie against the State Government for anything done or purporting to be done under this Act or any rule made thereunder.

(2) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done by such officer or servant under this Act or any rule made thereunder, without the previous sanction of the State Government.

(3) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed or authorized by or under this Act.

14. Power To Make Rules :-

(1) The State Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the maximum extent of land which may be acquired by a person in pursuance of a permit granted under this Act;

(c) the opening and maintenance of a common register for the project area, showing the ownership, and changes in the ownership, of lands therein, and any other particulars which may be deemed necessary.

(d) the penalties which maybe imposed for a contravention of the conditions of a permit and the authorities which may impose such penalties, provided that no penalty shall exceed one thousand rupees;

(e) generally regulating the procedure to be followed and the forms to be adopted in proceedings under this Act and fixing the time within which such proceedings shall be initiated.

(3) the power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Andhra Pradesh Gazette and upon such publication shall have effect as if enacted in this Act.

15. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act the State Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

16. Savings :-

Nothing in this Act shall apply to the acquisition of any land-

(a) by or on behalf of the Government; or

(b) at a sale held by any Civil, Revenue or Criminal Court in execution of a decree or order; or

(c) at a sale conducted under any law for the time being in force for the recovery of any revenue due to the Government or of any sum recoverable as an arrear of such revenue;

(d) by exchange in accordance with any scheme made or approved by the Board of Revenue;

Provided that in cases falling under Clause (b) or Clause (c), the Court which, or the officer who, ordered the land to be sold, may, of its or his own motion or on the application of any party to the proceedings, set aside the sale, if the Court or officer is satisfied that the sale was a collusive transaction or was made with a view to defeat or evade the provisions of this Act.

SCHEDULE 1

SCHEDULE I

[See Section 1(2)]

List of villages in Kurnool district, constituting the project area

Alur Taluk	11. B. Bommalapuram
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1. Amarutapuram	12. Baladur
2. Bapuram	13. Agasanur
3. Ballur	14. Chirtapalli
4. Chinnaharivanam	15. Chudi
5. Chintakunta	16. Chagi
6. Chinnagonahal	17. Chirtanakal
7. Gulyam	18. Chinnatumbalam
8. Gaggihalli	19. Chilakaladona
9. Holagundi	20. Chetnihalli
10. Hebbtam	21. Duddi
11. Honnur	22. Dayyamdinne
12. Ingaladahal	23. Dombaladinne
13. J. Hosahalli	24. Dievarabetta
14. Kuruvalli	25. Diddanadoddi
15. Kogilathota	26. Donapuram
16. Naddilingadahalli	27. Enigabala
17. Muddatamagi	28. Erigeri
18. Marlamadiki	29. Edavalli
19. Nitravatti	30. Endapalli
20. Naganathahalli	31. Gudikambali
21. Nagarakanivi	32. Gudikal
22. Peddagonahal	33. Gangavaram
23. Pacharahalli	34. Gurjala
24. Suluvai	35. Garladinne
25. Siddapuram	36. Gothaladoddi
26. Sammatagiri	37. Halvi
27. Virupapuram	38. H. Muruvani
28. Vandavagali	39. Halaharvi
Adoni Taluk	40. Harivanam
1. Arlebanda	41. Hanaval
2. Agsaladinne	42. Ibrampuram
3. Belagal	43. Irangal
4. Bompalli	44. Itsalahal
5. Budur	45. Jumaladinni
6. Banavasi	46. Jampapuram
7. Basapuram	47. Jalavadi
8. Badnehal	48. Joharapuram
9. Bapuram	49. Katriki
10. Bhatakunta	50. Kambaladinne
51. Kosgi	95. Rachumari
52. Kaggal	96. Rowdur

52. Kallukunta	53. Kallukunta
54. Kankavedu	54. Kankavedu
55. Kolugotla	55. Kolugotla
56. Kadimetla	56. Kadimetla
57. Kuntanahal	57. Kuntanahal
58. Kamavaram	58. Kamavaram
59. Kotekal	59. Kotekal
60. Kattedoddi	60. Kattedoddi
61. Kowtalam	61. Kowtalam
62. Kambadahal	62. Kambadahal
63. Karni	63. Karni
64. Kadavagudu	64. Kadavagudu
65. Kalludevakunta	65. Kalludevakunta
66. Kachapuram	66. Kachapuram
67. Koddidoddi	67. Koddidoddi
68. Kambalanur	68. Kambalanur
69. Malapalli	69. Malapalli
70. Malkapuram	70. Malkapuram
71. Matsapuram	71. Matsapuram
72. Manchala	72. Manchala
73. Mugathi	73. Mugathi
74. Madhavaram	74. Madhavaram
75. Madire	75. Madire
76. Myalaginur	76. Myalaginur
77. Mallanahatti	77. Mallanahatti
78. Marali	78. Marali
79. Mugaladoddi	79. Mugaladoddi
80. Mittesempuram	80. Mittesempuram
81. Nandavaram	81. Nandavaram
82. Nagaladinne	82. Nagaladinne
83. Naranapuram	83. Naranapuram
84. Nyalakosgi	84. Nyalakosgi
85. Nadikhravadi	85. Nadikhravadi
86. Pallipadu	86. Pallipadu
87. Peddakadaburu	87. Peddakadaburu
88. Poolachinta	88. Poolachinta
89. Parpalli	89. Parpalli
90. Ponakaladinne	90. Ponakaladinne
91. Parmandoddi	91. Parmandoddi
92. Peddakothlikl	92. Peddakothlikl
93. Peddaladinni	93. Peddaladinni
94. Peddabaddur	94. Peddabaddur
95. Peddabaddur	95. Peddabaddur
96. Peddabaddur	96. Peddabaddur
97. Ralladoddi	97. Ralladoddi
98. Rayachoti	98. Rayachoti
99. Ratssamarri	99. Ratssamarri
100. Sulekeri	100. Sulekeri
101. Sathanur	101. Sathanur
102. Sajjalaguddam	102. Sajjalaguddam
103. Soganur	103. Soganur
104. Santhekudlur	104. Santhekudlur
105. Sugur	105. Sugur
106. Sowlehalli	106. Sowlehalli
107. Singarajanahalli	107. Singarajanahalli
108. Sardarpuram	108. Sardarpuram
109. Thimmapuram	109. Thimmapuram
110. Tsallakidlur	110. Tsallakidlur
111. Tsamalagudur	111. Tsamalagudur
112. Tumbiganur	112. Tumbiganur
113. Urukunda	113. Urukunda
114. Upparahal	114. Upparahal
115. Vallur	115. Vallur
116. vandavagalli	116. vandavagalli
117. V. Kondapuram	117. V. Kondapuram
118. Yemmiganur	118. Yemmiganur
119. Basapuram	119. Basapuram
120. Kandakur	120. Kandakur
121. Lingaldinni	121. Lingaldinni
122. Veeraladinni	122. Veeraladinni
123. Podalakunta	123. Podalakunta
124. Gurraladoddi	124. Gurraladoddi
125. Thippaladoddi	125. Thippaladoddi
126. Chinnakothiliki	126. Chinnakothiliki
127. Sunkeswari	127. Sunkeswari
128. Kamanadoddi	128. Kamanadoddi
Pattikonda value	Pattikonda value
1. Alvala	1. Alvala
2. Gonegondla	2. Gonegondla
3. H. Khurvadi	3. H. Khurvadi
4. Iranbanda	4. Iranbanda
5. Kulamala	5. Kulamala
6. Peddamaradi	6. Peddamaradi
7. Peddanelatur	7. Peddanelatur
8. Vemugodu	8. Vemugodu

93. Pesalainne	8. verrugodu
94. Puttakunta	
Kurnook Taluk	28. Munugala
1. Amadaguntla	29. Mungalapadu
2. Anugonda	30. Mudamalagutti
3. A. Gopulapuram	31. Nidjur
4. Bollavaram	32. Palukudoddi
5. Basavapuram	33. Pandipadu
6. Bastipadu	34. Parla
7. Belagal	35. Peddapadu
8. Brahmanadoddi	36. Peddatakur
9. Budidapadu	37. Penchakalapadu
10. Burandoddi	38. Polukallu
11. Chanugondla	39. Palakurthi
12. Errandoddi	40. Pusalur
13. Gopalasingavaram	41. Pyalakurthi
14. Gudipadu	42. R. Khanapuram
15. Gudur	43. Rematla
16. Gundrevulu	44. Salkapuram,
17. Gorantla	45. Sunkesula
18. Kalluru	46. Ulchala
19. Kambadahal	47. Varakur
20. Kodumuru	48. Edurur
21. Kondapuram	49. Julakal
22. Kothalapadu	50. Mallapuram
23. Kothakota	51. Malesompuram
24. K. Nagalapuram	52. Markapuram
25. Laddagiri	53. Ponakal
26. Lanjapolur	54. Ramadur
27. Mamidalapadu	55. Asudapuram