

HYDERABAD ATIYAT INQUIRIES RULES, 1952

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1. Hyderabad Atiyat Inquiries Rules :-

These Rules may be called the Hyderabad Atiyat Inquiries Rules, 1952, and shall come into force from the date of their publication in the Official Gazette.

2. . :-

In these rules, unless there be something repugnant in the subject or context, -

- (a) "the Act" means the Hyderabad Atiyat Inquiries Act, 1952 (X of 1952);
- (b) "Court " means an Atiyat Court;
- (c) "form " means a form appended to these rules ;

(d) "grant" means an Atiyat grant;

(e) "holder" means a holder of an Atiyat grant;

(f) "section" means a Section of the Act;

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

3. Application in Form A :-

On the death of the holder, the claimant for succession shall, within three months from the date on which the holder died, submit an application accompanied by information in Form 'A' in the competent Court.

4. Option to submit application in any Court in the area :-

If the grant held by the deceased holder is situated within the jurisdiction of more than one Court, the claimant for succession, may submit the application under rule 3, in any one of the Courts within whose jurisdiction any portion of the grant is situated.

5. Procedure :-

The Court in which the claim for secession is instituted under rule 4, shall thereupon give due intimation to other Court within whose jurisdiction the other portion or portions of the grant are situated and shall proceed to hold an inquiry in respect of the whole of the grant.

6. Court having jurisdiction :-

(1) If several claimants apply for succession in different Courts, the Court in which the first among the several applications is submitted shall conduct the inquiry ;

Provided that in case of any dispute as to the Court in which the inquiry should be conducted shall be decided by :-

(a) the Collector, if the Courts wherein the claims have been instituted are situated in the same districts.

(b) the Nazim Atiyat, if the Courts are situated in different districts.

(2) The orders of the Collector or the Nazim Atiyat shall be final.

7. . :-

On receipt of the application under rule 3, the Court may require the applicant to deposit within a specified period the amount required for the publication of citation under rule 8.

8. citation to be published :-

On the amount mentioned in rule 7 being deposited, the Court shall cause a citation to be published-

(1) in the Official Gazette ;

(2) by affixture of a copy thereof to the Notice Board in the concerned Tahsil Office; and

(3) in such other manner as may be considered necessary; inviting objections, if any, in respect of the applicant's claim, within six weeks from the date of such publication.

9. inquiry into the applicants claim :-

On the expiry of the period specified under rule 8, the Court shall conduct an inquiry into the applicant's claim treating the opponents, if any and the Government as respondents;

Provided that the Court may reject an application forthwith if it contravenes the provisions of rule 3 or 7.

9A. Procedure for grant as a Jagir :-

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(1)

(a) For confirming a grant as a jagir, the Atiyat Court may call for any evidence regarding possession, if the claimant proves that he was actually in possession of the grant on the date of the commencement of Hyderabad Abolition of Jagir Regulation, 1358 Fasli;

(b) In cases of grants for which Sanad is necessary, the Atiyat Court may not call for any evidence in respect thereof-

(i) where the Sanad having been produced has been duly verified ;
or

(ii) where such verification is not possible, there are no reasons to disbelieve its authenticity.

(2)

(a) For continuing or confirming grants other than those mentioned in sub-rule (1) above, the Atiyat Court may not call for any evidence regarding possession or, in the case of cash grants, enjoyment , in the following cases:

(b) Where the claimant proves from the village or Tahsil records that he was holding the grant other than cash grant as grantee that he was in actual enjoyment of the grant for a period of two years immediately preceding 15-8-1949, or in the case of cash grants, 2 years immediately preceding their Abolition of Cash Grants Act, 1952;

(c) Where the grant other than the cash grant was on 15-8-1949 under Government supervision or, the enjoyment thereof remained under suspension, the claimant proves from the village or Tahsil records that he was holding the said grant or, in the case of cash grants, was in actual enjoyment thereof for a period of 2 years prior to the date on which the grant was taken under Government supervision or in the case of cash grants from the date on which such enjoyment was suspended.]

1. This Rule has been added by Revenue Department Government of Hyderabad, Notification, dated 25-10-56, Gazette, Extraordinary , No. 246, p. 2055.

10. Evidence Act 1872, Code of Civil Procedure 1908 apply to the inquiry :-

The provisions of the Indian Evidence Act, 1872, and the Code of Civil Procedure, 1908, so far as may be applicable shall apply to the inquiry under rule 9.

11. when the Government will resume the grant :-

If no person claims succession to a grant on the death of the holder within the period prescribed , or if the claim has after due inquiry been rejected by a competent Court the grant shall subject to the provision of these rules, cease to continue and shall be resumed by the Government.

12. condonation of delay in the submission of a claim :-

(1) A Court may for sufficient cause condone the delay in the submission of a claim.

(2) The powers for such condonation shall be as follows;

(a) The Deputy Collector, up to 6 months;

(b) The Collector, upto one year;

(c) The Nazim Atiyat, upto 2 years;

(d) The Board of Revenue, upto 3 years.

13. . :-

The Court shall in its orders relating to succession specify the Annawari shares of each claimant whose claim has been recognised in the inquiry.

14. . :-

(1) These rules apply mutatis mutandis to inquiries and confirmation in respect of grant in the erstwhile jagir areas or grants made by erstwhile Jagirdars, in accordance with the order for the time being in force

Provided that in such cases the application under rule 3 shall be accompanied by information as in Form B; and that no fresh application shall be necessary in respect of such Inam inquiries which are already pending in a competent Court.

(2) An application already rejected by a competent Court shall not be entertained except on appeal, or for confirmation as the case may be.

15. The Court to exercise the same powers as in the case of succession of other grants :-

(1) In connection with succession proceedings of such grants in which the Muntakhabs have been issued allowing continuance of the grant with such indefinite terms, as have been mentioned in the Appendix annexed hereto, from which it is not clear whether the grant shall be continued in perpetuity or for a period or for a fixed number of generations, the Court shall exercise the same powers as in the case of succession of other grants.

(2) In cases where the terms of Muntakhabs are definite and there is no room for any doubt and where hereditary rights have not been granted expressly, the Court shall not take into consideration any question of fact prior to the issue of Muntakhabs, but where the Muntakhabs have been issued in indefinite terms the Court may inquire into the Inam decision on which the grant was in fact intended to be continued by the authority empowered to continue the grant. It is only in cases where it is impossible to find out the real intention from the Inam decision that the Court may take into consideration the Sanad or Sanads on which the Inam decision is based.

(3) If from the Inam decision or the Sanad or Sanads the real

intent appears to be that the grant should be continued in perpetuity, an elucidation to that effect shall be made in the succession decision and the grant shall be continued accordingly; otherwise fifteen per cent, of the entire grant shall be deducted at each succession in favour of Government so that the grant may terminate in seven generations :

Provided however, that such deductions shall not be made from a grant which is conditional upon religious service.

16. . :-

period allowed for the submission of appeals The period allowed for the submission of appeals shall be as follows;

17. repeal of previous Government orders :-

The provisions of all previous Government orders, and circulars in so far they are inconsistent with or a repetition of these rules, shall be deemed to have been repealed provided that anything done or any action taken under the previous orders and circulars shall be deemed to have been done under these rules.