

Andhra Pradesh Land Revenue Code, 1999

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Andhra Pradesh Land Revenue Code, 1999

STATEMENT OF OBJECTS AND REASONS

PREAMBLE

Government have been considering the confication and streamling of various laws relating to land and land administration. It is noted that due to historical reasons, different laws have been in operation in the different regions of the State. Commencing from the year 1802, the laws on different reenuue subjects have been enacted from time to time.

There are 210 laws which include amendments made to the laws from time to time. From the point of view of their territorial jurisdiction, these laws may be divided into three categories as follows :

(i) the laws which apply to the entire State;

(ii) laws which apply to the Andhra region of the State;

(iii) laws which apply to the Telangana region of the State.

From the point of view of the relevance of these laws, again they may be divided into three categories as follows :

(i) the laws, the purpose of enactment of which is served, except

proceedings still pending, or in any extreme case yet to be commenced;

(ii) the laws which have fallen into disuse and are not likely to be used in the future;

(iii) the laws which are still relevant and are in use;

The multiplicity and diversity of these laws has not been conducive to the ready and easy understanding of the provisions of law relating to land by the people in general.

The Government have decided to repeal the laws which have served their purpose or have become out dated and to streamline and simplify various provisions of laws which are relevant now and likely to be used for a long time to come. These provisions which are included in the code have been made in a manner so that they are more responsive to the needs of the present time. Different provisions of laws prevailing in the different regions have been integrated and brought into a comprehensive and handy code to enable the people in general to have a clear understanding of the laws relating to Revenue subjects.

This Bill proposes to give effect to the above decisions.

Appended to L.A. Bill No. 1 of 1999.

A Bill to amend and consolidate the Laws relating to the Land Administration in the State of Andhra Pradesh and for matters connected therewith and incidental thereto.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth Year of the Republic of India as follows:--

PART 1 GENERAL

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh Land Revenue Code, 1999.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different provisions of this Code.

2. Definitions :-

In this Code unless the context otherwise requires,--

(1) "Agriculture" with its grammatical variation and cognate expression includes;

(i) horticulture;

(ii) raising of crops, orchards, pasture or garden produce;

(iii) plantation

(iv) forestry;

but does not include the cutting of wood;

(2) "agriculture labourer" for the purpose of Part XIV relating to relief to agricultural labours etc., means a person who does not hold any agricultural land and whose principal means of livelihood is by manual labour on agricultural land, or in a dairy, poultry or aquaculture farm, in the capacity of a labourer on hire or on exchange, whether paid in cash or in kind or partly in cash and partly in kind and whose spouse or any son or any unmarried daughter has also no income from any source other than manual labour on agricultural land or in a dairy, poultry or aquaculture farm, as an agricultural labourer.

(3) "Agricultural Land" means land, which is used for agriculture or is reserved for growing forests and includes

(i) fallow land;

(ii) the sites of farm buildings appurtenant to agricultural land;

(iii) the sites of dwelling houses appurtenant to agricultural land occupied by agriculturists and land appurtenant to such dwelling houses;

(4) "Agricultural Year" means the year which commences on the 1st day of July of a calendar year and ends on the 30th day of June of the next following calendar year;

(5) "Appellate Tribunal" for the purpose of Part XIII relating to ceiling on agricultural lands means the Appellate Tribunal constituted under Section 163 and where no such Appellate Tribunal is in existence the concerned District Collector;

(6) "Ayacut or Command Area" means an area irrigated or capable being irrigated either by gravitational flow or by lift irrigation or by any other method from a Government or corporation source of water and includes every such area whether it is called "ayacut" or by any other name under any law for the time being in force;

(7) "Ayacutdar" means owner of land in an ayacut;

(8) "Bona Vacantia" includes any property situated in the State of which there is no rightful owner, but does not include an escheat or any movable property found in a public place;

(9) "Ceiling Area" and "Standard Holding" shall have the same meaning as are assigned to them in Part XIII relating to ceiling on agricultural holdings;

(10) "Certified Copy" or "Certified Extract" means a copy of extracted as the case may be, certified in the manner prescribed by Section 76 of the Indian Evidence Act, 1872, Central Act 1 of 1872;

(11) "Consolidation of Holdings" for the purpose of Part XI relating to prevention of fragmentation and consolidation of holdings means

the amalgamation and where necessary redistribution of holdings or portions of holdings in any village or mandal or any part thereof so as to reduce the number of plots in holdings;

(12) "Credit Agency" for the purpose of Part IX relating to Record of Rights, Pattadar pass books and other records means any Banking Company as defined in the Banking Regulation Act, 1949,, the State Bank of India and its subsidiaries, a corresponding new bank, a Regional Rural Bank, a Co-operative Bank or Credit Society by whatever name called and Agricultural Bank and includes any other agency or individual the main object of which is to lend money;

(13) "Creditor" in relation to any loan advanced to any agricultural labourer rural artisan or small farmer, shall not include Central or State Government, or a local authority, or a Co-operative Society including a Land Development Bank or a nationalised or a scheduled bank or any other agricultural labourer, rural artisan or small farmer;

(14) "Debtor" in relation to any loan advanced to any agricultural labourer, rural artisan or small fanner means such agricultural labourer, rural artisan or small farmer who has borrowed loan;

(15) "Distribution System" includes--

(i) all main canals, branch canals, distributories and minor canals, constructed for the supply and distributor of water for irrigation;

(ii) all works, structures and appliances connected with the distribution of water for irrigation;

(iii) all field channels and farm channels and related structures under a pipe outlet;

(16) "District Collector" or "Collector" means the Collector of the concerned district and, where the context so requires, includes Joint Collector and Sub-Collector;

(17) "District Gazette" means, the gazette published in a district and in any district where no such gazette is published the Andhra Pradesh Gazette;

(18) "Double Crop Wet Land" for the purpose of Part XIII relating to ceiling on agricultural holdings means any wet land registered as double crop or compounded double crop wet land in the land Revenue accounts of the Government and includes any-wet land not so registered,--

(i) for which in accordance with any scheme of localisation being adopted under any Government source of irrigation water is available in both the first and second crop seasons during a Fasli year including the lands covered by Schedule-B and Part-II of Schedule-C appended to the draft rules for the irrigation of lands in the Godavari Western, Eastern and Central deltas published in the Rules Supplement to Part-II, Extraordinary of the Andhra Pradesh Gazette dated the 16th July, 1962;

(ii) on which two crops per Fasli year have or a dufassal crop has been raised with the use of water from a Government source of irrigation in any four Fasli years within a continuous period of six Fasli years immediately before the specified date;

(iii) which is capable of raising two crops per Fasli year with the use of water from a tube well constructed by the Government or any person;

Provided that,--

(a) any land entitled to the supply of water from a Government source of irrigation and on which two irrigated crops per Fasli year

have or a double crop has not been raised with the use of water from such source in any four Fasal years within a continuous period of six Fasal years immediately before the specified date for want of supply of water from such source;

(b) any land for which in accordance with any scheme of localisation being adopted under any Government source of irrigation water is made available during the second crop seasons solely in consideration of the likelihood of the loss of the first crop on account of submersion, salinity, tidal action or the like;

(c) any land to which water has been specifically supplied on a temporary basis for raising a second crop by diversion of water intended for eventual utilisation elsewhere;

(d) any land irrigated by Government source of irrigation covered by proviso (iii) to Section 148.

shall not be deemed to be double crop wet land;

(19) "Drainage System" includes--

(i) channels either natural or artificial for the discharge of waste or surplus water and all works connected therewith or ancillary thereto;

(ii) escape channels from an irrigation or distribution system and other works connected therewith but does not include work for removal of sewage;

(iii) all collecting drains and main drains to drain off surplus water from field drains;

(iv) all field drains and related structures under pipe out let.

(20) "Drainaged work" includes the following;--

(i) natural or artificial channels for the discharge of waste or surplus water and all works connected with or auxiliary to such channels;

(ii) escape channels of an irrigation work, dams, weirs, embankments, sluices and groins;

(iii) and work constructed or improved by the Government for the purpose of reclamation by means of improvement of the surrounding drainage and

(iv) all works for the protection of lands from inundation or erosion constructed or maintained by the Government either wholly or in part;

(21) "Dry Land" means land registered as dry, manavari, asmantari, baghat or garden land, or special rate dry land in the land Revenue accounts of the Government or assessed as such and includes any other land excluding wet land.

(22) "Escheat" means any property the owner of which dies intestate and without leaving legal heir;

(23) "Family unit" for the purpose of Part XIII relating to ceiling on agricultural holdings means,--

(i) in the case of an individual who has a spouse or spouses, such individual the spouse or spouses and their minor sons and unmarried minor daughters, if any;

(ii) in the case of an individual who has no spouse, such individual and his or her minor sons and unmarried minor daughters,

(iii) in the case of an individual who is divorced husband and who has not remarried, such individual and his minor sons and unmarried minor daughters, whether in his custody or not, and

(iv) where an individual and his or her spouse are both dead, the minor sons and unmarried daughters.

Explanation Where a minor son is married, his wife and their offspring, if any shall also be deemed to be members of the family unit of which the minor son is a member;

(24) "Fasli year" means a period of twelve months commencing from the first day of July every year;

(25) "Field Channel" includes a channel existing or to be constructed by the Government or by the landholders or by any agency to receive and distribute water from a pipe outlet;

(26) "Field Drain" includes a channel excavated and maintained by the landholder or by any other agency to discharge waste or surplus water from the land holdings under a pipe outlet and includes drains, escape channels and other similar works existing or to be constructed.

(27) "Fragment" for the purpose of Part XI relating to prevention of fragmentation and consolidation of holdings means the plot of land of less extent than the appropriate standard are determined under the said Part;

(28) "Government" means the Government of Andhra Pradesh;

(29) "Government source of Irrigation" for the purpose of Part XIII relating ceiling on agricultural holdings means source of irrigation registered in Land Revenue accounts of the Government as such

including a well constructed or maintained by the Government or any local authority but does not include a spring; channel, parre kalva, naddinala, vagunala, kasam, sona, bila, uppalwat bonda, doruvu bhukri, kole or cross bunding;

(30) "Holding" for the purpose of Part XIII relating to ceiling on agricultural holdings means the entire land held by a person,--

(i) as an owner;

(ii) as a limited land owner;

(iii) as an usufructuary mortgagee;

(iv) as a tenant;

(v) who is in possession by virtue of mortgage by conditional sale or through part performance of a contract for the sale of land or otherwise, or in one or more of such capacities and the expression "to hold land" shall be construed accordingly;

Explanation Where the same land is held by one person in one capacity and by another person in any other capacity, such land shall be included in the holding: of both such persons.

(31) "Irrigated Dry Crop" includes dry crop which is irrigated with the water of an irrigation work;

(32) "Irrigation Officer" means an officer appointed under Section 32;

(33) "Irrigation system under a pipe outlet" includes the field channels and field drains with all the related structure thereto;

(34) "Irrigation Works" include,--

(i) all rivers and natural streams or parts thereof;

(ii) all lakes and other natural collections of water or parts thereof;

(iii) all tanks, wells, tube wells, reservoirs, ponds, kuntas, streams and madugus used for the supply or storage of water for purposes of irrigation;

(iv) all canals, channels, anicuts, dams embankments, weirs, sluices, groynes, kuntas and other works other than escape channels connected with or auxiliary to the irrigation works referred to in sub-clauses (i) to (iii);

(v) all drainage channels the water of which is utilised for the purpose of irrigation;

(vi) all lands used for the purpose of irrigation works referred to in sub-clauses (i) to (v);

(vii) all buildings, machinery fences, gates, roads and other erections occupied by, or belonging to the Government and connected with an irrigation work; which: are owned, maintained, constructed or controlled by the Government;

(35) "Joint Holding" means a parcel or parcels of land held by two or more persons under a joint patta;

(36) "Joint Pattadars" in relation to a Joint holding means the persons who hold land under a joint patta or whose names are registered in the Revenue records as joint \pattadars or as joint occupants and who are jointly and severally liable to pay land

revenue in respect of such holding;

(37) "Land" for the purpose of Part VII of this Code includes rights in or over land and benefits to arise out of land and buildings, structures and other things attached to the earth or premanently fastened to anything attached to the earth;

(38) land in relation to ceiling on agricultural holdings means land which is used or is capable of being used for purposes of agriculture, or for purposes ancillary thereto including horticulture, forest land, pasture land, plantation and tope and includes land deemed to be agricultural land under Part XIII.

Explanation I Where any land is held under ryotwari settlement it shall, unless the contrary is proved, be deemed to be land under Part XIII.

Explanation II "Land" shall not include the land appurtenant to a building;

(39) "Land" except for Parts VII and XIII means agricultural land or non-agricultural land and includes rights in or over land, benefits to arise out of land and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth.

Provided that for the purpose of Parts V, Chapter XXI of Part VIII and Part X to Part XIII of this Code land shall mean only agricultural land;

(40) "Land Belonging to a private person" in relation to prohibition of land grabbing means any land belonging to,--

(i) an evacuee

(ii) a military personnel; or

(iii) any other private individual

Provided that the value or the extent of such land or the nature of the evil involved is of substantial nature so as to require, in the interests of justice, intervention under Part VII of this Code;

(41) "Land Grabber" for the purpose of Part VII relating to prohibition of land grabbing means a person or a group of persons who commits or attempts to commit land grabbing and includes any person who gives financial aid to any person for taking illegal possession of land for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupiers of such land rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts; and also includes the successors in interest;

(42) "Land Grabbing" for the purpose of Part VII relating to prohibition of land grabbing means every activity of grabbing of or attempting to grab any land belonging to the Government, or local authority, or a religious or charitable institution or endowment including a wakf or any private person, by a person or group of persons without any lawful entitlement and with a view to illegally taking possession of such land, or entering into or creating illegal tenancies or lease and licence agreements or any other illegal agreements in respect of such land, or constructing unauthorised structures thereon for sale or hire, or giving such land to any person on rental or lease and license basis for construction or use and occupation of unauthorised structures and "to grab land" shall be construed accordingly.

(43) "Land Holder" in relation to an irrigation system means an owner or a tenant recorded as such in the Record of Rights maintained under Part IX of this Code in respect of land in the notified ayacut area of an irrigation system;

(44) "Land Revenue" means an assessment and includes every cess, by whatever name called, which the Government is entitled to levy and collect, in respect of every land in the State or any other due payable to the Government under the relevant provisions of this Code or any other law for the time being in force;

(45) "Law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law;

(46) "Loan" for the purpose of Part XIV relating to relief to agricultural labourer etc. includes any loan by or from Central Government or any State Government, or any local authority or a co-operative society or a nationalised bank or a scheduled bank, or a Government company or Life Insurance Corporation of India or any other corporation established by or under any law for the time being in force and owned or controlled by the Central Government or any State Government;

(47) "Local Area" means any area notified as local area;

(48) "Maintenance" in relation to an irrigation system means execution of such works on the irrigation system as are necessary to ensure that the physical system designed to the standards operates for proper distribution of water to the land holders in the area of operation;

(49) "Non-agricultural Land" means land used or is intended or reserved for use for any purpose other than agriculture;

(50) "Notification" means a notification published in the Andhra Pradesh Gazette and the expression "notify" or "notified" shall be construed accordingly;

(51) "Notified Date" for the purpose of Part XIII relating to ceiling on agricultural holdings means the date on which the Andhra

Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, came into force that is 1-1-1975 (Act 1 of 1973);

(52) "Occupant" means a person in actual possession of land other than a tenant or a usufructuary mortgagee;

(53) "Owner" in relation to a land means a person who holds, subject to the rights of the State therein, totality or rights and interests in such land and where such land is under mortgage or lease or is subject to a charge, or is held by any person as a limited owner, the person who holds, subject as aforesaid, all the residuary rights and interests therein;

(54) "Owner" in relation to ceiling on agricultural holdings includes a person by whom or in whose favour a trust is created, but does not include a limited owner and in the case of any land not held under ryotwari settlement a person who is or would be entitled to the grant of a ryotwari patta or to the registration as an occupant in respect of such land under any law for the time being in force providing for the conversion of such land into ryotwari tenure and where there is no such law any person holding such land immediately before the specified date otherwise than in any one of the capacities specified in sub-clauses (ii) to (v) of clause (33) but does not include a limited owner;

(55) "pattadar" in relation to a land includes a person whose name is recorded as pattadar in respect thereof in the Record of Rights and other Revenue accounts of the Government:

(56) "Person" for the purpose of Part XIII relating to ceiling on agricultural lands means an individual a family unit, trustee, a company, a firm, a society, a religious or charitable institution or endowment, a group or body of person or an association of individuals, whether incorporated or not;

(57) "pipe Outlet" means an opening or contrivance constructed by the Government in an irrigation system through which water is

delivered for irrigation at the periphery of the localised area ordinary not exceeding forty hectares;

(58) "Prescribed" means prescribed by rules made under this Code;

(59) "Revenue Division, Mandal and Village" mean respectively any area, which is notified as a Revenue Division, Mandal or Village under Part II of this Code;

(60) "Rural artisan" for the purpose of Part XIV relating to relief to agricultural labourers etc. means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools implements and other articles or things used for agriculture, dairy, poultry, or aquaculture farm, or purposes ancillary thereto and whose spouse or any son or any unmarried daughter has also no income from any source other than by assisting him in the production or repair of such tools implements and other articles or things;

(61) "Small farmer" for the purpose of Part XIV relating to relief to agricultural labourers etc. means a person whose principal means of livelihood is income derived from personal cultivation of agricultural land as owner or mortgagee or tenant the extent of which does not exceed 5 acres of wet land or 10 acres of dry land and whose spouse or any son or any "unmarried daughter has no income from any source; other than by assisting him in such personal cultivation.

(62) "Special Tribunal" for the purpose of Part VII relating to prohibition of land grabbing means a Court of the District Judge having jurisdiction over the area concerned and includes the Chief Judge, City Civil Court, Hyderabad:

(63) "Specified date" for the purpose of Part XIII relating to ceiling on agricultural holdings means--

(i) in the case of declaration required to be filed under Section 151 the notified date;

(ii) in the case of a declaration required to be filed under Section 161 the date of acquisition, usufructuary mortgage, lease, marriage, adoption or alteration in the classification of land referred to therein, as the case may be;

(64) "Standard holding" for the purpose of Part XIII relating to ceiling on agricultural holdings means the extent of land specified in Section 148 to be the standard holding;

(65) "State" means the State of Andhra Pradesh;

(66) "Sub-Collector" includes Assistant Collector, Revenue Divisional Officer and Deputy Collector who is in charge of a Revenue Division and Deputy Collector means a Sub-Collector who is not in charge of a Revenue Division.

(67) "Survey" includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary of a land and includes resurvey;

(68) "Survey mark" means any mark or object erected, made, employed or specified by a Survey Officer to indicate or determine or assist in determining the position or level of any point or points;

(69) "Tribunal" for the purpose of Part XIII relating to ceiling on agricultural holdings means a tribunal constituted under Section 149 and where no such tribunal is in existence, the concerned Revenue Divisional Officer;

(70) "Unauthorised structures" for the purpose of Part VII relating to prohibition of land grabbing means any structure constructed

without express permission in writing of the Municipal Commissioner or any Municipal Corporation or Municipality and elsewhere of the authority concerned, or except in accordance with any law for the time being in force in the area concerned.

(71) "Water course" means any channel or pipe not maintained at the cost of the Government, which is supplied with water from an irrigation work and includes all subsidiary works connected with any such channel or pipe, except the sluice or outlet through which water is supplied from irrigation work to such channel or pipe;

(72) "Water tax" means tax levied under Section 138 of this Code;

(73) "Wet land", "single crop wet land" and "double crop wet land" shall respectively mean land registered as wet, or as single crop wet or as double crop wet in the Record of Rights and other records of lands prepared and maintained by the Government;

(74) "Wet land" in relation to ceiling on agricultural holdings means land registered as wet, single crop wet, compounded double crop wet or special rate wet land in the land Revenue accounts of the Government or assessed as such and includes any land not registered as wet which has been

(i) included in the ayacut of any Government source of irrigation;

(ii) irrigated by water from any Government source of irrigation in any four Fasli years within a continuous period of six Fasli years immediately before the specified date; or

(iii) irrigated by a tube well constructed by the Government or any person:

Provided that any land which has been registered as wet land in the land Revenue accounts of the Government on which no

irrigated crop has been raised with the use of water from a Government source of irrigation in any four Fasli years within a continuous period of six Fasli years immediately before the specified date for want of supply from such source shall not be deemed to be wet land;

(75) "Work" for the purpose of Part V relating to irrigation and drainage works and water courses means irrigation or drainage work;

PART 2 FORMATION OF DISTRICTS, REVENUE FORMATION OF DISTRICTS, REVENUE DIVISIONS, MANDALS AND VILLAGES

CHAPTER 2 DIVISION OF STATE INTO DISTRICTS, REVENUE DIVISIONS, MANDALS AND VILLAGES

3. Division of State into Districts, Revenue Divisions, Mandals and Villages :-

(1) The Government may, for the purpose of Revenue administration by notification from time to time, divide the State into such districts, each district into such Revenue divisions, each Revenue division into such Mandals and each Mandal into such villages, with such boundaries and names as it may specify therein.

(2) On the commencement of this Code, the existing districts, Revenue divisions, Mandals and villages, with their present boundaries and names shall be deemed to have been formed as such under sub-section (1).

(3) The Government in the interest of better administration and development of the areas, may from time to time by notification, and in the manner prescribed.

(a) form a new District, Revenue Division or Mandal; or

(b) increase the area of any District Revenue Division or Mandal; or

(c) diminish the area of any District Revenue Division or Mandal; or

(d) abolish or alter the boundaries of any District, Revenue Division or Mandal; or

(e) alter the name of any District, Revenue Division or Mandal; on the basis of historical association, geographical contiguity, physical features, common interests and problems, cultural affinity, educational requirements, infrastructure facilities, economic progress and administrative convenience and such other factors as the Government may, from time to time consider necessary.

(4) The Chief Commissioner of Land Administration, in the interest of better administration and development of the area, may, from time to time, by notification and in the manner prescribed,--

(a) form a new village; or

(b) increase the area of any village;

(c) the area of any village; or

(d) abolish or alter boundaries of any village; or

(e) alter the name of any village; on the basis of historical association, geographical contiguity, physical features common interests and problems, cultural affinity, educational requirements, economic progress and administrative convenience and such other factors as the Chief Commissioner of Land Administration, may, from time to time, consider necessary.

(5) Before issuing any notification under this section, the Government or the Chief Commissioner of Land Administration, as

the case may be, shall publish in such manner as may be prescribed, the proposal inviting objections or suggestions, from the residents of the District, Revenue division, Mandal or village who are likely to be affected thereby, within the period specified therein, and shall take into consideration objections or suggestions, if any, received.

(6) Commissioners and their powers Any notification under this section may contain such supplemental, incidental and consequential provisions (including provisions as to adaptation and construction of laws) as the Government or the Chief Commissioner of Land Administration, as the case may be, may deem necessary.

PART 3 OFFICERS INCHARGE OF REVENUE ADMINISTRATION

CHAPTER 3 COMMISSION AND THEIR POWERS

4. Commission and their powers :-

(1) The Government may, by notification from time to time, appoint a Chief Commissioner of Land Administration and such number of other Commissioners as it may deem fit who shall exercise such powers as are vested in them by this Code and the rules made thereunder or any other law for the time being in force.

(2) The Government may, by notification also authorise any such Commissioner to exercise throughout the State or within such area as may be specified therein, any of the powers vested in any other authority under the control of the Government under any law for the time being in force and may, in like manner, withdraw such authorisation.

CHAPTER 4 DISTRICT OFFICERS AND THEIR POWERS

5. Collectors and Special Collectors :-

(1) The Government shall appoint, for each District, a Collector, who shall be subordinate to the Chief Commissioner of Land Administration and shall, within his district exercise such powers as

are conferred and discharge such duties as are imposed on him by or under this Code and the rules made thereunder or any other law for the time being in force, and exercise such other powers and discharge such other duties as the Government may by notification specify.

(2) The Collector may publish or cause to be published in the District Gazette such notifications as may be prescribed by any other law for the time being in force or authorised by the Government, as the case may be.

(3) The Government may, if it considers necessary so to do appoint a Special Collector for any District for land acquisition for projects and invest him with such powers of the Collector as it deems fit.

6. Joint Collectors :-

The Government may, if it considers necessary so to do, appoint a Joint Collector for and district and invest him with such powers of the Collector as it deems fit.

7. Delegation of powers of Collector :-

(1) Notwithstanding anything to the contrary in any law for the time being in force, the Government may, by notification, from time to time, authorise any Joint Collector or any other officer of the Government not below the rank of a Deputy Collector to exercise such of the powers of the Collector, vested in him by or under this Code and the rules made thereunder or any other law for the time being in force, as may be specified therein, and may, in a like manner withdraw such authorisation:

Provided that such authorisation shall not preclude the Collector, in respect of any such matter, to exercise the power delegated to the Joint Collector or other officer thereunder, on which to the extent of such matter the authorisation shall be of no effect.

(2) The authorisation to the Joint Collector or any other officer to

exercise such powers of the Collector as are specified therein as on the commencement of this Code shall, be deemed to have been given under sub-section (1).

8. Appeal and revision against orders of Joint Collector or other officer :-

An appeal or revision against any, order of the Joint Collector or other officer, made in exercise of the power delegated to him under Section 7, shall like to such authority or officer as if it were an order of the Collector.

9. Notification to be laid before the Legislature :-

Every notification issued under Section 7 shall be laid, as soon as may be, after it is issued, before the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following the House agrees in making any modification in the notification or agrees that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of not effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

10. Additional Charge during the absence of the Collector :-

Where the Office of the Collector of a District vacant for any reason the Joint Collector or if no Joint Collector is appointed for such next senior most officer incharge of Revenue Administration on duty, in such district, or such other officer as the Government may, by order, specify, shall hold additional charge of the office of such Collector and exercise his powers and perform his functions till time: Collector resumes, or his successor assumes charge of the office.

11. Sub-Collectors :-

The Government may appoint for each Revenue division a Sub-Collector, who shall be subordinate to the Collector and shall within such Revenue division exercise such powers and discharge such duties as are imposed by or under this Code and the rules made

thereunder or any other law for the time being in force and, such other powers and duties as may be conferred or imposed by the Government or by the Collector from time to time, by a general or special order.

12. Deputy Collectors and their powers and functions :-

The Government may appoint, in any district, one or more Deputy Collectors, who shall be subordinate to the Collector and shall exercise such powers and discharge such duties within such local areas as the Government may, by notification, specify and such other powers and duties as the Collector may direct from time to time.

13. Mandal Revenue Officers, their powers and functions :-

(1) The Government or such authority as the Government may from time to time authorise, by notification, appoint a Mandal Revenue Officer for each Mandal, who shall be subordinate to the Collector of the district and Sub-Collector of the Revenue division and shall, within the Mandal, exercise such powers as are vested in him and discharge such duties as are imposed on him by or under this Code and the rules made there under or any other law for the time being in force, and such other powers and duties as may be conferred or imposed by the Government or by a general or special order of the Collector or the Sub-Collector from time to time.

(2) The Collector may, if he considers expedient so to do, by a general or special order confer upon a member of establishment of a Mandal Revenue Office next in rank and seniority to the Mandal Revenue Officer, any of the powers of a Mandal Revenue Officer under this Code and the rules made there under, or any other law for time being in force.

CHAPTER 5 ESTABLISHMENT

14. Members of establishment :-

(1) All appointments to the posts in the offices of the Chief Commissioner of Land Administration, Commissioners, Collectors, Special Collector, Sub-Collector, Deputy Collector, Mandal Revenue

Officer and other authorities shall be made in accordance with the relevant recruitment rules for the time being in force and the persons so appointed shall discharge such duties as are assigned to them.

(2) The Government for the better administration of the villages, may provide by rules for appointment of Village Administrative Officers and their subordinates, their conditions or service, duties, and responsibilities as they deem fit.

PART 4 SURVEY OF LANDS AND DETERMINATION OF THEIR BOUNDARIES

CHAPTER 6 DIRECTOR OF SURVEY AND LAND RECORDS AND SURVEY OFFICERS

15. Director of Survey and Land Records :-

(1) The Government may, by notification, appoint a Director of Survey and Survey and Land Records who shall be Head of the Department subject to the supervision, control and direction of the Chief Commissioner of Land Administration and he shall be Ex-officio Secretary to the Chief Commissioner of Land Administration.

(2) The Government may also appoint a Joint Director and such number of Deputy Directors, Assistant Directors and other officers as it deems fit.

(3) The Officers appointed under sub-section (1) or sub-section (2) shall exercise the powers conferred and perform the duties imposed on them by or under this Code and the rules made thereunder or any other law or the time being in force and such other powers and duties as may be conferred or imposed by the Government from time to time.

16. Survey Officers :-

(1) The Government may, by notification, appoint any person either by name or by virtue of his office to be a Survey Officer for all or any of the purposes of this part who shall exercise such powers and perform such duties of a Survey Officer within such local limits and for such periods of time as the Government may specify therein.

(2) The Government may, by notification, delegate its powers under sub-section (1) to such officer, as it deems fit.

CHAPTER 7 THE SURVEY OF LANDS

17. Survey of any land or any boundary thereof :-

(1) The Government, or subject to the control of the Government, any authority or officer to whom such power is delegated by it may, by notification, order survey of any land or of any boundary thereof.

(2) Without prejudice to the generality of sub-section (1) the Government or subject to the control of the Government, any authority or officer to whom such power is delegated by it, wherever consider necessary, may, by notification, order survey of any town or urban area, as the Government may deem fit.

18. Publication of notification by Survey Officer :-

(1) When any survey is ordered under Section 17, the Survey Officer shall publish a notification in the prescribed manner, inviting all persons having any interest in the land or boundaries, the survey of which has been ordered, to attend either in person or by agent at a specified place and time and from time to time thereafter, when called upon, for the purpose of pointing out the boundaries and supplying information in connection therewith.

(2) A notification published under sub-section (1) shall be a valid notice to every person having any interest in the land or in the

boundaries the survey of which has been ordered.

19. Manner of Survey :-

The Survey shall be carried out in the manner prescribed.

20. Determination and apportionment of the cost :-

The cost, if any, of the labour employed and of the survey marks used in any survey ordered under Section 17 shall be determined and appointed in the prescribed manner among the persons who have any interest in the land or in the boundaries, the survey of which has been ordered, notice of which shall be given to such persons in the prescribed manner and such cost shall be recoverable from them as an arrear of land Revenue.

21. Power of Survey Officer to determine and record an undisputed boundary and intimation to the owners thereof :-

(1) The Survey Officer shall have power to determine and record as undisputed any boundary in respect of which no dispute is brought to his notice.

(2) The intimation of every decision of the Survey Officer under sub-section (1) shall be given, in the prescribed manner, to the owners of lands, the boundaries of which may be affected by such decision.

22. Power of Survey Officer to determine and record a disputed boundary :-

Where a boundary is disputed, the Survey Officer shall issue a notice to the parties to the dispute and other persons, whom he has reason to believe to be interested in such boundary and require them to make their written representations, if any, in regard therein within the period specified therein, receive such representations, if any as may be made within such period, make such further enquiry as he considers necessary and give an opportunity of hearing to them in regard to the representations, if

any, received and further enquiry made and shall, thereafter decide the dispute with reasons therefore and record it, notice of which shall be given to the parties to the dispute and such other persons in the manner prescribed.

23. Modification of the record prepared under Section 21 or 22 consequent upon the decision of the appellate authority :-

Where an appeal is filed against a decision of the Survey Officer made under Section 21 or 22 the record prepared thereunder shall, if necessary be modified in accordance with the decision of the appellate authority.

Explanation The decision of the Survey Officer made under Section 21 or 22 or of the appellate authority shall not affect the title of any person to any land, any boundary of which has been determined thereunder and shall not interrupt adverse possession, if any, of any person thereon.

24. Notification of completion of demarcation :-

When the survey of any land or boundary or town or urban area which was ordered under Section 117 is completed in accordance with the order passed under Section 21 or 22 or the order of the appellate authority under Section 23, the Survey Officer shall notify the fact in the District Gazette and a copy of such notification shall be displayed in the concerned panchayat office and, unless the survey so ordered is modified by a decree of civil court under Section 25, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

25. Right of suit against determination of boundary under Section 21 or 22 or on appeal :-

Any person aggrieved by the determination of any boundary under Section 21 or 22 or on appeal may subject to the other provisions of the Indian Limitation Act 1963 (Central Act 36 of 1963) institute a suit, with all persons whom he has reason to believe to be interested in such boundary as parties thereto, within three years from the date of notification under Section 24, to set aside or modify the said determination and the survey and the record shall, if the decree passed in such suit so necessitate, be altered in

accordance therewith.

26. Responsibility of the owners for the maintenance, renewal and repair of survey marks :-

(1) Every owner of a land shall maintain, renew and repair the survey marks on or within the boundaries of his land and, in default thereof, the Survey Officer may, after serving on him a notice calling upon him to maintain renew or repair any such survey marks within the period specified therein, which shall not be less than 15 days from the date of the service of such notice on him and on his failure to comply with such notice renew, or repair such survey marks, apportion the cost thereof, which may include the cost of all operations incidental to such maintenance, renewal or repair but not any charges on account of Survey Officers and supervising establishment, among the persons who have any interest in such land or in the boundaries having such survey marks and recover the same as an arrear of land revenue.

(2) If the notice under sub-section (1) can not be served personally on the owner, a copy of the same shall be served also on the occupier or other persons interested in the said land.

27. Demarcation etc., on application :-

The Survey Officer, may, on the application of the owner, Pattadar, or occupier of a land and on deposit of the requisite charges therefor by him, demarcate his entire land or sub-division thereof, and determine its boundaries and shall, on his application and at his cost, furnish a copy of such demarcation to him.

28. Division of land on application :-

The Survey Officer, may, on the application of all co-owners or Joint Pattadars, or joint occupiers of a land, divide such land at their cost, determine, the boundaries of such sub-divisions and record them with separate sub-division numbers and furnish a copy of such demarcations to them at their cost.

29. Power of Survey Officer to enter upon any land :-

For the purpose of any survey, inquiry or other proceedings under this part the Survey Officer or any of the subordinate of such Officer shall have power to enter upon and examine and measure any land under survey and to clear by cutting down or removing any trees or jungle fences, standing crops or other material obstructions on the boundaries or other lines, the clearance of which may be necessary for the purposes of the survey.

30. Recovery of survey expenses :-

(1) Where a person interested in a land under survey incurs any expenses or any expenses are recovered from him under this part in respect of such survey he shall, if he be not the owner of such land, acquire a charge on such land to the extent of the expenses so incurred by or recovered from him with interest thereon at such rate as may be prescribed.

(2) Where the lessee of such land pays such expenses, he may deduct the same with interest at the prescribed rate from any rent due by him in respect thereof.

(3) Where a person who pays such expenses or from whom such expenses are recovered is a co-owner of such land, he shall acquire a charge upon such land only to the extent of the said expenses as relate to the share of other co-owners thereof with interest at the prescribed rate.

PART 5 IRRIGATION AND DRAINAGE WORKS AND WATER COURSES

CHAPTER 8 IRRIGATION OFFICERS

31. Applicability of the provisions of this part :-

The provisions of this part shall apply subject to the provisions of the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997.

32. Irrigation Officers :-

The Government may, by notification from time to time, appoint

irrigation Officers for the purpose of this part and fix the local limits of Jurisdiction of each Irrigation Officer.

33. Delegation of Powers :-

The Government may, by notification from time to time, authorise any officer to exercise any of the powers vested in it under this part, except the power to make rules, but subject to such restrictions and conditions as it may specify therein.

CHAPTER 9 RIGHTS OF THE GOVERNMENT

34. Government to be the owner of all irrigation and drainage works :-

(1) All irrigation and drainage works in the State, except those transferred to the Andhra Pradesh Water Irrigation Resources Development Corporation under Section 15 of the Andhra Pradesh Water Resources Development Corporation Act, 1997 shall vest, and shall be deemed to have always been vested with the Government.

(2) Provided that the Collectors may permit any person to construct or maintain any private irrigator work, other than a well, or a drainage work.

35. Construction of new irrigation and drainage works :-

Whenever it appears expedient the Government may, plan, investigate, design, and construct new irrigation and drainage works in the State other than in the area of the Andhra Pradesh Water Resources Development Corporation and may for such construction acquire any land under the Land Acquisition Act, 1894 which shall be deemed to be for a public purpose within the meaning of the said Act.

36. Powers of Government :-

The Government shall in respect of irrigation and drainage works vested Government with them have the power.

(a) to control and regulate the collections, retention and

distribution to waters of irrigation works for the purpose of irrigation or drainage, as the case may be;

(b) to maintain and repair all irrigation and drainage works;

(c) to alter, improve or extend any irrigation or drainage work;

(d) to change the distributories of water supply;

(e) to raise the full tank level of any tank or to take any other measure for increasing its capacity or efficiency.

(f) to close down, temporarily or permanently, any irrigation or drainage work; and

(g) to do such other things as may be prescribed.

37. Power of Irrigation Officer to enter, upon any land or building :-

The Irrigation Officer or any Officer subordinate to him may, for the purpose of protection, regulation, construction, maintenance, repair, alteration, extension or improvement of any irrigation or drainage work under the control of the Government, or regulation of use of water, or measurement of the land irrigated thereby, or for such other purpose, enter upon any land or building adjacent to, or in the neighborhood of, such irrigation or drainage work, or upon land through which an irrigation or drainage work is proposed to be made and, if, for the said purpose, he considers it necessary so to do, may construct, execute or do any work on such land or property;

Provided that except in an emergency, before entering upon such land or building he shall give to the person likely to be affected thereby a reasonable notice of his intention to do so and in any event an adequate opportunity for the person in the premises to withdraw.

38. Maintenance of means of crossing canals :-

The Government shall, at its cost, provide and maintain suitable of crossing means of crossing canals and channels at such places as it thinks necessary for the reasonable convenience of the owners of adjacent lands and the public.

CHAPTER 10 DETERMINATION AND LOCALISATION OF AYACUTS

39. Determination of ayacut :-

The Government shall on the basis of contiguity, gravity, past use and such other factors as may be prescribed, determine from time to time the command area of each irrigation work in the State, other than those in the area of operation of the Andhra Pradesh Water Resources Development Corporation.

40. Specification of principles of localisation :-

(1) Subject to such rules as may be made in this behalf the Government may having regard to resources of land and water, nature of soil, climate and other technical considerations by an order, specify for each ayacut principles of localisation for the purpose of irrigation.

(2) The Government may, having regard to the advancement in technology of land and water management and other agronomic practices alter from time to time, by an order, the principles of localisation so specified for any command area.

Explanation The term principles of localisation shall include the prescription of season of irrigation, the type of irrigation, such as wet, irrigated dry, double crop, or single crop, or perennial irrigation.

41. Classification of lands for raising different crops according to availability of water :-

Subject to such directions as the Government may, from time to time, issue the Collector may, in any year, having regard to the

quantity of water available in any irrigation system within his Jurisdiction, classify, by an order, within such time and in such manner as may be prescribed, lands under the said irrigation system for the purpose of raising such kind of crops on each class of land as may be specified in the order, and regulate the supply of water for irrigation accordingly.

42. Power to prohibit growing of certain kinds of crops and to regulate the period of sowing and duration of crops :-

(1) Whenever the Government is satisfied that for the better cultivation of land and the optimum utilisation of water resources of an irrigation system or for accelerated land development or for any other reasons, it is expedient in public interest to regulate the cropping pattern, the period of sowing and the duration of crop, it may, by notification, make a declaration to that effect:

Provided that any person may grow any crop other than the crop prohibited under this section with the utilisation of water from his own source subject to such conditions and restrictions as may be prescribed.

(2) On the making of a declaration under sub-section (1) the Director of Agriculture may specify by notification published in such manner as may be prescribed, the kinds of crops that shall not be grown on any land under such irrigation system and the periods of sowing and duration in respect of non-prohibited crops thereof.

(3) On the publication of a notification under sub-section (2), no person shall grow any such crop as is prohibited by the notification on any land under such irrigation system and no person shall sow or plant any other crop in any period or allow such crop to remain beyond the duration specified in respect thereof in such notification.

CHAPTER 11 WATER SUPPLY TO LANDS

43. Supply of water to lands in the ayacut :-

Lands in the ayacut of every irrigation work shall be entitled to supply of water from such irrigation work for such crops; and during such periods of time as are determined under Chapter X.

Provided that where the water available is insufficient for supply to all the lands in the ayacut due to reasons beyond the control of the Government the Irrigation Officer may, supply the waters to such lands by rotation, by giving priority to the wet lands over the other kinds of lands, so as to serve the needs of the largest number of cultivators in the ayacut;

Provided further that where water tax is levied for supply of water to the lands in the ayacut of an irrigation work under this Code or any other law for the time being in force the owners or cultivators of such lands shall be entitled to such supply only on payment of such water tax within the time specified there under.

44. Person whose land is not included in the ayacut, not entitled to water :-

No person whose land is not included in the ayacut of an irrigation work is entitled to use the water with out the written permission of the Collector or such other Officer as may be authorised by him in this behalf, if the irrigation work irrigates the lands only in the districts where it is located or the Chief Commissioner of Land Administration if it irrigates the lands in more than one district.

45. Power to stop supply of water :-

The supply of water to any land, which is entitled to such supply, shall not be stopped except

(a) whenever and so long as it is necessary to stop such supply for the purpose of executing or repairing any work ordered by the Government or other competent authority;

(b) whenever and so long as any water: course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom;

(c) whenever and so long as it is necessary to supply in rotation in order to meet the legitimate demands of other lands subject to the

prior rights to water of wet lands;

(d) whenever and so long as it may be necessary to do so in order to prevent wastage or misuse of water;--

(e) Within the periods fixed from time to time by Irrigation Officer for the customary stoppage or diminution of water of which due notice is given;

(f) whenever and so long as it is necessary to stop such supply pending a change in the course thereof by an Irrigation Officer.

(g) for such other connected or incidental reasons as may be specified.

CHAPTER 12 WATER COURSES

46. Power of Irrigation Officer to construct water course :-

(1) Whenever, suo motu or on the application of an ayacutdar, an Irrigation Officer considers that the construction of a water course is expedient or necessary, he shall ascertain the most suitable alignment for such water course and cause the land which, in his opinion, is necessary for the construction thereof to be marked out on the ground.

(2) He shall, thereupon, publish a notice, in the prescribed manner, in every village through which the water course is proposed to be taken, specifying the extent of land which lies in such village and which has been marked out under sub-section (1), with copies thereof to every person known or believed to be the owner of the land through which the water course is proposed to be taken and to the Collector for publication in the Andhra Pradesh Gazette, requiring;

(a) every owner who wishes to receive supply of water to his land

through the water course or to make use of the water course for drainage purposes to make an application in that behalf to the Irrigation Officer within thirty days of publication of notice;

(b) every person likely to be affected by the construction of the water course or interested in the land on which water course is proposed to be constructed to submit his petition to the Irrigation Officer stating his objections to the proposed construction within sixty days of publication of notice.

(3) The Irrigation Officer, where, he is not the Sub-Collector shall as soon as may be after the expiry of the period specified in the notice, make a report to the Sub-Collector regarding the proposed water course together with a plan showing the alignment thereof and objections if any, received by him.

47. Enquiry into objections and publications :-

(1) The Sub-Collector shall after giving notice and an opportunity of hearing to every person known or believed to be the beneficiary of the water course and the owners of the land through which the water course is proposed to be taken; pass such orders in respect of the proposed construction as he may deem fit and the order so passed shall be published in the Andhra Pradesh Gazette.

(2) The order passed under sub-section (1), if it directs construction of a watercourse, shall contain the following particulars, namely:

(i) the District, Mandal, Village and the survey number and description of the land on which the water course is proposed to be constructed:

(ii) the approximate area of such land;

(iii) where the plan of the land is made: the place where such plan

may be inspected.

(3) Where an appeal is filed against the order of the Sub-Collector passed under sub-section (1) the order passed by the appellate officer in such appeal shall be published in the Andhra Pradesh Gazette.

(4) The order of the appellate officer, passed in such appeal and where no appeal is filed, the order of the Sub-Collector under sub-section (1) shall, on publication in the Andhra Pradesh Gazette, be final.

48. Acquisition of land :-

(1) Where the land needed for the purpose of construction of the water course is not provided by the persons to be benefited by the water course, the Sub-Collector, may acquire the land under the Land Acquisition Act, 1894 and the said purpose shall be deemed to be a public purpose within the meaning of the said Act (Central Act 1 of 1894).

(2) Notwithstanding anything to the contrary in the Land Acquisition Act, 1894, the Sub-Collector may, with the written consent of the owner thereof, take possession of the land immediately in respect of which proceeding for acquisition has been initiated.

49. Acquisition of land with the consent of the beneficiaries

:-

Where all the owners of lands to be benefited by any water course give their consent in writing to the Sub-Collector for the acquisition of any land needed for the construction of water course,, at their cost, he may, thereupon, acquire the needed land for the said purpose under the Land Acquisition Act, 1894 and the said purpose shall be deemed to be a public purpose within the meaning of the said Act.

50. Construction of water course :-

After the land needed for construction of a water course is secured, the Irrigation Officer may permit beneficiaries of the water course to construct it or, in default, may himself construct it, and in the latter case recover in such installments as may be prescribed, the cost of such construction from the owners of the lands entitled to the use of the water course in proportion to their respective extents.

51. The cost of construction of water course :-

(1) The cost of construction of watercourse shall include the following namely

(i) the cost of acquiring the land for the purpose;

(ii) the cost of construction of the water course, where such construction is made by the Irrigation Officer under Section 50.

(iii) the cost of the works, if any, to be constructed for the passage across the water course, of water or drainage which the water course may intercept and for providing suitable means of communication across it, wherever necessary;

(iv) such other cost as may be prescribed.

(2) The cost referred to in sub-section (1) shall be apportioned among all the owners of the lands entitled to the use of the water course in proportion to their respective extents.

CHAPTER 13 AWARD OF COMPENSATION

52. Compensation for loss or damage :-

Compensation shall be awarded to every person who suffers any loss or damage due to the raising of level of any tank or taking of

any other measure for increasing its capacity or exercise of power under Section 37 or stoppage or diminution in the supply of water to his land except in the circumstances set out in the first proviso to Section 43 or in any of the clauses of Section 45.

53. Claims for compensation :-

All claims for compensation for any loss or damage awardable under Section 52 shall be preferred to the Sub-Collector having jurisdiction over the local area, in which the land is situate.

54. Determination of compensation :-

The Sub-Collector shall enquire into the claims preferred under Section 53 and after giving an opportunity of hearing to the claimants, determine the amount of compensation, if any, to be awarded to them.

55. Finality of the order :-

Where an appeal is filed against order of the Sub-Collector passed the order under Section 54 the order passed by the appellate officer and where no appeal is filed the order of the Sub-Collector shall be final.

CHAPTER 14 REQUISITION OF LABOUR AND MATERIAL IN EMERGENCY

56. Requisition of labour and material in emergency :-

(1) Whenever it appears to the Irrigation Officer that unless some work or repair is immediately executed in respect of an irrigation or drainage work, serious damage is likely to occur to such work and that the persons or the material necessary for the proper execution of such work or repair can not immediately, be obtained in the ordinary manner, he may, requisition in writing, the services of such number of able bodied male persons of the locality, village or town and such material from such persons in the locality, village or town as may be necessary therefor and, on such requisition, such able-bodied male persons shall be bound to provide their personal labour for such period as may be necessary and such persons shall be bound to make available such material, provided it is in their possession, for proper execution of such work or repair.

(2) The Irrigation Officer shall, as soon as may be after the execution of such work or repair, pay for the labour provided during day time, at the highest rate prevalent in the locality, village or town and for the labour, if any, provided during the night, at double such rate and for the material the market price thereof at the time of requisition.

(3) Where execution of such work or repair causes any damage to the land or building adjacent to or in the neighbourhood of the place of work, the irrigation Officer shall pay to the owner of such land or building compensation for the loss sustained with interest at such rate as may be prescribed.

CHAPTER 15 TRANSFER OF IRRIGATION OR DRAINAGE WORKS

57. Transfer of irrigation or drainage works :-

The Government may, if it thinks necessary so to do, by notification, transfer any of the irrigation or drainage works from one department of the Government to any other department or to any other agency.

CHAPTER 16 OFFENCES AND PENALTIES

58. Certain offences and penalties therefor :-

(1) Whoever, unlawfully, any of the following acts:

(a) damages, alters, enlarges obstructs any work;

(b) interferes with, materially increases or diminishes the supply of water to or in, or the flow of water from, through, over or under, any work or does any act which renders such work less useful, for the purpose for which it was constructed;

(c) interferes with or alters the flow of water in any river or stream so as to endanger, damage or render less useful any work;

(d) constructs, removes or alters any channel, dam, weir, embankment, sluice or other work in contravention of the provisions of this part;

(e) corrupts or fouls the water of any work so as to render it less fit for the purpose of irrigation;

(f) destroys, injures, defaces or removes any land mark, level mark, water gauge or other apparatus fixed by the authority of a public servant;

(g) removes or injures any tree, bush, grass or other vegetation intended for the protection or any work after a prohibitory order has been issued by the Sub-Collector in that behalf and proclaimed as prescribed;

(h) damages, injures or obstructs any water course or enlarges or alters it or interfere with the flow of water therein without the sanction in writing of the Irrigation Officer;

(i) does not comply with the requisition made under sub-section (1) of Section 56 without a lawful excuse, the burden of proof of which shall be on such person;

shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

59. Person convicted may be required to make good the deficiency :-

(1) Whenever any person is convicted of an offence under Section 58, or of the Offence of mischief under the Indian Penal Code in relation to any work, the court which convicts him may order the

offender to remove the construction or obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or other apparatus in respect of which conviction is recorded, within such time as may be specified therein (Central Act 45 of 1860).

(2) Where such person fails to comply with the order made under sub-section (1) within the time specified therefor, the Irrigation Officer may carry out the work in accordance with such order and recover the expenses incurred therefor as an arrear of land revenue.

PART 6 ENCROACHMENT ON GOVERNMENT LANDS

CHAPTER 17 DECLARATION OF GOVERNMENT RIGHTS IN LAND

60. Right of Government to lands and other property :-

(1) Except as may otherwise be provided by any law for the time being in force, all public roads, streets, lanes and paths, the bridges, ditches, dikes and fences on or besides the same, the beds of the sea and of harbours and creeks below high water mark, and of rivers, streams, nalas, lakes and tanks, and all canals and water courses, and all standing and flowing water, mines, quarries, minerals, forests reserved or not, and all sub-soil rights, all trees and all lands, wherever situated, save in so far as they are the properties of any persons, be and are hereby declared to be the property of the Government, subject always to all rights of way and other public rights, to the natural and easement rights of other land owners and to all customary rights legally subsisting.

(2) All public roads and streets and other lands vested in any local authority shall, for the purpose of this Code be deemed to be the property of the Government.

Explanation In this section high water mark means the highest point reached by ordinary spring tides at any season of the year.

CHAPTER 18 UNLAWFUL OCCUPATION OF GOVERNMENT LAND

61. Levy of assessment on unlawful occupation of Government lands :-

(1) Where any person is found to be in unauthorised occupation of any Government land, the concerned Mandal Revenue Officer, may, by order,

(a) evict such person from such land;

(b) forfeiture of any crop or other produce raised thereon;

(c) remove any building, structure or other construction erected thereon or anything deposited thereon;

Explanation For the purpose of this sub-section a lessee or any other person remaining in possession of any Government land which was leased to such lessee, after the termination, or expiry of the period, of such lease, or a grantee or any other person remaining in possession of any Government land which was granted to such grantee after an order for the resumption of such land, for breach of any conditions of such grant, has been passed, shall also be deemed to be a person unauthorisedly occupying such land.

(2) In addition to or in lieu of the action in sub-section (1), the Mandal Revenue Officer may impose,

(a) if the land so occupied forms an assessed survey number or part thereof, the full assessment of such number for the whole period of this occupation or a part thereof proportionate to the area occupied, as the case may be;

(b) if the land so occupied be unassessed, an assessment on the area occupied calculated for the same period at the rate imposed on lands of a similar quality in the neighbourhood, or at the highest dry or wet rate of the village; as the case may be, or when no such rates exist in such manner as may be prescribed;

Provided that payment of assessment under this sub-section shall not confer any right of occupancy.

Explanation For the purpose of this sub-section occupation for an incomplete portion of a fasli may be deemed to be occupation for a whole fasli.

(3) In the case of any class of land which is ordinarily granted on lease or licence, the Government may levy, in addition to the assessment imposed under sub-section (2), a further sum equivalent to, the annual rent or fee which would normally be realisable thereon.

(4) Any person liable to pay assessment under sub-section (2), shall also be liable at the discretion of the Sub-Collector or subject to his control, the Mandal Revenue Officer to pay by way of penalty, whether the land be assessed or unassessed, a sum not exceeding ten times the amount of assessment payable for one year under sub-section (2).

Provided that no penalty shall ordinarily be imposed in respect of the unauthorised occupation of such land for any period not exceeding one year.

(5) The amount of assessment, rent, fee and penalty imposed under this section on any person unauthorisedly occupying any land shall be deemed to be the land revenue and may be recovered from him as arrears of land revenue.

(6) Before initiating any proceedings under sub-sections (1) to (4), the Mandal Revenue Officer shall cause to be served in such manner as may be prescribed, on the person in, or reputed to be in unauthorised occupation of such land, a notice setting forth the particulars of such land and calling upon him to show cause, within the period specified therein, as to why action should not be taken against him under the said sub-sections and in addition thereto, in

an appropriate case, may cause a similar notice affixed or displayed on the encroached land and if, in response to such notice such person shows cause within the period specified therein, the Mandal Revenue Officer shall consider such cause, give him an opportunity of being heard and pass on appropriate order thereon.

(7) Where a question arises as to whether such land is the property of the Government, it shall be presumed to be so until the contrary is proved.

(8) Where the order passed under sub-section (1) directs removal of any building or other construction or deposit of any other thing from such land within the period specified therein and such person does not remove the same within such period, the Mandal Revenue Officer may order forfeiture of the same.

(9) The Mandal Revenue Officer shall, by a notice served on him, in such manner as may be prescribed, require such person to vacate the land, surrender the forfeited crop or other produce, if any, and pay or deposit the amount in accordance with the order passed under sub-sections (1) to (4) and, if any building or other construction or other deposit thereon is forfeited under sub-section (8), to surrender the same within such period as may be specified therein and, if such person commits default therein, he may cause such person to be removed from such land, if necessary, with the assistance of Police and other departments of the Government and Public Sector Undertakings, and possession thereof to be taken together with the property so forfeited and may recover the said amount and, in case the forfeited property is unauthorisedly removed by such person, the value thereof as an arrear of land revenue.

(10) The Mandal Revenue Officer may dispose of the forfeited property, if any, in such manner as may be prescribed.

(11) Where any person other than the person against whom an order is passed under sub-section (1) obstructs the taking of possession, the Mandal Revenue Officer shall consider the grounds

of obstruction and pass necessary orders, before executing the orders passed under sub-section (1).

(12) Whoever disobeys an order passed by the Mandal Revenue Officer under sub-section (1) or obstructs the execution of such order even after an order for removal of such obstruction is passed under sub-section (11), shall also be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which may extend to five thousand rupees.

62. Encroachment by group of persons on Government lands :-

(1) Where the Sub-Collector knows or has reason to believe that a group or groups of persons without any entitlement and with the common object of occupying any land, which is the property of the Government, are occupying or have occupied any such land, he shall demand them to vacate such land and, in default thereof, notwithstanding anything to the contrary in this part, shall order, without any notice, their immediate vacation therefrom and taking possession of the said land, on which any officer authorized by the Sub-Collector shall evict the encroaches from the said land by force, if necessary with the assistance of the police, other departments of the Government and Public Sector undertakings and take possession of such land and recover damages, if any, sustained by the Government.

(2) Where, in a proceedings under this section or in consequence of anything done thereunder, a question arises as to whether any land is the property of the Government, such land shall be presumed to be the property of the Government, until the contrary is proved.

63. Saving of other laws :-

Nothing in this part shall be construed as exempting any person in unauthorised occupation of any land, which is the property of the Government, from being proceeded against under any other law for

the time being in force.

64. Bar of jurisdiction of civil courts :-

The order of the Mandal Revenue Officer or the Sub-Collector and, in the event of an appeal, the appellate order as the case may be, under this part shall be final and, unless it decides the title of any person to the land, such order or any action or proceedings taken in pursuance thereof shall not be called in question before a civil court in any suit.

PART 7 PROHIBITION OF LAND GRABBING

CHAPTER 19 PROHIBITION OF LAND GRABBING AND DETERMINATION OF CIVIL AND CRIMINAL LIABILITY

65. Applicability :-

This part applies to all land situated within the limits of an urban agglomeration as defined in clause (n) of Section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 (Central Act 33 of 1976) to the lands situated within the limits of all Municipal Corporations, municipalities and to any other lands situated in such areas as the Government may, by notification, specify having due regard to;

(a) the urbanisable nature of the land; or

(b) the usefulness or potential usefulness of such land for commercial, industrial, pisciculture or prawn culture purposes.

66. Land grabbing to be unlawful and punishable :-

(1) Land grabbing in any form is hereby declared unlawful.

(2) Any activity connected with or arising out of land grabbing shall be an offence punishable under this part.

67. Prohibition of land grabbing :-

(1) No person shall commit or cause to be committed land

grabbing.

(2) Any person who, occupies, otherwise than as a lawful tenant, a grabbed land belonging to the Government, local authority, religious or charitable institution or endowment including a wakf, or any body or authority as may be notified by the Government, or a private person commits an offence under this part.

(3) Whoever contravenes the provisions of sub-section (1) or commits an offence under sub-section (2) shall, on conviction, be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to five years, and with fine which may extend to five thousand rupees.

68. Penalty for other offences in connection with land grabbing :-

Whoever, with a view to grabbing land or in connection with land grabbing,--

(a) sells or allots, or offers, or advertises for sale or allotment, or has in his possession for the purpose of sale or allotment any grabbed land; or

(b) instigates or incites any person to commit land grabbing; or

(c) uses, or causes or permits knowingly to be used, any grabbed land for purposes connected with sale or allotment; or

(d) causes or procures or attempts to procure any person to do any of the above mentioned acts, Shall on conviction, be punished with imprisonment, of either description, for a term which shall not be less than six months but which may extend to five years and with fine which may extend to five thousand rupees.

69. Offences by companies :-

(1) Where the person committing an offence under this part is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of commission of the offence shall be guilty of the offence and shall be liable to be punished therefor.

Provided that nothing in this sub-section shall render any such person liable for any punishment if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent its commission.

(2) Notwithstanding anything in sub-section (1), where any offence under this part is committed by a company with the consent or connivance of or the commission of the offence is due to the neglect on the part of any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be guilty of such offence and shall be liable to be punished therefor.

Explanation For the purpose of this section,--

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

70. Constitution of a Special Court :-

(1) The Government may, for the purpose of providing speedy enquiry into any alleged act of land grabbing, or attempt of land grabbing and trial of cases in respect of the ownership and title to, or lawful possession of, the land grabbed or attempted to be grabbed, by notification, constitute a Special Court.

(2) The Special Court shall consist of a Chairman and four other members to be appointed by the Government.

(3) The Chairman shall be a person who is or has been a Judge of a High Court and of the other four members, two shall be persons who are or have been District Judges, hereinafter referred to as Judicial members and the other two shall be persons who hold or have held a post not below the rank of a Collector, hereinafter referred to as Revenue members:

Provided that the appointment of a person who has been a Judge of a High Court as the Chairman of the Special Court shall be made after consultation with the Chief Justice of the concerned high court;

Provided further that where a sitting Judge of a High Court is to be appointed as such Chairman, such appointment shall be made after nomination by the Chief Justice of the concerned High Court, with the concurrence of the Chief Justice of India.

(4) The Government may, from time to time, likewise reconstitute the Special Court or may, at any time, abolish such Special Court.

(5) Subject to the other provisions of this part,

(i) The Chairman shall hold office as such for a term of three years from the date on which he enters upon his office, or until the Special Court is reconstituted or abolished under sub-section (4), whichever is earlier; and

(ii) the other members shall hold office as such for a term of three years from the date on which they enter upon such office, or until the Special Court is reconstituted or abolished under sub-section (4), whichever is earlier.

(6) (a) Subject to the other provisions of this part the jurisdiction, powers and authority of the Special Court may be exercised by the benches thereof, one comprising the Chairman, a Judicial member

and a Revenue members and the other comprising a Judicial member and a Revenue member.

(b) Where the bench comprises the Chairman, he shall be the presiding Officer of such a Bench and where the bench comprises a judicial members and a Revenue member, the Judicial member shall be the presiding officer of such bench.

(c) The Chairman may, in the interests of justice withdraw any case pending before the bench comprising of two members and dispose of the same, or transfer any case from Bench to another Bench.

(d) Where the trial of civil liability of a person accused of an offence under this part is likely to take considerable time, the Chairman may, in the interest of speedy disposal of the case, entrust the trial of the criminal liability of such person to another bench.

(e) Where a case under this part is heard by a bench comprising two members, who are divided in opinion, the case with their opinions shall be laid before the chairman or another Judicial member and the Chairman or such other Judicial member, as the case may be, shall after such hearing as he thinks fit, deliver his opinion and the decision of the bench shall follow such opinion.

(7) The quorum to constitute any bench of the Special Court shall be two, namely Chairman and a Revenue member or a Judicial members and a Revenue member.

(8) The Special Court may, by notification, make regulations not inconsistent with the provisions of this part or the rules made thereunder relating to the procedure to be followed for the conduct of the cases and for regulating the manner of taking decisions.

(9) The Special Court may cause a public notice of the substance of such regulations to be given for the information of the general public.

(10) Every regulation made under sub-section (8) shall, immediately after it is made, be laid before the Legislative Assembly of the State if it is in session, and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modifications in the regulation or in the annulment of the regulation, the regulation shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

(11) (i) Notwithstanding anything in the Code of Civil Procedure, 1908 (Central Act V of 1908) but subject to the other provisions of this part and any rules made thereunder, the Special Court may, while deciding the civil liability, follow its own procedure which shall not be inconsistent with the principles of natural Justice and fair play.

(ii) Notwithstanding anything contained in Section 260 or Section 262 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). Every offence punishable under this part shall be tried in a summary way and the provisions of Sections 263 to 265 (both inclusive) of the said code shall, as far as may be, apply to such trial.

(iii) When a person convicted of an offence of land grabbing attended by criminal force or show of force or by criminal intimidation and it appears to Special Court that, by such force or show of force or intimidation the land of any person has been grabbed, the Special Court may, if it thinks fit, order that possession of the same be restored to that person after evicting, if necessary by force, any other person who may be in possession of the property.

(12) No act or proceedings of the Special Court shall be deemed to be invalid by reason only of the existence of any vacancy among the members or any defect in the constitution or reconstitution thereof.

71. Special Tribunals and their powers :-

(1) Every Special Tribunal may, either suo motu or on application made by any person, officer or authority take cognizance of and try every case relating to any alleged act or attempt of land grabbing, or with respect to the ownership and title to, or lawful possession of the land grabbed or attempted to be grabbed within the limits of its territorial Jurisdiction and not exceeding rupees twenty lakhs in value and pass such orders thereon, including orders by way of interim directions as it deems fit:

Provided that if in the opinion of the Special Tribunal any case brought before it is prime facie frivolous or vexatious it shall reject the same without any further enquiry;

Provided further that if, in the opinion of the Special Tribunal any case brought before it is a fit case for trial by the Special Court, it may, for reasons to be recorded by it, move the Special Court for its withdrawal.

(2) Save as otherwise provided by this part, a special tribunal shall, in the trial of cases before it, follow the procedure prescribed in the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3) Subject to the provisions of this Code relating to appeals every finding of the Special Tribunal with regard to any alleged act or attempt of land grabbing shall be conclusive proof of the fact of land grabbing or attempt to grab land and of the persons who committed such land grabbing or attempt of land grabbing and every judgment of the special tribunal with regard to the determination of title and ownership to, or lawful possession of any land grabbed or attempted to be grabbed shall be binding on all

persons having interest in such land:

Provided that the special tribunal shall by notification, specify fact of taking cognizance of a case under this part and shall notify that any objection which may be received by it from any person including the custodian of the evacuee property within the period specified therein shall be considered by it:

Provided further that where the custodian of the evacuee property objects to the special tribunal taking cognizance of the case, the special tribunal shall not proceed further with the case in regard to such property;

Provided also that the Special tribunal shall, after a summary enquiry about the persons likely to be interested in the land, cause a notice of taking cognizance of the case under this part served on such persons.

(4) The special tribunal may, in any case decided by it, pass an order awarding compensation in terms of money for wrongful possession, which shall not be less than an amount equivalent to the market value of the grabbed land as on the date of the order and profits accrued from the land, payable by the land grabber to the owner of the grabbed land, and may direct the redelivery of the grabbed land to its rightful owner:

Provided that where such land grabber is a purchaser from the original land grabber the Special Tribunal may, in its discretion, award compensation at the market value as on the date of his purchase.

Provided further that the special tribunal shall, before passing an order under this sub-section give to the land grabber an opportunity of making his representation or of adducing evidence, if any, in this regard and consider every such representation and evidence.

(5) The amount of compensation and profit awarded under subsection (4) and cost of redelivery, if any, shall be recovered if the Government is the owner of the land grabbed, as an arrear of land revenue, or else as a decree of a civil court.

(6) Every case brought before the special tribunal shall be disposed of finally by it, as far as possible within a period of one year from the date when it is brought before it.

(7) The Special tribunal shall have all the powers of a civil court for the purpose of review.

72. Procedure and powers of the Special Court :-

(1) The Special Court may, either suo motu or on application made by any person, officer or authority take cognizance of and try every case arising out of any alleged act or attempt of land grabbing or with respect to the ownership and title to, or lawful possession of the land grabbed or attempted to be grabbed, provided the value of such land exceeds twenty lakh rupees, and pass such orders thereon, including orders by way of interim directions, as it deems fit:

Provided that the Special Court shall not take cognizance of any case, on application, without hearing the petitioner.

Provided further that where the land belongs to a private person the Special Court shall, before taking cognizance of the case, consider as to whether the evil involved is of substantial nature so as to require, in the interests of justice, its intervention.

(2) Notwithstanding anything in the Code of Civil Procedure 1908, the Code of Criminal Procedure, 1973 or in the Andhra Pradesh Civil courts Act, 1972, any case in respect of an alleged act or attempt of land grabbing or the determination of questions of the title and ownership to, or lawful possession of any land grabbed or

attempted to be grabbed, within the meaning of this part, shall be triable only under the provisions of this part.

(3) Where in the opinion of the Special Court, any application filed before it is prima facie frivolous or vexatious, it shall reject the same without any further enquiry.

(4) Where on an application from an interested person to withdraw and try a case pending before any special tribunal, the Special Court is of the opinion that it is a fit case to be withdrawn and tried by it, it may for reasons to be recorded in writing, withdraw such case from such special tribunal and shall deal with it as if the case was originally instituted before the Special Court.

(5) Notwithstanding anything in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Special Court may try all offences punishable under this part.

(6) The Special Court shall determine the order in which the civil and criminal liability against a land grabber be initiated and may, in its discretion, decide whether or not to deliver its decision or order until both civil and criminal proceedings are completed.

(7) The Special Court may, while trying the civil liability, make use of the evidence admitted during the criminal proceedings, but shall not, while determining the criminal liability, consider the evidence, if any adduced in the civil proceedings.

(8) Any person accused of land grabbing or the abatement thereof before the Special Court shall be a competent witness for the defence and may give evidence on oath to disprove of the charge made against him or any person charged together with him in the criminal proceeding:

Provided that such person shall not be called as a witness except on his own request in writing or his failure to give evidence shall not

be made the subject of any comment by any of the parties or the Special Court or give rise or any presumption against such person or any person charged together with him at the same proceeding.

(9) Every case under sub-section (1) shall be disposed of finally by the Special Court, as far as possible, within a period of one year from the date of institution of the case before it.

(10) Every finding of the Special Court with regard to any alleged act or attempt of land grabbing shall be conclusive proof of the fact of land grabbing or attempt of land grabbing and of the persons who committed such land grabbing or attempt of land grabbing and every Judgment of the Special Court with regard to the determination of title and ownership to, or lawful possession of, any land grabbed attempted to be grabbed shall be binding on all persons having interest in such land:

Provided that the Special Court shall, by notification, specify the fact of taking cognizance of the case under this part and shall notify that any objection received by it from any person including the custodian or evacuee property within the period specified therein shall be considered by it:

Provided further where the custodian of evacuee property object to the Special Court taking cognizance of the case, it shall not proceed further with the case in regard to such property.

Provided also that the Special Court shall, after a summary enquiry about the persons likely to be interested in the land, cause a notice of taking cognizance of the case served on them.

(11) The Special Court may, to advance the cause of Justice, pass such order as it deems fit and may award compensation in terms of money for wrongful possession of the grabbed land which shall not be less than an amount equivalent to the market value of the grabbed land as on the date of the order and profits accrued therefrom payable by the land grabber to the owner of the grabbed

land and may direct, the redelivery of the grabbed land to its rightful owner. The amount of compensation and profits, so awarded and the costs of redelivery, if any, shall be recovered as arrears of land revenue in case the Government is the owner, or as a decree of a civil court, in any other case to be executed by the Special Court.

Provided that where such land grabber is a purchaser from the original land grabber the Special Court may, in its discretion, award compensation at the market value as on the date of his purchase.

Providing further that the Special Court shall, before passing an order under this sub-section, give to the land grabber an opportunity of making his representation or of adducing evidence, if any, in this regard and shall consider such representation and evidence.

73. Special Court to have the powers of the civil Court and the Court of Session :-

Save as expressly provided in this part, the provisions of the Code of Civil Procedure, 1908, the Andhra Pradesh Civil Court Act, 1972 and the Code of Criminal Procedure, 1973, in so far as they are not inconsistent with the provisions of this part, shall apply to the proceedings before the Special Court and for the purposes of the provisions of the said enactments, Special Court shall be deemed to be a civil court, or as the case may be a court of session and shall have all the powers of a civil court and a court of session and the person conducting a prosecution before the Special Court shall be deemed to be a Public Prosecutor (Central Act V of 1908. Act 19 of 1972, Central Act 2 of 1974).

74. Burden of proof :-

Where in any proceedings under Burden of this part, a land is alleged to have been grabbed or attempted to be grabbed and such land is prima facie proved, to be the land owned by the Government or by a private person, the Special Court or, as the case may be, the special tribunal shall presume that the person who is alleged to have grabbed the land is a land grabber and the

burden of proving that the land has not been grabbed by him shall be on such person.

75. Trial of offences by a Magistrate with previous sanction
:-

Notwithstanding anything in the Code of Criminal Procedure, 1973, every offence punishable under this part shall, with the previous sanction of the special tribunal accorded having regard to the circumstances of each case, be triable by a Magistrate of the first class specially empowered by the Government in this behalf. (Central Act, 2 of 1974).

76. Prohibition of alienation of grabbed land :-

Any transaction relating to an of alienation of grabbed land or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or any partition effected or a trust created in respect of such land shall except to the extent ordered by the Special Court or special tribunal be null and void.

77. Review :-

The Special Court may in order to prevent the miscarriage of justice review its Judgment or order passed under Section 72 but no such review shall be entertained except on the ground that it was passed under a mistake of fact, ignorance of any material fact or an error apparent on the face of the record:

Provided that it shall be lawful for the Special Court to admit or reject a review petition in circulation without hearing the petitioner:

Provided further that the Special Court shall not allow any review petition and set aside its previous order or Judgment without hearing the parties affected.

78. Staff of the Special Court :-

(1) The Chairman of the Special Court may appoint officers and other employees required to assist the Special Court in the discharge of its functions under this part.

(2) The categories of officers and employees who may be appointed under sub-section (1), their salaries, allowances and other conditions of service and the administrative powers of the Chairman of the Special Court shall be such as may be prescribed after consultation with the Chairman.

79. Power to punish for contempt :-

The Special Court shall have and power to exercise, the same Jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and for this purpose, the provisions of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) shall have effect subject to the modification that--

(a) the references therein to a High Court shall be construed as a reference to the Special Court;

(b) the references to the Advocate General in Section 15 of the said Act shall be construed as a reference to the Advocate General of the State of Andhra Pradesh.

PART 8 ASSIGNMENT LEASE AND ALIENATION OF GOVERNMENT LANDS

CHAPTER 20 LANDS WHICH MAY OR MAY NOT BE ASSIGNED

80. Lands of which assignment is prohibited :-

(1) Subject to the provisions of sub-section (2), the assignment, alienation or lease of the following classes of Government lands is prohibited:

(a) porambokes, tank beds, foreshore of tank beds, cattle stands; grazing lands and reserved lands (reserved for depressed class members or for any public purposes such as schools, play grounds, hospitals, maternity center, reading rooms, extension of house sites, or panchayat purposes), town sites and lands in the proximity of town and village sites and lands in the proximity thereof;

(b) land which has been unoccupied for eighteen months and adjoins a reserved forest or an unreserved block of a square mile or more until the Collector has consulted the District Forest Officer and considered any objections which he may have to its assignment;

(c) lands containing topes or valuable trees;

(d) lands within cantonment limits;

(e) lands reserved under Section 26 of the Andhra Pradesh Forest Act, 1967 (Act 1 of 1967).

(f) lands within port limits;

(g) lands near the seacoast, within 500 meters of high water mark of the sea; etc;

(h) watercourse porambokes; namely, margins of canals, channels, streams etc;

(i) lands in the vicinity of aerodromes or landing grounds, i.e., within a belt of 500 metres;

(j) lands containing minerals, quarries etc.;

(k) padugais, i.e., the land within the flood banks of rivers, lanka lands not held on ryotwari tenure, river accretions and reformed lands for which the former owners have ceased to pay assessment;

(l) lands where pati matti is available;

(m) lands with grooves of trees where people are in the habit of assembling periodically for purposes of fairs, jatras or worship; and

(n) any other land which is required or is likely to be required for any special purposes necessary for the provision of amenities to the community or connected with the development of the village.

(2) Every Mandal Revenue Officer shall send to the Sub-Collector of his Revenue division a village wise list of all the lands in his Mandal the assignment, alienation or lease of which is prohibited under sub-section (1) and the Sub-Collector shall, after such inquiry as he deems fit, approve such list with or without any modification, as the case may be, and cause the particulars of such lands to be entered in a book to be called Prohibitory Order Book and the lands so entered in the said book shall not be assignable, alienable or be leased except under the orders of the Government.

(3) The Government lands other than the lands specified in sub-section (1) may be alienated by assignment or on lease in such manner may be prescribed.

CHAPTER 21 ASSIGNMENT OF LANDS FOR CULTIVATION

81. Assignment of Government lands :-

(1) Subject to the other provisions of this part, the Mandal Revenue Officer may, on application or on his own, or where the Government has constituted a committee in that behalf, in consultation with such committee, assign a Government land to a land less poor person, for cultivation free of cost, or on such payment, if any, in such form and in such manner as may be prescribed.

(2) Where a small piece of wet land not exceeding twenty five cents or dry land not exceeding fifty cents adjoins any private land and is necessary to the owner of such private land for convenient enjoyment thereof, the Mandal Revenue Officer may assign or sell such piece of wet or dry land to the owner of such private land.

(3) Subject to the other provisions of this part the Mandal Revenue Officer may, on application, or on his own, or where the Government has constituted a committee in that behalf, in consultation with such committee, assign a Government land falling within the ayacut of an irrigation project, which has been completed, or is under completion, or has been sanctioned, to a land less person for cultivation on payment of the market value thereof, in such installments, in such manner and along with such betterment contribution, if any, as may be Prescribed:

Provided that preference shall be given, for such assignment, to those persons who become land less due to acquisition of their lands for such project over other land less persons;

Provided further that, such land shall be resemble if required for project work, so however, that on such resumption the market value collected from the assignee shall be refunded to him.

(4) Before deciding an application under sub-section (1) or sub-section (3) the Mandal Revenue Officer shall give an opportunity of hearing to the applicant and other persons, if any, likely to be affected by the decision.

(5) Subject to the first proviso to sub-section (3), where two or more land less poor persons apply for the same land, preference shall be given to the resident of the village, where the land is situate, over a non-resident, to the person who does not own any land over the person who owns some land, to a member of Scheduled caste or Scheduled tribe over a member of Backward class and to a member of Backward Class over others.

82. Landless poor person :-

(1) A person is land less poor, if he does not own any land at all, or if the land which he owns is less than 2 1/2 acres of wet land or 5 acres of dry land, or if he owns both wet and dry lands, at the rate of one acre of wet land equal to two acres of dry land, his holding is

below the said limit and is also poor.

Explanation Where such person is a member of Hindu joint family, his share in the joint family property, if any, shall be taken into account in determining his holding.

(2) The Mandal Revenue Officer shall on the basis of material placed before him, determine as to whether a person is a land less poor or not, for the purpose of assignment of land.

83. The extent of land which may be assigned :-

The maximum extent of land which may be assigned to a land less poor person for cultivation shall be so much of wet or dry land which together with the land, if any, owned by him does not exceed 2 1/2 acres of wet land or 5 acres of dry land.

Explanation Where a person owns both wet and dry lands or the lands to be assigned to him are partly wet and partly dry, his holding and the extent of land which may be assigned to him shall be determined by converting both the categories of lands into one category of the rate of one acre wet land equal to two acres of dry land.

84. Conditions governing assignment :-

Subject to such other conditions as may be prescribed, the assignment of a land shall be on the following conditions, namely,

(a) the assigned land shall be heritable but shall not be alienable;

(b) unless already under cultivation, the assigned land shall be brought under cultivation within a period of three years-, except where such land is within the ayacut of an irrigation project which is not yet completed, in which case it shall be brought under cultivation not later than in the agricultural year next after the agricultural year in which water is supplied to it from such project;

(c) the assigned land shall be cultivated by the assignee, or members of his family, by his or their personal labour, or by hired labour under the personal supervision of the assignee or the members of his family:

Explanation The expression alienation shall not include mortgage of the land with the Government or a nationalized or scheduled bank or a local authority or a cooperative society including a land development bank for obtaining any loan for any purpose associated with the assigned land.

CHAPTER 22 ASSIGNMENT OF HOUSE SITE

85. Assignment of a house site :-

The Mandal Revenue Officer may assign to a land less poor person, who does not own any house free of cost, so much area of Government land, as a house site in such form and in such manner as may be prescribed.

86. Conditions governing assignments :-

Subject to such other conditions as may be prescribed, the assignment of lands for house sites shall be on the following conditions, namely:

(a) the assigned land shall be heritable but shall not be alienable;

(b) a dwelling house shall be constructed thereon within three years of assignment.

CHAPTER 23 PROHIBITION OF TRANSFER OF ASSIGNED LANDS

87. Prohibition of transfer of assigned lands :-

(1) Notwithstanding anything to the contrary in any other law for the time being in force or in any deed of transfer, or other document, a Government land assigned to a land less poor person for the purpose of cultivation or as a house site shall not be

transferred and shall be deemed never to have been transferred and no right or title in such land shall be deemed ever to have passed to or vested in any person on the basis of such transfer.

(2) No land less poor person shall transfer any assigned land and no person shall acquire any assigned land either by purchase, gift, lease, mortgage or exchange or otherwise.

(3) Any transfer or acquisition made in contravention of the provision of sub-section (1) or sub-section (2) shall be deemed to be null and void.

(4) The provisions of this section shall apply to any transaction of the nature referred to in sub-section (2) in execution of a decree or order of a civil court or of any award or order of any other authority.

88. The consequences of breach of conditions of assignment

:-

(1) Where the Mandal Revenue Officer within whose jurisdiction the assigned land is situate is satisfied that the provisions of Section 87 have been contravened in respect of such assigned land, he may, by order--

take possession of the assigned land, after evicting the person in possession in such manner as may be prescribed and resume the land to the Government, without paying any compensation to such assignee.

(2) Any order passed under sub-section (1) shall be final and shall not be questioned in any court of law.

(3) For the purpose of this section, where any assigned land is in possession of a person, other than the original assignee or his legal heir, it shall be presumed, until the contrary is proved that there is

a contravention of the provisions of sub-section (1) of Section 87.

(4) Where the assignee or his legal heir contravenes the conditions of assignment, the Mandal Revenue Officer may resume the land but in case it was assigned on payment of market value on refund of such market value thereof or so much of it as was paid in installments, by the assignee or his legal heir.

CHAPTER 24 ALIENATION OF GOVERNMENT LAND

89. Alienation of Government land :-

(1) The Government may alienate any Government land, unless it is reserved for any specific purpose, or is otherwise un-assignable or un-alienable, to a local authority, or institution or any other person for any public purpose on payment of full market value or if such public purpose is unremunerative, on payment of such portion thereof or free of cost as it may deem fit.

(2) The Collector may alienate any Government land, the market value of which does not exceed the prescribed limit, unless it is reserved for any specific purpose, or is otherwise unassignable or unalienable, to a local authority or institution or any other person for any public purpose such extent and on payment of such market value and in such manner as may be prescribed:

Provided that where the extent and the market value of such land exceeds the limit prescribed under sub-section (2), the Collector shall obtain prior sanction of the Chief Commissioner of Land Administration, where the market value of such land does not exceed the limit prescribed for him, or, if it exceeds that limit also, that of the Government, therefor.

Provided further that where the public purpose for which the land is required is unremunerative, the Collector may, assign such land free of cost, or on payment of such portion of the market value as he deems fit, but where the extent and the market value of such land exceeds such limit, with the prior permission of the Chief

Commissioner of Land Administration, or the Government, as the case may be, who have accorded the sanction for alienation under the first proviso,

Provided also that if within two years of such alienation, such land is not used for the public purpose for which it was obtained or is used for a different public purpose at any time without the prior permission of the Collector therefor, or is otherwise misused or such local authority, or institution or other person voluntarily relinquishes such land, the Collector may resume it on refund of the market value or paid portion thereof, if any, but without any compensation for any improvements or works made on it.

(3) Before permitting the local authority, or institution or other person to use it for a different public purpose the Collector shall, where the market value of such land exceeds such limit, obtain prior approval of the Chief Commissioner of Land Administration or the Government, as the case may be, who have accorded the sanction for alienation under the first proviso.

(4) Nothing in this section shall be construed to prohibit the transfer of Government land from one department to another department in public interest

Explanation For the purpose of this section "public purpose" shall, among others, include a charitable, educational or religious purpose also.

90. Auction of Government land :-

(1) The Collector may sell by public auction, any Government land, unless it is reserved for any specific purpose or is otherwise unalienable, with the prior permission of the Government, if it is situated within the limits of any Municipal Corporation, or Municipality, or any other area notified by the Government in that behalf, and with the prior permission of the Chief Commissioner of Land Administration, if it is situated in other parts of the State.

(2) The sale by public auction shall be made in accordance with such procedure, on such terms and conditions and in such manner as may be prescribed.

PART 9 RECORD OP RIGHTS INLANDS, PATTADAR PASS BOOKS AND OTHER RECORDS

CHAPTER 25 RECORDS OF RIGHTS IN LANDS

91. Preparation, maintenance and updating of record of rights :-

(1) The Mandal Revenue Officer shall prepare and maintain a Record of Rights in all lands in every village in and updating his Mandal, in such form and in such manner as may be prescribed, and shall thereafter bring it up-to-date from time to time.

(2) The Record of Rights shall contain the following particulars, namely--

(a) the names of all persons who are owners, pattadars, occupants, mortgagees or tenants of lands;

(b) the nature and extent of respective rights or interests of such persons and the conditions or liabilities, if any attaching thereto;

(c) the rent, Revenue or other amount if any, payable by or to any of such persons;

(d) such other particulars as may be prescribed.

(3) The Record of Rights prepared and maintained under the provisions of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Act, 1971 (Act 26 of 1971), shall be deemed to have been prepared and maintained under sub-sections (1) and

(2).

Explanation Nothing in this part shall apply to lands belonging to the State Government or the Central Government.

92. Occupants of lands to be the owners thereof :-

The persons who were registered as occupants of Inam lands under the provisions of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (Act VIII of 1955) shall be the owners of such lands and shall be recorded as the owners thereof in the Record of Rights and other records.

93. Intimation of acquisition of rights :-

(1) Every person acquiring any right in any land as owner, pattadar, occupant, mortgagee or tenant by testate or intestate succession, survivorship inheritance partition, purchase, mortgage, gift, lease or otherwise by or under a registered document, patta, decree of a court or otherwise shall intimate in writing his acquisition, of such right, to the Mandal Revenue Officer within ninety days from the date of such acquisition and the Mandal Revenue Officer shall give or send to such person an acknowledgment of the receipt of such intimation:

Provided that where the person acquiring the right is a minor or is otherwise disqualified, his guardian or other person having charge of his property shall intimate the acquisition to the Mandal Revenue Officer.

(2) Notwithstanding anything contained in the Registration Act, 1908, every registering officer registering a document relating to a transaction in land, shall intimate to the Mandal Revenue Officer of the Mandal in which such land is situate, the factum of such transaction.

Explanation I The right mentioned above shall include a mortgage without possession and a right determined by a civil court.

Explanation II A person in whose favour a mortgage is discharged or extinguished or a lease is determined acquires a right within the meaning of this section.

94. Amendment and updating Record of Rights :-

(1) On receipt of intimation, under Section 93, of acquisition of any right, the Mandal Revenue Officer may amend and update the Record of Rights in accordance therewith or may, for reasons to be recorded in writing, refuse to do so:

Provided that he shall not pass an order refusing to amend and update the Record of Rights in accordance with the intimation without giving an opportunity of being heard to the person giving the intimation.

(2) Where the Mandal Revenue Officer has reason to believe that any person has acquired a right under sub-section (1) of Section 93, in any land in his Mandal, but has not given intimation of the same, he may amend and update the Record of Rights in respect of such land.

(3) Before carrying out any amendment in the Record of Rights, in respect of any land, under sub-section (1) or sub-section (2), the Mandal Revenue Officer shall issue a notice in writing to all persons, whose names are recorded against such land, who are interested in the land or are affected by the amendment and whom he has reason to believe to be interested in such land or likely to be affected by such amendment to show cause, within the period specified therein as to why the amendment should not be carried out, shall consider the objections, if any, received from them and, after making such further enquiry as may be prescribed and giving an opportunity of being heard pass such order in relation thereto as he deems fit.

(4) Every order passed under this section shall be served on the

persons to whom notices were issued under sub-section (3).

(5) A copy of notice issued under sub-section (3) and amendment made in respect of any land shall also be published in such manner as may be prescribed.

95. Presumption of correctness of entries in Record of Rights :-

Every entry in Record of Rights shall be presumed to be true until the contrary is proved or until it is otherwise amended in accordance with the provisions of this part.

96. Inspection and copies of record of rights :-

The Mandal Revenue Officer shall, on application, permit any person, who has or seeks to acquire any interest in any land in his Mandal, or any credit agency which is approached to advance any loan, to such person to inspect the Record of Rights in respect of such land and shall, on application and payment of prescribed fees, furnish a certified copy thereof or certified extract therefrom.

97. Bar of suit :-

No suit shall lie against the Bar of suit Government or any officer of the Government to have an entry, in respect of any land, made in or amended or omitted from the Record of Rights.

Provided that any person who disputes the correctness of any entry, in respect of any land, in the Record of Rights may, subject to the provisions of the Limitation Act, 1963, initiate a suit for such reliefs, as are called for, against the person whose name is recorded in respect thereof and such other persons if any, who are necessary parties to such suit and the Mandal Revenue Officer shall amend the entry in the Record of Rights in accordance with the decree, if any passed therein.

CHAPTER 26 ISSUE AND MAINTENANCE OF PASS BOOKS

98. Issue of pass books :-

(1) The Mandal Revenue Officer shall, suo motu, or on an application, and on payment of such fees and after such enquiry as

may be prescribed, issue a pass book to every owner, pattadar, occupant, mortgagee or tenant or land in his Mandal in accordance with the Record of Rights, with such particulars, in such form and in such manner as may be prescribed.

(2) Where the Mandal Revenue Officer amends and updates the Record of Rights in respect of any land under Section 94 he shall carry out corresponding amendments in the pass books of the affected persons. The amendments as so made shall be presumed to be true, until the contrary is proved.

99. Entries in the pass books by registering authority :-

(1) The parties to a document of sale, gift, mortgage lease or exchange, proposed to be registered, shall produce before the registering authority their respective pass books and the registering authority shall make entries of the said transaction in the pass books of both the parties thereto at the appropriate place or places under his signature and seal of his office.

(2) Notwithstanding anything contained in the Registration Act, 1908, the registering authority shall not register any document of the nature described in sub-section (1) without the production of pass books by both the parties thereto Central Act, 16 of 1908.

Provided that where a landless person becomes an owner, mortgagee or tenant of any land, for the first time under such registered document, the registering authority shall obtain such a declaration from him, in the prescribed form, and send the same to the Mandal Revenue Officer to enable him to issue a pass book to such person in the prescribed manner.

100. Entries of grant of loans and encumbrances in the pass book :-

(1) No credit agency shall grant any loan to any person on the security of his land or crop unless he produces his pass book before

such credit agency.

(2) The credit agency shall record in the pass book of a person every loan granted to him on the security of his land or crop and every repayment of such loan.

(3) The credit agency which grants loan to any person on the security of his land acquires a charge on such land, or the interest of such person in such land, for the repayment of such loan only if it makes an entry thereof in his pass book, as required under sub-section (2).

(4) Where such loan remains unrecovered the credit agency may apply to the Sub-Collector, within whose jurisdiction such land is situate, for the recovery of such loan only if it has made an entry thereof in his pass book and thereupon, the Sub-Collector shall recover it as an arrear of land revenue.

101. Issue of title deeds :-

(1) The Mandal Revenue Officer may, on the application of any person who claims to be the owner of any land, and after enquiry, in such manner as may be prescribed, issue a title deed, in the form prescribed therefor, declaring such person to be the owner thereof.

(2) The title deed issued under sub-section (1) shall have the same evidentiary value with regard to the title of the land, to which it relates, for the purpose of creation of equitable mortgage under the provisions of the Transfer of Property Act, 1882 (Central Act 4 of 1882), as a document, registered in accordance with the provisions of the Registration Act, 1908 (Central Act 16 of 1908).

102. Regularisation of certain alienations :-

(1) Notwithstanding anything in this Part, the Transfer of Property

Act, 1882, the Registration Act, 1908 or any other law for the time being in force, where a person is in occupation of any land, by virtue of an alienation or transfer made or effected, otherwise than by a registered document, the alienee or transferee may, unless such alienation or transfer is in contravention of the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, the Urban Land (Ceiling and Regulation) Act, 1976, the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, apply, within such period as may be prescribed, to the Mandal Revenue Officer for a certificate declaring that such alienation or transfer is valid. (Central Act 4 of 1882, Central Act 16 of 1908, Act 1 of 1973, Central Act 33 of 1976 Regulation 1959 Act 9 of 1997).

(2) On receipt of such application, the Mandal Revenue Officer shall, after making such enquiry as may be prescribed, require the alienee or transferee to deposit in his office an amount equal to the registration fee and the stamp duty that would have been payable had the alienation or transfer been effected by a registered document in accordance with the provisions of the Registration Act, 1908, as fixed by the registering officer on a reference made to him by the Mandal Revenue Officer on the basis of the value of the property assessed in such manner as may be prescribed.

(3) On deposit of the amount specified in sub-section (2) the Mandal Revenue Officer shall issue a certificate to the alienee or transferee declaring that the alienation or transfer is valid from the date of issue of certificate and such certificate shall, notwithstanding anything the Registration Act, 1908, be evidence of such alienation or transfer as against the alienor or transferor or any person claiming interest under him.

CHAPTER 27 PREPARATION AND MAINTENANCE OF OTHER RECORDS

103. Preparation and maintenance of holding register :-

The Mandal Revenue officer shall prepare and maintain, in such form as may be prescribed, a record of holding of every person in

each village in his Mandal.

Explanation For the purpose of this section holding means total lands held by a person, as owner, pattadar, occupant, mortgagee or tenant in any village.

104. Updating of holding :-

Whenever the Mandal Revenue Officer amends and updates the Record of Rights in respect of any land under Section 94, he shall make corresponding amendments, in the holdings of the affected persons and update them.

105. Annual record of cultivation :-

(1) The Mandal Revenue Officer shall prepare, in such form as may be prescribed, and maintain for each Fasli year a record of cultivation, made in such Fasli year, in every land in each village in his Mandal.

(2) Such record shall contain the following particulars, namely,

(a) the name of the person who holds the land and the capacity in which he holds it;

(b) the survey number or sub-division number of such land and its extent;

(c) the land Revenue or water tax or other cess, if any, payable for it;

(d) the number and nature of crops raised and the area on which they are raised.

(e) the person who actually cultivated the land and raised such crops and the capacity in which he did so.

(f) such other particulars as may be prescribed.

(g) such other particulars as may be prescribed.

106. Any other record :-

The Mandal Revenue Officer may, for the better protection of the rights and interest of persons in lands and better Revenue administration, prepare and maintain, such other records in such form and in such manner as may be prescribed.

PART 10 SPLITTING UP OF JOINT PATTAS

CHAPTER 28 SPLITTING UP OF JOINT PATTAS

107. Prohibition of grant of joint patta :-

No person shall be registered in the Record of Rights as a joint pattadar or granted a joint patta in respect of a land except in the case of a Hindu joint family.

108. Splitting up of joint patta :-

(1) Every joint patta of a land granted to, or held by, Joint pattadars except that granted to, or held by, a Hindu joint family, shall be split up in the manner provided in sub-section (4).

(2) Every Joint pattadar shall be entitled for the grant of separate patta in respect of his share thereon.

(3) Every person acquiring ownership of an undivided share in any land by testate or intestate succession, or by sale, gift, exchange, partition or by any other means shall be entitled to have his name recorded as a separate pattadar thereof.

(4) The Mandal Revenue Officer shall, after serving notice, in the prescribed manner, on the joint pattadars, co-owners, or joint owners of and other persons known or believed to be interested in such land or in the grant of separate pattas therein and, after holding an enquiry, in such manner as may be prescribed, grant,

subject to the provisions of Part XI as to prevention of fragmentation and consolidation of holdings, separate patta to each Joint pattadar, co-owner or joint owner, to the extent of his share and, if necessary, cause the said share sub-divided in the said land, record the same in the Record of Rights and other records and determine and recover the costs incurred therefor, in such manner as may be prescribed, from the Joint pattadars, co-owners or Joint owners in proportion to their shares as an arrear of land Revenue.

109. Power to exempt land or class of lands :-

The Government may, by general or special order, and for the reasons to be recorded therein, exempt any land or class of lands from all or any of the class of lands from all or any of the provisions of this part.

PART 1 PREVENTION OF FRAGMENTATION OF LAND AND CONSOLIDATION OF HOLDINGS

CHAPTER 29 PREVENTION OF FRAGMENTATION OF LAND

110. Determination of local area :-

The Government may, after such enquiry as it deems fit by notification, specify a village or Mandal or any part thereof as a local area for the purposes of this chapter and, thereupon, the provisions of this chapter shall apply to such local area.

111. Settlement of standard area :-

(1) The Government may, after such enquiry as it deems fit, provisionally settle for any class of lands in any local area the minimum area, hereinafter referred to as standard area) which can be cultivated profitably as a separate plot.

(2) The Government shall, by notification and in such other manner as may be prescribed, publish the standard area provisionally settled by it under sub-section (1) and invite objections, if any thereto from the residents of such local area within the period specified therein.

112. Determination of standard area :-

(1) The Government shall, after considering the objections, if any, received within the specified period under sub-section (2) of Section 111, and making such further enquiry as it may deem fit, determine the standard area for each class of lands in such local area.

(2) Government shall, by notification and, in such other manner as may be prescribed, give public notice of standard area determined under sub-section (1).

113. Revision of standard area :-

The Government may, at any time, if it deems it expedient so to do, revise the standard area in the manner laid down in Sections 111 and 112.

114. Entry of fragments in village record :-

(1) On notification of a standard area under sub-section (2) of Section 112 for a local area, the Mandal Revenue Officer shall cause all fragments in such local area to be entered in such village record as may be prescribed.

(2) Notice of every entry made under sub-section (1) shall be given, in the prescribed manner, to the owner and to other persons, If any, known or believed to be interested in each fragment.

115. Transfer, lease and partition of fragments :-

(1) No person shall transfer any fragment in respect of which a notice has been given under sub-section (2) of Section 114 except to the owner of a contiguous survey number or recognised sub-division of a survey number;

(2) No such fragment shall be leased to any person other than the person cultivating any land which is contiguous to the fragment.

(3) No such fragment shall be sub-divided or partitioned.

(4) No land shall be permanently alienated, leased or sub-divided so as to create a fragment:

(5) Notwithstanding anything contained in any law for the time being in force, no fragment in respect of which a notice has been given under sub-section (2) of Section 114 shall be sold at any sale held under the orders of any court except to the owner of a contiguous survey number or recognised sub-division of a survey number and no land shall be sold at such sale so as to create a fragment.

Provided that an owner of a fragment may transfer it to the Government for purposes of the Government on payment by it of the market value thereof.

Provided further that this section shall not apply to a transfer of any land for such public purpose as may be prescribed.

Provided also that the owner of such fragment may mortgage or transfer it to the Government or a land development bank or any other co-operative society or any nationalised or scheduled bank as security for any loan advanced to him by the Government or such bank or society, as the case, may be:

Provided also that this section shall not apply to a sale of fragment mortgaged to Government, a land development bank or any other co-operative society, or any nationalised or scheduled bank, as security for payment of any loan borrowed from it made in execution of any decree, order or award in a suit or other proceedings filed by the Government, such land development bank or other co-operative society or nationalised or scheduled bank for

the recovery or such loan.

116. Restriction on partition of land :-

(1) Where, by transfer, decree succession or otherwise, two or more persons are entitled to shares in an undivided property, so as to call for a partition thereof, such partition shall be effected so as not to create a fragment.

(2) Where such undivided property can not be partitioned so as to give to each co-sharer a separate share therein without creating a fragment, such property or such shares therein as can be carved out without creating a fragment, shall be given to such co-sharer or co-sharers as may be agreed upon among all the co-sharers, or in the absence of such agreement, as may be chosen by drawal of lots, in the prescribed manner; and such co-sharer or co-sharers shall pay the market value of so much of land as is allotted to him or them in excess of the share to which he or they are entitled to and compensate the co-sharer or co-sharers to whom no share in the land is allotted.

(3) Where the parties do not agree to either of the courses set out in sub-section (2) they may sell by auction, the undivided property to the highest bidder amongst themselves and share the proceeds equally or agree upon any other method of partition which will not result in the creation or a fragment.

(4) Where a partition is effected in execution of a decree all questions relating to the division of the land and apportionment of compensation, shall be decided by the court executing the decree in accordance with the provisions of sub-sections (2) and (3).

117. Transfer or partition contrary to the provisions of this chapter :-

(1) The transfer or partition of any land in such local area in contravention of the provisions of this chapter shall be null and void.

(2) The Junior Civil Judge within whose jurisdiction such land is situate may, on a petition filed by the person who would be entitled to such land, but for such transfer or partition, and after such enquiry as may be prescribed, order eviction of the person who is in possession of such fragment on the basis of such transfer or partition; Provided that where the petitioner himself is the transferor of such fragment, or a party to such partition, in such contravention, or is his legal heir, while ordering the eviction of such person, the Junior Civil Judge may also order the petitioner or his legal heir, as the case may be, to compensate such person for the loss sustained by him due to such eviction in such manner as he deems fit.

(3) The provisions of the Central Act 36 of 1963 Limitation Act, 1963 shall apply to such a petition as if it is a suit.

CHAPTER 30 CONSOLIDATION OF HOLDINGS

118. Consolidation Officer :-

The Government may, by notification, from time to time, appoint Consolidation Officer for the purposes of this chapter.

119. Declaration of intention to make a scheme for consolidation :-

The Government may, on its own motion or an application of majority of owners of lands in any local area to declare, by notification, and by publication in two daily newspapers, having circulation in such local area, one of which shall be in Telugu, its intention to make a scheme for the consolidation of holdings in such local area and thereupon the provisions of this chapter shall apply to such local area;

Provided that owners of a single plot of land in the local area and their single plot of land shall not be included in such scheme except with their express consent in writing.

120. Preparation of a draft scheme for consolidation of holdings :-

(1) The consolidation officer shall give notice to the owners of lands in the local area as to the intention of the Government to consolidate the holdings in such local area, and invite suggestions, if any, from them in that regard within the period specified therein; and shall receive such suggestions, if any, as may be made to him within such period and consider them, may visit the local area and make such inquiry as he deems fit and shall prepare a draft scheme for the consolidation of holdings in such local area in such manner as may be prescribed.

(2) The consolidation officer and any person acting under his order may enter upon and survey lands, erect survey marks thereon, demarcate the boundaries thereof and do all other acts necessary for the proper performance of his duty under this chapter.

121. Amalgamation of road, street, lane or path with holding :-

(1) While preparing draft scheme if the consolidation officer considers it necessary to amalgamate any road, street, lane or path with any holding in scheme and to provide such road, street, lane or path elsewhere, he shall, before doing so, publish a declaration in that regard, in such local area in such manner as may be prescribed.

(2) Any person who is adversely affected by such proposal may, within thirty days of publication of such declaration, file his objection, in writing, to such proposal before the Consolidation Officer who shall, after giving an opportunity of being heard to such a person, and pass such order thereon as he deems fit, and if he accepts the objection, he shall make such changes in the draft scheme as may be consequential to such acceptance.

122. Lands reserved for common purposes :-

Notwithstanding anything contained in law for the time being in force, the consolidation officer may direct that,--

(a) Any land specially assigned for any common purpose shall cease to be so assigned and to assign any other land in its place.

(b) Where no land is reserved for any common purpose or the land so reserved is inadequate, land or additional land, as the case may be, shall be so reserved and to effect a pro rata cut in all the holdings in the area.

123. Scheme to provide compensation :-

The draft scheme shall provide for the payment of difference to any owner who is allotted a holding of less market value than that of his original holding and for recovery of difference from any owner who is allotted a holding of greater value than that of his original holding:

Provided that no compensation shall be payable for the pro rata cut effected in the holdings under clause (b) of Section 122.

124. Publication of draft scheme :-

When the draft scheme is ready, the consolidation officer shall publish it in the local area in the prescribed manner, inviting objections, thereto within the period specified and on receipt of objections, if any, within such period shall, after giving an opportunity of being heard to such objectors, pass such orders thereon as he deems fit.

Provided that where he accepts any objection he shall amend the draft scheme accordingly and shall publish it again in the local area in the prescribed manner.

125. Confirmation of the draft scheme :-

(1) The Consolidation Officer shall submit the draft scheme published under Section 124 or the amended draft scheme published under the proviso to Section 124 together with the entire record of his enquiry to the Chief Commissioner of Land Administration, who shall hold such inquiry as he deems necessary and shall confirm it, as it is or with such modifications as he deems fit or shall reject it or remand it to the consolidation officer for

redrafting the scheme in the light of his directions.

(2) Where the Commissioner remands the scheme to the consolidation officer for redrafting it, all the foregoing provisions of this chapter, shall apply as if it is a fresh scheme in respect of which a declaration has been made under Section 119.

(3) During the continuance of the consolidation proceedings, no person shall transfer any land in respect of which notification is issued under Section 119 and no proceedings for the execution of any decree or order in respect of such land shall be commenced or continued.

126. Notification of confirmation, certificates of transfer and delivery of possession :-

(1) On confirmation of the scheme, the consolidation officer shall publish the factum of confirmation by a notification and shall publish the confirmed scheme in the local area in the prescribed manner.

(2) The Consolidation Officer shall grant to every owner to whom a holding has been allotted under the confirmed scheme a certificate in the prescribed form duly registered under the Indian Registration Act, 1908 (Central Act 16 of 1908 to the effect that the holding has been transferred to him in pursuance of the scheme.

(3) Notwithstanding anything contained in any law for the time being in force no stamp duty or registration fee shall be payable in respect of registration of such certificate.

(4) The Consolidation Officer shall cause the possession of holdings delivered to the persons to whom they are allotted under the confirmed scheme from the commencement of the agricultural year next following the date of publication of the notification under sub-section (1) unless majority of the owners affected by such scheme

agree to take possession forthwith or from any other date in which even he may allow them to take possession, forthwith or from such other date.

(5) Notwithstanding anything contained in sub-section (4), no owner shall be entitled to the possession of the holding allotted to him under the confirmed scheme unless he deposits the difference, if any in the market value of holding allotted and that of his original holding.

Explanation Nothing in sub-section (5) shall be deemed to preclude the consolidation officer from recoveries such difference from such owner as an arrear of land Revenue.

127. Rights of owners etc. transferable for the purpose of this chapter :-

Notwithstanding anything contained in any law for the time being in force, the rights of owners or other persons having interest in any land shall for the purpose of giving effect to any scheme of consolidation affecting them be transferable, by exchange or otherwise.

128. Cost of Scheme :-

The cost of carrying out the scheme or consolidation shall be assessed in the prescribed manner and recovered from the persons whose holding are affected thereby in such proportion as the Government may determine.

129. Recovery of amounts :-

All amounts payable under this chapter shall be recoverable as arrears of land Revenue.

130. Transfer of encumbrances :-

(1) If any extent of land in the holding of a person was burdened with a mortgage, debt or other encumbrance, other than a lease, such mortgage, debt or other encumbrance shall stand transferred

to the extent of land of the same value in the holding allotted to him under the confined scheme.

(2) If any extent of land in the holding of a person burdened with a mortgage or other encumbrance, is in the possession of mortgagee or encumbrance, the consolidation officer shall, in such manner as may be prescribed, put such mortgagee or encumbrancee in possession of extent of land of the same value in the holding allotted to him under the scheme.

131. Transfer of lease :-

If any extent of land in the holding of a person is burdened with a lease such lease shall stand transferred to an extent of land of the same value in the holding allotted to him under the scheme.

PART 12 LEVY AND COLLECTION OF LAND REVENUE AND WATER TAX

CHAPTER 31 ASSESSMENT, LEVY AND COLLECTION OF LAND REVENUE

132. Power of the Government to levy and collect land Revenue :-

(1) The Government shall have and shall be deemed always to have had the power to levy and collect, for each Fasli Year, or each crop as the case may be, land Revenue in respect of every land in the State.

(2) The land Revenue shall be assessed in accordance with such principles and in such manner, as may be prescribed.

(3) The Government may in addition to land Revenue, levy and collect, in respect of every land in the State, or; such class of lands as may be prescribed cess, if considered expedient, for each Fasli Year, to be assessed in such manner and in accordance with such principles as may be prescribed.

(4) The demand on any land, for its land revenue and cess, if any, shall have priority over all other demands and may be enforced against such land.

(5) The owner, of such land as entered in the Record of Rights shall be liable to pay the land revenue and cess, if any, levied on it.

(6) The Government may cause the land revenue and cess, if any, to be collected through its officers or through its officers or through such other agency as it may deem fit.

(7) The rates of land revenue and cess, if any, levied in accordance with the provisions of this chapter shall not be called in question in any Court of law.

(8) The land revenue, including any such land revenue waived for the time being, payable on the date of commencement of this Code, shall, be deemed to be the land revenue levied under this section.

133. Assessment of land revenue :-

Where the land revenue has not already been assessed in respect of any land it shall be assessed by such authority, in such manner and in accordance with such principles as may be prescribed :

Provided that before such assessment, such authority shall issue a notification inviting objections, if any, to such assessment and where, in response to such notification any objections are received by it, such authority shall consider them.

134. Enhancement, reduction or waiver of land revenue :-

The Government may, from time to time, abolish, reintroduce, enhance or reduce or waive the levy and collection of land revenue and may withdraw such waiver :

Provided, however, that before reintroduction or enhancement of Land Revenue, the Government shall issue a notification inviting objections, if any and where, in response to such notification any

objections are received, the Government shall consider them and pass necessary orders as they deem fit.

135. Remission of land revenue :-

Where, in any Fasli year, due to either widespread calamities such as famine, drought, cyclone, or flood or of local calamities caused by hailstorms, locust and the like, any land is not cultivated, or though cultivated; the crop raised therein has failed, totally or partially, the Mandal Revenue Officer within whose jurisdiction such land is situate, may give total or partial remission of land revenue in respect of such land for such Fasli year.

136. Suspension of collection of land revenue :-

Where circumstances so warrant, the Collector may, in such manner as may be prescribed, order suspension of collection of land revenue of any Fasli year in respect of any land or class of lands in any local area:

Provided that he shall not extend such suspension beyond the period of the current Fasli year without the prior permission of the Chief Commissioner of Land Administration therefor.

137. Assessment on non-agricultural lands :-

(1) The Government may, in each Fasli year, levy and collect, on non-agricultural lands an assessment, at such rate, depending upon its use for any industrial, commercial or other non-agricultural purposes and in such manner as may be prescribed.

Explanation Where the land is used for any industrial or commercial purpose and also for any other non-agricultural purpose such land shall be assessed at the rates prescribed for industrial or commercial purpose, as if it were used for such industrial or commercial purpose, as the case may be.

Provided that where an assessment is levied and collected in respect of such land under this sub-section, no land revenue shall be payable in respect thereof.

Provided further that where the assessment leviable on any non-agricultural land under sub-section (1) is less than the land revenue payable thereon the land Revenue alone shall be payable on such land.

(2) The Government may, in the manner prescribed, prohibit, restrict or regulate the use of an agricultural land for non-agricultural purpose and where any person converts any agricultural land to a non-agricultural purpose in contravention of such prohibition, restriction, or regulation the Collector may, suo motu, or on an application, prohibit such non-agricultural use and levy, such penalty in addition to non-agricultural assessment for the period of non-agricultural use, or pass such other order as he deems fit.

(3) sub-sections (1) and (2) shall not apply to--

(a) lands owned by the State Government or the Central Government other than

(i) the land leased out for any industrial, commercial or other non-agricultural purpose; or

(ii) the land vested in a local authority and used for any industrial, commercial or other non-agricultural purpose deriving income therefrom;

(b) land owned by a local authority and used for any Communal purpose so long as no income is derived in respect thereof;

(c) land owned by any educational, charitable or religious institution;

(d) land used exclusively for residential purpose where its extent does not exceed one hundred square meters.

CHAPTER 32 LEVY AND COLLECTION OF WATER TAX

138. Power of Government to levy and collect water tax :-

The Government shall have and shall be deemed always to have had the power to levy and collect, for each Fasli year, or each crop, as the case may be, water tax in respect of every land receiving water for irrigation or aqua-culture or such other purpose as the Government may, by notification specify, from any Government source of irrigation notified under Section 139, determined on the basis of category of source of irrigation, continuity and assurance of water supply, type of irrigation and such other principles and in such manner as may be prescribed.

Explanation I For the purpose of levy of water tax under this section:

(i) all Government sources of irrigation classified as major and medium irrigation projects shall be regarded as of category I and all other Government sources of irrigation which supply water for a period of not less than four months in a year shall be regarded as of category II; and

(ii) all lands whether classified as wet or dry or as irrigated wet or irrigated dry shall be regarded as dry.

Explanation II For the purpose of this chapter "aqua-culture" means culturing of prawn, fish or any other aquatic life in captivity, inside tanks, ponds, pens or any other enclosures by utilising water from a Government source.

Explanation III When a land in the command area of a Government source of irrigation receives water for irrigation or for aqua-culture purpose, it shall be presumed, until the contrary is proved, that it received water from such Government source of irrigation.

139. Notification of Government sources of irrigation :-

(1) The Collector shall, by notification, from time to time, specify for the purposes of this chapter, the Government sources of irrigation and the lands situate in the ayacuts thereunder; lying within his jurisdiction.

Provided that where the Government sources of irrigation and the lands situate in the ayacuts thereunder lie in more than one district, such notification shall be issued by the Chief Commissioner of Land Administration.

(2) The existing notification specifying the Government sources of irrigation shall, till a notification is issued under sub-section (1), be deemed to have been issued under sub-section (1).

140. Determination of water tax :-

(1) The water tax payable under this chapter by each owner in respect of his lands situate in the ayacut of the Government source of irrigation in every village shall ordinarily be determined for the Fasli year for which water tax shall be leviable and assessed by the Mandal Revenue Officer in accordance with the provisions of Section 138.

(2) As soon as may be after the publication of the notification under Section 139 the Mandal Revenue Officer shall, subject to such general or special order as the Government may issue in this behalf, cause a list to be prepared and published, in such manner as may be prescribed, containing the names of the owners of lands in every village in his mandal and the extent of lands held by them in the ayacuts of the Government source of irrigation and the water tax payable thereon.

(3) The list prepared under sub-section (2) shall be published at such place and in such manner as may be prescribed and on such publication, every owner of land who is liable to pay water tax there under shall be deemed to have had notice of such tax.

(4) Any person interested in and objecting to the water tax specified in the list published under sub-section (3) may make an application to the Mandal Revenue Officer within thirty days from the date of such publication and the Mandal Revenue Officer shall consider such application, if any, received by him and shall pass such order thereon as he thinks fit and serve the same on such person, which shall be subject to any appeal or revision against it, be final.

(5) If no application is received under sub-section (4) within the specified period, the water tax specified in the list published under sub-section (3) shall, subject to any appeal or revision against it be final.

(6) The water tax payable on the date of commencement of this Code shall be deemed to be the water tax determined under Section 138 of this Code.

141. Mode of payment of water tax :-

(1) The water tax payable under this chapter by an owner of land shall be paid by; him in the prescribed manner.

(2) The Government may cause the water tax to be collected through its officers or through such other agency as they may deem fit.

142. Water tax payable under this chapter to be land revenue :-

The water tax payable under this chapter by an owner, in respect of the land shall, be deemed to be land revenue due upon such land.

143. Exemption :-

The Government may, if it thinks necessary so to do, to avoid hardship to the owners of any lands, exempt them by notification,

from the payment of water tax, fully or partially, in respect of such lands permanently or for a specified period, on such conditions, if any as it may specify therein;

144. Bar of Jurisdiction of Court :-

The rate of water tax levied in accordance with the provisions of this chapter shall not be called in question in any Court of law.

CHAPTER 33 TREES

145. Title to the trees :-

(1) All trees standing on any land shall belong to the owner of such land; but where such trees include, Sendhi, Toddy or Gulmohwa trees, the owner of the land shall not tap or allow any person other than the person authorised by the Government to tap such Sendhi or Toddy trees and shall not ferment or sell Gulmohwa to any person other than the person authorised by the Government.

Provided that where the Government authorise any person to tap Sendhi or Todday trees or to purchase Gulmohwa, the Government or the person so authorised shall pay to the owner of the land in which such trees stand such charges as the Government may, by notification, from time to time determine.

(2) The Government or any officer authorised by them may, by notification, from time to time, prohibit or regulate the felling of Sendhi, Toddy or Gulmohra trees and other fruit bearing trees of any specified kind and no person shall fell such trees standing on his land in contravention of such prohibition or regulation.

Provided that no notification shall be made by the Government or by any such officer until the issue of a general notice, in such manner as may be prescribed, to the owners of such trees calling upon them to show cause as to why such notification should not be issued; and on receipt of objections, if any, from them, until after considering their objections.

(3) The notification issued under sub-section (2) shall be published in the locality where the owners of such lands live, in such manner as may be prescribed.

(4) Where any tree is cut in contravention of any prohibition, condition or restriction imposed under the notification published under sub-section (3) the owner of the land in which such tree stood, or where any person has cut it without authorisation from the owner, such person shall be liable to such penalty not exceeding the market value of such tree, as may be determined by the Collector, which shall be recoverable from the owner or such other person as an arrear of land revenue.

(5) The trees in Government lands or the usufruct thereof shall be disposed of in such manner as may be prescribed.

PART 13 CEILING ON AGRICULTURAL HOLDINGS

CHAPTER 34 CEILING ON AGRICULTURAL HOLDINGS

146. Ceiling area :-

(1) The ceiling area in the case of family unit consisting of not more than five members shall be an extent of land equal to one standard holding.

(2) The ceiling area in the case of a family unit consisting of more than five members shall be an extent of land equal to one standard holding plus an additional extent of one-fifth of one standard holding for every such member in excess of five, so however that the ceiling area shall not exceed two standard holdings.

(3) The ceiling area in the case of every individual who is not a member of a family unit and in the case of any other person shall be an extent of land equal to one standard holding.

Explanation In the case of a family unit, the ceiling area shall be

applied to the aggregate of the lands held by all the members of the family unit.

147. Increase of ceiling area in certain cases :-

Notwithstanding anything in Section 146, where an individual or an individual who is a member of a family unit, has one or more major sons, any such major son either by himself or together with other members of the family unit of which he is a member holds no land or holds an extent of land less than the ceiling area, then the ceiling area in the case of the said individual or the family unit of which the said individual is a member computed in accordance with the Section 146 shall be increased in respect of each such major son by an extent of land equal to the ceiling area applicable to such major son or the family unit of which he is a member, or as the case may be, by the extent of land by which the land held by such major son or the family unit of which he is a member falls short of the ceiling area.

148. Standard holding for different classes of lands and computation :-

(1) For the purposes of this part, land shall be classified as set out in the First Schedule. The extent of land which shall constitute a standard holding for the class of lands specified in column (1) of the Table below shall be as specified against it in column (2) thereof.

Provided that--

(i) in the case of any double crop wet land falling under sub-clause (1) of clause (21) of Section 2, for the irrigation of lands in the Godavari Western, Eastern and Central deltas, the extent of standard holding shall be increased by twelve and a half per centum.

(ii) in the case of any double crop wet land irrigated solely by a private tube well, the extent of standard holding shall be increased by twenty-five per centum so however that the said extent shall in

no case exceed 7.28 hectares (18 acres);

(iii) in the case of any wet land irrigated by a Government source of irrigation classified as class V in the settlement or Revenue accounts of the Government, excluding a source fed by a project, river, nala, or channel in the Andhra Area; and in the case of wet land irrigated by similar source notified by the Government in this behalf in the Telangana area; the extent of standard holding shall be increased by sixteen and one-fourth per centum;

(iv) in the case of any dry land situated in any area declared by the Government by notification to be drought prone area, the extent of standard holding shall be increased

(a) by twelve and a half per centum, in the case of any dry land falling under class G or class H of the Table below; and

(b) by twenty per centum in the case of any dry land falling under class I, class J or class K of the said table;

(v) in the case of any land in the Telangana area situated in any tract in respect of which the settlement operations were conducted by an agency other than the Government, if the land falls within class A, class B, class C, class D or class E of the Table below the ceiling area shall be computed as if the land fell within class B, class C, class D, class E or class F of the said table respectively and if the land falls within class G, class H, class I or class J, the ceiling area shall be computed as if such land fell within class H, class I, class J or class K respectively.

(vi) in the case of any land or padugai land or any land on which a coconut garden, a guava garden or a grape garden is raised the extent of standard holding shall in no case exceed 10.93 hectares (27 acres).

TABLE

Class of land				Extent of standard holding
Wet	Double crop wet land (a) Hectares		Wet land other than double crop wet land (b) Hectares	
(1)	(2)	(3)	(4)	(5)
Class A	4.05	(10 acres)	6.07	(15 acres)
Class B	4.86	(12 acres)	7.28	(18 acres)
Class C	5.46	(13.5 acres)	8.09	(20 acres)
Class D	6.07	(15 acres)	9.11	(22.5 acres)
Class E	6.68	(16.5 acres)	10.12	(25 acres)
Class F	7.21	(18 acres)	10.93 Dry	(27 acres)
Class G			14.16	(35 acres)
Class H			16.19	(40 acres)
Class I			18.21	(45 acres)
Class J			20.23	(50 acres)
Class K			21.85	(54 acres)

(2) In computing the holding of a person or family unit, consisting of lands of different classes, the relative proportion of the extent of land of each such Class to the extent of a standard holding of the appropriate Class shall be taken into account in the manner prescribed and the aggregate of all such proportions shall be deemed to be the holding of the person or the family unit in relation to the ceiling area.

(3) In computing the holding of an individual who is not a member of a family unit, but is a member of a joint family the share of such an individual in the lands held by the joint family shall be taken into account and aggregated with the lands, if any, held by him separately and for this purpose such share shall be deemed to be the extent of land which could be allotted to such individual had there been a partition of the land held by the joint family.

(4) In computing the holdings of the member of family unit who is a member of a joint family, the share of such member in the land held by the joint family shall be taken into account aggregated with the lands, if any, held by him separately and for this purpose, such share shall be deemed to be the extent of land which would be allotted to such member, had there been a partition of the lands held by the joint family.

(5) Where an individual or a member of the family unit is a member of a co-operative society, company or firm the share of such individual or of a family unit in the land held by such co-operative society, company or firm shall be also included in the holding of the individual or member of the family unit, as the case may be, and for this purpose the share of the land so held shall be deemed to be the extent of the land which would have been allotted to him on a winding up of the co-operative society or company or dissolution of the firm.

(6) Lands owned or held under a private trust shall-

(a) in a case where the trust is revocable by the author of the trust, be deemed to be held by such author or his successor-in-interest; and

(b) in other cases, be deemed to be held by the beneficiaries of the trust in proportion to their respective interests in such trust, or the income derived therefrom.

Explanation Where a trust is partly private and public; this subsection shall apply only to lands covered by that part of the assets of the trust which is relatable to the private trust.

149. Constitution of Tribunal :-

(1) The Government may, by notification constitute as many

Tribunals as may be necessary for the purposes of this part, and shall specify in such notification, the jurisdiction of each such Tribunal.

(2) Each Tribunal constituted under sub-section (1) shall consist of not more than three members, of whom one shall be a person who holds or has held a civil post under the State, not below the rank of a Deputy Collector, or a person who holds or has held or is qualified to hold the post of a District Munsif; and such person shall be the Chairman of the Tribunal.

(3) The Government may, from time to time, likewise reconstitute any Tribunal constituted under sub-section (1) or may at any time abolish such Tribunal.

(4) The quorum to constitute a meeting of the Tribunal and the procedure to be followed by it shall be such as may be prescribed.

(5) No Act or proceedings of any such Tribunal shall be deemed to be invalid by reason only of the existence of any vacancy or any defect in the constitution or reconstitution thereof.

150. Special provisions in respect of certain transfers, etc., already made :-

(1) Where on or after the 24th January, 1971 but before the notified date, any person has transferred whether by way of sale, gift, usufructuary mortgage, exchange, settlement, surrender or in any other manner whatsoever, any land held by him, or created a trust of any land held by him, then the burden of proving that such transfer or creation of trust has not been effected in anticipation of, and with a view to avoiding or defeating the objects of any law relating to a reduction in the ceiling on agricultural holdings, shall be on such person and where he has not so proved, such transfer or creation of trust, shall be disregarded for the purpose of the computation of the ceiling area of such person.

(2) Notwithstanding anything in sub-section (1), any alienation made by way of sale, lease for a period exceeding six years, gift, exchange, usufructuary mortgage or otherwise, any partition effected or trust created of a holding or any part thereof, or any such transaction effected in execution of a decree or order of a civil Court or any award or order of any other authority, on or after the 2nd May, 1972 and before the notified date, in contravention of the provisions of the Andhra Pradesh Agricultural Lands (Prohibition of Alienation) Act, 1972 shall be null and void.

(3) Where at any time within a period of five years before the notified date, any person has converted any agricultural land held by him into a non-agricultural land, then the land so converted shall be deemed to be agricultural land on the notified date for the purposes of this part.

(4) Where on or after the 24th January, 1971 but before the notified date,--

(a) any declaration of dissolution of marriage has been made by a Court on an application made on or after the 24th January, 1971; or

(b) any other dissolution of marriage in accordance with any law or custom has taken place then the land held by each spouse immediately before the date of such dissolution shall, for the purposes of this part, be deemed to be land held on the notified date by the family unit of which they were members immediately before such-dissolution.

(5) Where on or after the 24th January, 1971, but before the notified date any person has been given in adoption, then the land held by such person immediately before the date of such adoption shall, for the purposes of this part, be deemed to be held on the notified date by the family unit of which he was a member immediately before such adoption.

(6) In every case referred to in sub-section (4) or sub-section (5) the computation of the ceiling area shall first be made in respect of the family unit referred to in the said sub-section, and after the surrender of the land held in excess of the ceiling area by such family unit, the remaining land held by such divorced spouse or adopted person, as the case may be, shall be included in the holding of such divorced spouse or adopted person, whether as an individual or as a member of a family unit such spouse or person has become a member.

(7) If any question arises,--

(a) whether any transfer or creation of a trust effected on or after the 24th January, 1971 had been effected in anticipation of, and with a view to avoiding or defeating the objects of, any law relating to a reduction in the ceiling on agricultural holdings;

(b) whether any alienation made, partition effected or trust created on or after the 2nd May, 1972 is null and void.

(c) whether any conversion of agricultural land into non-agricultural land had taken place within a period of five years before the notified date ;

(d) whether any dissolution of a marriage had taken place on or after the 24th January, 1971 either on an application made on or after the said date, or in accordance with any law or custom.

(e) whether any person had been given in adoption on or after the 24th January 1971, such question shall be determined by the Tribunal, after giving an opportunity of being heard to the affected parties, and its decision thereon shall, subject to an appeal and a revision under this part, be final.

(8) If the Tribunal decides that any transfer, or creation of trust had been effected in anticipation of and with a view to avoiding or

defeating the objects of any law relating to a reduction in the ceiling on agricultural holdings or that any alienation made or partition effected or trust created is null and void and if as a result of such transfer, alienation or creation of trust, the holding of the person or the family unit, that remains on the notified date does not exceed of land that he or the family unit is liable to surrender then the Tribunal shall treat the entire holding thus left over as the extent of land to be surrendered under the provisions of this part by the person or the family unit, as the case may be.

Provided that the balance of extent of land that remains liable to be surrendered by the person or family unit shall, subject to such rules as may be prescribed, be surrendered by the alienee who is in possession of such holding by virtue of any transaction effected in contravention of the provisions of the Andhra Pradesh Agricultural Lands (Prohibition of Alienation) Act, 1972.

151. Declaration of holdings :-

(1) Every person, whose holding on the notified date together with any land transferred by him on or after the 24th January, 1971 whether by way of sale, gift, usufructuary mortgage exchange, settlement, surrender or in any other manner whatsoever, and any land in respect of which a trust has been created by him on or after 24th January, 1971, exceeds the specified limits, shall, within thirty days from the notified date or within such extended period as the Government may notify in this behalf, furnish a declaration in respect of his holding together with such land to the Tribunal within whose jurisdiction the whole or a major part of his holding is situate containing such particulars including those relating to lands held by him in any part of India outside the State, and in such form as may be prescribed.

Explanation I Where the land is held or is deemed to be held by a minor, lunatic, and idiot or other person subject to like disability, not being a member of the family unit, the declaration shall be furnished by the guardian, manager or other person-in-charge of the property of such person and where the land is held or is deemed to be held or by a company, firm, association or other

corporate body, the declaration shall be furnished by any person competent to act for such company, firm, association or corporate body in this behalf.

Explanation II Where the land is held or is deemed to be held by a family unit the declaration shall be furnished by a person in management of the property of such family unit and the declaration so furnished shall be binding on all the members of the family unit.

Provided that the Tribunal shall in the event of a dispute as to the declaration furnished by the person in management, give to the other members of the family unit an opportunity of making their representation or of adducing evidence, if any in respect of such declaration and shall consider such representations and evidence before determining the ceiling area under this part.

Explanation III In this sub-section specified limit means,-

(a) in the case of wet land -- 4.05 hectares (10 acres)

(b) in the case of dry land -- 10.2 hectares (25 acres);

and for the purpose of computing the specified limit in a case where the holding of any person includes both wet land and dry land, one hectare of wet land shall be deemed to be equal to two and a half hectares of dry land.

(2) Without prejudice to the provisions of sub-section (1), the Tribunal shall have power to issue notice requiring any person holding land or residing within its jurisdiction who, it has reason to believe, holds or is deemed to hold land in excess of the ceiling area to furnish a declaration of his holding, or that of his family unit, under sub-section (1) within such period as may be specified in the notice not being less than fifteen days from the date of its communication, and such person shall furnish the declaration accordingly.

(3) If any person who is liable to furnish a declaration under sub-section (1) or sub-section (2) falls to furnish the declaration within the specified time the Tribunal may obtain the necessary information in such manner as may be prescribed.

152. Determination of ceiling area :-

The Tribunal shall on receipt of the declaration furnished or information obtained under Section 151, publish the same, and make an enquiry, in such manner as may be prescribed, and pass orders determining whether the person holds or is deemed to hold on the notified date an extent of land in excess of the ceiling area and if so, the extent of land so held in excess as on that date.

Explanation Save as otherwise provided in this part, in the case of a family unit, the number of members of the family unit shall be reckoned with reference to the notified date.

153. Surrender of land in certain cases :-

(1) If the extent of the holdings of a person is in excess of the ceiling area, the person shall be liable to surrender the land held in excess.

(2) The Tribunal shall serve on every person, who is liable to surrender the land held in excess of the ceiling area under sub-section (1), a notice specifying therein the extent of land which such person has to surrender and requiring him to file a statement within such period not being less than fifteen days, as it may fix, indicating therein, full particulars of the lands which such person proposes to surrender.

(3) If the person on whom a notice is served under sub-section (2), files the statement referred to in that sub-section within the specified period therefor and the tribunal is satisfied, after making such inquiry as it deems fit that the proposed surrender of the land is in accordance with the provisions of this part, it shall pass an order approving the surrender and the said land shall thereupon be deemed to have been surrendered by such person.

(4) If the person on whom a notice is served under sub-section (2) does not file the statement referred to in that sub-section within the period fixed therefor or files such statement within the period fixed but does not specify therein the entire extent of land which such person has to surrender, the Tribunal may, after giving an opportunity to the person concerned of being heard, itself select, in the former case the entire extent, and in the latter case, the balance of the extent which that person has to surrender, and pass an order to that effect, and thereupon the said land or balance of land, as the case may be, shall be deemed to have been surrendered by such person.

(5) (a) Notwithstanding anything in the section, it shall be open to the Tribunal to refuse or to accept the surrender of any land--

(i) which has been converted into non-agricultural land and has been rendered incapable of being used for purposes of agriculture;

(ii) the surrender of which is not acceptable on account of a dispute as to the title to the land or an encumbrance on the land or on account of the land being in the possession of any person mentioned in item (v) of clause (35) of Section 2 or on account of the land proposed to be surrendered becoming inaccessible by reason of its severance from the remaining part of the holding; and the Tribunal shall, in every such case, serve a notice on the person concerned requiring him to surrender any land in lieu thereof; and thereupon the provisions of sub-sections (3) and (4) shall, mutatis mutandis, apply to such surrender;

Provided that where land proposed to be surrendered under this section is burdened with a mortgage, the Tribunal may, on an application made by the mortgagor with the consent of the mortgagee, by order, transfer such mortgage from the land so proposed to be surrendered to the residuary holding of the mortgagor or to any part thereof.

(b) Where the land so surrendered under clause (a) is not

acceptable to the Tribunal, the Tribunal shall, after giving an opportunity to the person concerned of being heard, select any other land in lieu thereof, and thereupon the said land shall be deemed to have been surrendered by such person.

(6) Before passing an order under sub-section (3), sub-section (4) or sub-section (5), the Tribunal shall publish the particulars of land proposed to be surrendered or selected in such manner as may be prescribed and consider the objections, if any, received in pursuance of such publication.

Explanation I In the case of a surrender of land of a family unit--

(a) whether the extent to be surrendered by each member is agreed upon by or on behalf of all the members of the family unit, the extent surrendered by each such member shall be in accordance with such agreement, so however, that the extent surrendered by any female member of the family unit shall not exceed the extent which she would be liable to surrender in proportion to the total land held by her to the lands held by all the members of the family unit.

Provided that the Tribunal may, on an application made by any female member permit the surrender of land by her in excess of such proportionate extent in case an extent equivalent to such excess in terms of standard holding is transferred to her by male member of the family unit.

(b) where there is no such agreement the extent surrendered shall be in proportion to the lands held by each member of the family unit;

(c) where any land is held in the name of any female member of the family unit, it shall be presumed, unless the contrary is proved, that such female member is the owner of such land.

Explanation II Where any person surrenders any land being the whole or part of his share of the land held by a co-operative society, company or firm, the share of such person in such co-operative society, company or firm, as the case may be, shall to the extent required for such surrender, be deemed to have been correspondingly reduced.

Explanation III Where any person required to surrender any land under this part is a member of a co-operative society, company or firm he may be required to surrender the land, if any held by him separately and may then be required to surrender from his share of the land held by the co-operative society, company or firm only to make up the deficiency.

Explanation IV Where it is proposed to accept the surrender by any person of his share of the lands held by a joint family, co-operative society, company or firm of which he is a member, the lands so surrendered shall be selected in accordance with any agreement that may be arrived at between such person and the other members of such of joint family, co-operative society company or firm and where there is no such agreement, the share of such person in the lands so held shall, as far as practicable, be determined pro rata with reference to each class of land held by such joint family, cooperative society, company or firm.

Explanation V In the case of lands covered by proviso (c) to clause (21) of Section 2, the Government may, as soon as may be, notify the area in which the lands are proposed to be localised as double crop wet lands and any person whose holding falls within such notified area shall be required to surrender, in the first instance, only such extent of land as he would be liable to surrender treating it as single crop wet land, and on the localisation of such land as double crop wet; he shall be required to surrender the balance extent which he is liable to surrender, and the provisions of Section 160 shall continue to apply until the surrender of such balance extent.

Explanation VI Where the holding of any person comprises any land falling under sub-clause (i) of clause (91) of Section 2, which has

not been supplied with water from the Government source of irrigation upto the specified date, and the ceiling area in respect of such holding has been determined on the basis that such land is a wet land, such person shall be required to surrender in the first instance only such extent of land as he would have been liable to surrender has such land been treated as dry land, and on the supply of water to such land he shall be required to surrender the balance extent which he is liable to surrender and the provisions of Section 160 shall continue to apply until the surrender of such extent.

(7) The appellate Tribunal, the Tribunal, the Revenue Divisional Officer or any officer authorised by the Tribunal or the Revenue Divisional Officer in this behalf may, at any time, enter upon any land but not a dwelling house, with such officers or other persons as it or he considers necessary and make a survey and take measurements thereof, or do any other act which it or he considers to be necessary for carrying out any of the provisions of this part.

154. Vesting of land surrendered :-

(1) Where any land is surrendered or is deemed to have been surrendered under this part by an owner the Revenue Divisional Officer may, subject to such rules as may be prescribed, by order take possession or authorise any officer to take possession of such land which shall thereupon vest in the Government free from all encumbrances from the date of such order;

Provided that any claim or liability enforceable against the land immediately before the date of vesting in the Government may be enforced only--

(i) against the amount payable under this part in respect of such land; and

(ii) against any other property of the owner, to the same extent to which such claim or liability was enforceable against that land or

other property, as the case may be, immediately before the date of vesting.

Explanation Nothing in this section shall affect the provisions of any law, custom usage or agreement relating to right of easements available for any land vesting in the Government under this section over any other land.

(2) The Revenue Divisonal Officer or any officer authorised by him to take possession of any land vesting in the Government under this part may, while taking such possession, remove any obstruction that may be caused or offered thereto and may for that purpose use such force as may be necessary.

155. Reversion and vesting of land surrendered :-

(1) Where any land is surrendered or is deemed to have been surrendered under this part by any usufructuary mortgagee or tenant, the possession of such land shall subject to such rules as may be prescribed revert to the owner.

(2) The owner to whom the possession of the land reverts under sub-section (1) from an usufructuary mortgagee shall be liable to pay the mortgage money due to usufructuary mortgagee in respect of that land with interest at the rate of six per cent per annum from the date of such reversion, and the said land shall continue to be the security for such payment.

(3) The owner to whom the possession of the land reverts under sub-section (1) from a tenant shall be entitled to receive from the tenant rent due for the period ending with the last crop harvested by such tenant.

(4) Where any land is surrendered or is deemed to have been surrendered under this part by any person in possession by virtue of a mortgage by conditional sale or through a part performance of

contract for sale or otherwise, the possession of such land shall subject to such rules as may be prescribed, revert to the owner.

(5) The owner to whom the possession of the land reverts under sub-section (4) shall be liable to discharge the claim enforceable against the land by person in possession; and the land surrendered shall if held as a security, continue to be the security.

(6) Where any land is surrendered or is deemed to have been surrendered under this part by any limited owner, the possession of such land shall, subject to such rules as may be prescribed, revert to the person having a vested interest in the remainder and such person shall be liable to discharge the claim enforceable against the land by the limited owner, and the said land shall, if held as a security continue to be the security.

(7) Notwithstanding anything contained in this section, where any land surrendered by an usufructuary mortgagee or a tenant or a person in possession referred to in sub-section (4), is also a land surrendered by the owner, the provisions of Section 154 shall apply.

156. Special provision for protected tenants :-

(1) Where the holding of any owner includes any land held by a protected tenant, the Tribunal shall, in the first instance, determine whether such land or part thereof stands transferred to the protected tenant under Section 38 of Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, and if so, the extent of land so transferred, and such extent of land shall thereupon be excluded from the holding of such owner and included in the holding of such tenant, as if the tenant was the owner of such land for the purpose of this part.

157. Disposal of land vested in Government :-

(1) The lands vested in the Government under this part shall be allotted for use as house-sites for agricultural labourers, village artisans or other poor persons owning no houses or house-sites, or

transferred to the weaker sections or the people dependent on agriculture for agriculture or for purposes ancillary thereto, in such manner as may be prescribed;

Provided that, as far as may be practicable, not less than one half of the total extent of land so allotted or transferred shall be allotted or transferred to the members of the Scheduled Castes and the Scheduled Tribes and out of the balance, not less than two thirds shall be allotted or transferred to the members of the Backward Class and classes of citizens notified by the Government for purposes of clause (4) of Article 15 of the Constitution.

(2) Every person, to whom the land has been allotted for use as house-site or transferred for the purposes of agriculture or for purposes ancillary thereto, shall pay to the Government within a period of fifteen years from the date of allotment or transfer or within a shorter period at his option, and in such installments as may be prescribed, a sum calculated at fifty times the land Revenue payable on such land, subject to a maximum of Rs. 1,250 per hectare in the case of wet land and Rs. 375 per hectare in the case of dry land and on payment of the entire amount such person shall be granted a patta in respect of that land.

Explanation Where any land transferred under this sub-section contains any fruit-bearing trees or permanent structures, the transferee shall also be liable to pay the value of such trees or structures calculated in such manner as may be prescribed.

(3) Where any person fails to pay the sum referred to in sub-section (2) or any instalment thereof the Revenue Divisional Officer may, subject to such rules as may be prescribed, resume the land after giving an opportunity to the person concerned of making a representation in this behalf and the amount already paid by such person to the Government shall be liable to be forfeited of the Government.

(4) Any transfer of the land under this section shall be subject to;

(i) the condition that the land shall not be alienated by the transferee by way of sale, gift, mortgage, lease or in any manner whatsoever otherwise than by way of mortgage in favour of the Government a Bank or a Co-operative Society, including a Land Mortgage Bank; and

(ii) the condition that where the land is an orchard, the transferee shall continue to maintain such land as an orchard; and

(iii) such other condition as may be prescribed.

(5) Any alienation effected or other act done in respect of any land in violation of the conditions specified in sub-section (4) shall be null and void; and the Revenue Divisional Officer shall resume the land after giving an opportunity to the persons affected of making a representation in this behalf.

(6) Notwithstanding anything in this Section, the Government may:

(i) lease out any land vesting in them under this part for such purposes and on such terms and conditions as may be specified by them; or

(ii) reserve such land for any common use or benefit of the community.

158. Amount payable for lands vested in the Government :-

The amount payable for any land vested in the Government under this part shall be a sum calculated at the rates specified in the Second Schedule and it, shall be paid at the option of the Government, either in cash or in bonds or partly in cash and partly in bond, which shall be issued on such terms and shall carry such rate of interest as may be prescribed.

159. Claims for the amount payable :-

The Tribunal shall, after giving the persons known or believed to be interested in the land vested in the Government an opportunity of being heard, determine the amount payable under Section 158 and publish a notification containing particulars of the land so vested and the amount payable therefor and any person having an interest in the said land, may file a claim for the amount due to him from out of the amount payable, within thirty days from the date of publication of the notification and the Tribunal shall after making an inquiry into the validity of the claim, determine the persons who, in its opinion are entitled to payment from out of the said amount and the amount to which each of them is entitled and subject to such rules as may be prescribed, make payments in accordance with such determination.

160. Prohibition of alienation of holding :-

(1) No person whose holding, and no member of family unit, the holding of all the members of which in the aggregate is in excess of the ceiling area as on the 24th January, 1971 or at any time thereafter shall, on or after the notified date, alienate his holding or any part thereof by way of sale, lease gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or effect a partition thereof, or create a trust or convert an agricultural land into non-agricultural land, until he or the family unit, as the case may be, has furnished a declaration under Section 151, and the extent of land, if any to be surrendered in respect of his holding or that of his family unit has been determined by the Tribunal and an order has been passed by the Revenue Divisional Officer under this part taking possession of the land in excess of the ceiling area and a notification is published under Section 159 and any alienation made or partition effected or trust created in contravention of this section shall be null and void and any conversion so made shall be disregarded.

(2) For the purpose of determining whether any transaction of the nature referred to in sub-section (1) in relation to a land situated in this State took place on or after the notified date, the date on which the document relating to such transaction was registered shall, notwithstanding anything in Section 47 of the Registration

Act, Central Act 16 of 1908, be deemed to be the date on which the transaction took place, whether such document was registered within or outside the State.

(3) The provision of sub-section (1) shall apply to any transaction of the nature referred to therein in execution of a decree or order of a civil Court or of any award or order of any other authority.

161. Declaration of future acquisitions :-

(1) Where on or after the notified date there takes place-

(a) any acquisition in any manner whatsoever, usufructuary mortgage or lease of any land; or

(b) any marriage or adoption; or

(c) any alteration in the classification of the land; and after such acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, the total extent of land held by any person or by all the members of any family unit in the aggregate exceeds the ceiling area, such person or family unit shall within a period of sixty days from the date of such acquisition, usufructuary mortgage, lease, marriage, adoption, or alteration furnish a declaration of the holding of such person or family unit; and all the relevant provision of this part shall apply as if it was a declaration furnished under Section 151.

Explanation I For the purpose of this Section, the number of members of a family unit shall be reckoned with reference to the date of such acquisition usufructuary mortgage, lease, marriage, adoption or alteration as the case may be.

Explanation II For the purpose of the application of the provisions of Sections 152 and 160, the expression "notified date" shall be constructed as the date of acquisition, usufructuary mortgage,

lease, marriage, adoption, or alteration as the case may be.

Explanation III For the removal of doubts, it is hereby clarified that no declaration under this Section need be furnished where the total extent of land held by all the members of a family unit in the aggregate exceeds the ceiling area solely on account of any reduction in the number of members of the family unit.

Explanation IV Where a land surrendered by a family unit under this part is land held by a joint family, it shall be open to the other members of the joint family with and other members of the Joint Family to partition the land remaining with such joint family after such surrender and if such family unit comes to hold land in excess of the ceiling area solely on account of such partition, such family unit shall not be required to furnish a fresh declaration under this Section and the relevant provisions of this part applicable to a family unit holding land in excess of the ceiling area shall not apply to such family unit.

Explanation V For the removal of doubts, it is hereby clarified that when a land held by a limited owner reverts to the person having a vested interest in the remainder by virtue of sub-section (6) of Section 157 or otherwise, there shall be deemed to be an acquisition of such land by such person for the purposes of this section.

(2) Where any land is acquired or taken on lease by a person solely for a non-agricultural purpose connected with or incidental to an industry, the Government may, after making such enquiry as they may deem fit, by order, exempt, subject to such conditions, if any, as may be specified in order, such land from the provisions of sub-section (1).

Explanation VI For the purpose of this sub-section, the expression "Non-Agricultural Purpose" means a purpose which is not an agricultural purpose or a purpose ancillary thereto, including horticulture, and the expression "industry" means any business, profession, trade, undertaking or manufacture.

162. Declaration to be furnished before registering officer :-

(1) Notwithstanding anything in the Registration Act, Central Act 16 of 1908 every person presenting before a Registering Officer appointed under the said Act for registration on or after the notified date, any document relating to alienation of any land or creation of a trust in respect of any land shall, at the time of such presentation, furnish a declaration, in duplicate by the transferor making the alienation, or creating the trust to the effect that the holding of the transferor does not exceed the ceiling area, and in a case where such transferor is a member of a family unit, that the holdings of all the members of such family unit in the aggregate do not exceed the ceiling area.

(2) The declaration mentioned in sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) On or after the notified date, no registering officer shall accept for registration, any document relating to the alienation, or the creation of any trust, of any land, if the document is not accompanied by the declaration mentioned in sub-section (1).

(4) The Registering Officer shall, as soon as may be after the date of registration of the document, forward one copy of the declaration referred to in this section to the Revenue Divisional Officer within whose jurisdiction the holding which is the subject matter of the document or a major part thereof, is situated and on receipt of such copy, the Revenue Divisional Officer, may obtain such information as may be necessary for verifying as to the correctness of the statements contained in the declaration.

(5) Every Village Officer and every Officer of the Revenue, Registration and Survey and Settlement Departments of the Government, shall report to the Revenue Divisional Officer any information which they may receive of transactions in respect of any land made in contravention of any of the provisions of this part and on receipt of such information the Revenue Divisional Officer

may verify the correctness of the same.

(6) Where it appears to the Tribunal or the Revenue Divisional Officer, as the case may be, as a result of verification under sub-section (4) or sub-section (5) or in any other manner that a transaction has taken place in contravention of the provisions of this part it or he shall, after giving to the parties likely to be affected an opportunity of making representation and holding such enquiry as it or he may consider necessary by order determine whether or not the transaction is in contravention of the provisions of this part; and where any transaction is so determined to be; in contravention of the said provisions, it shall be null and void.

163. Constitution of Appellate Tribunal :-

(1) The Government may, by notification constitute as many appellate Tribunals as may be necessary for the purposes of this part, and shall specify in such notification, the Jurisdiction of each such appellate Tribunal.

(2) Each appellate Tribunal constituted under sub-section (1) shall consist of not more than three members, of whom one shall be a person who holds or has held a civil post under the State, not below the rank of a District Revenue Officer, or a person who holds or has held or is qualified to hold the post of a District Judge, and such person shall be Chairman of the Tribunal.

(3) The provisions of sub-sections (3), (4) and (5) of Section 149 shall apply in relation to an appellate Tribunal as they apply in relation to the Tribunal with the substitution of references to the appellate Tribunal for references to the Tribunal.

164. Exemptions :-

Nothing in this part shall apply to the following lands, namely,--

(a) lands held by the State or the Central Government, or any local authority.

(b) lands held by religious, charitable or educational institutions, including a wakf, of a public nature existing on the date of the commencement of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (Act 1 of 1973).

(c) lands held by an undertaking owned, controlled or managed by-

(i) a Government company as defined in Section 617 of the Companies Act, 1956 (Central Act 1 of 1956).

(ii) a Corporation established by or under a Central or State Act, which is controlled or managed by a State Government or the Central Government;

(d) lands covered by tea, coffee, cocoa, cardamom, or rubber plantations;

(e) lands held by--

(i) such Co-operative Farming Societies of weaker section as may be approved by the Government in this behalf which approval the Government may for good and sufficient reason withdraw at any time;

(ii) other Co-operative Societies including Land Development Banks;

(f) lands held by a bank;

(g) lands vested in the Andhra Pradesh Bhoodan Yagna Board or in a Gram Sabha;

(h) lands in any area notified by the Government in this behalf as required for acquisition in connection with any major irrigation, power, industrial or other project under construction as on the date of commencement of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973.

Provided that where any of the lands specified in clause (a), (b), (c), (d), (e), (f) or (g) are held by any person other than the authority, institution, body corporate or society specified in such clause whether as a tenant or usufructuary mortgagee or otherwise, the provisions of this part shall apply to such person in respect of such land:

Provided further also the exemptions under item (ii) of clause (e) and clause (f) shall be available only in respect of the lands acquired by such Co-operative Societies or Banks in pursuance of the recovery of their dues;

Provided also that the exemptions under item (i) of clause (c) shall be available only in respect of such part of the land as may be relatable to the share held by a State or Central Government in such Government company, and for this purpose, the share of the land so relatable shall be deemed to be the extent of the land which would have been allotted to the said Government on a winding up of the company.

165. Penalty :-

(1) If any person, who is liable to furnish a declaration under this part wilfully and without reasonable cause or excuse, falls to furnish the declaration within the period prescribed or specified therefor by or under this part or furnishes any declaration which he knows or has reason to believe to be false, incorrect or incomplete, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extent to two thousand rupees or with both.

(2) If any person wilfully and without reasonable cause or excuse contravenes any other provisions of this part or of any rules made or orders issued thereunder, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(3) If any Village Officer, or any Officer of the Revenue, Registration or Survey and Settlement Department of the Government wilfully and without reasonable cause or excuse fails to report to the Revenue Divisional Officer any information which he may receive of any transaction in respect of any land made in contravention of any of the provisions of this part, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(4) No Court shall take cognizance of an offence punishable under this part except with the previous sanction of the District Collector, which sanction shall be accorded subject to such rules as may be prescribed.

PART 14 RELIEF TO AGRICULTURAL LABOURER, RURAL ARTISAN AND SMALL FARMER

CHAPTER 35 RELIEF TO AGRICULTURAL LABOURERS, RURAL ARTISANS AND SMALL FARMERS

166. Relief to agricultural labourers, Rural Artisans and Small Farmers :-

(1) Notwithstanding anything contained in any other law for the time being in force or a custom, contract or decree of a Court to the contrary, no creditor shall charge, claim, collect or recover interest over and above such rate or different from such kind as may be prescribed on any loan advanced to an agricultural labourer, or a small farmer or a rural artisan and in no event the aggregate of such interest shall exceed the principal amount of loan.

(2) Notwithstanding anything contained in any other law for the

time being in force or a custom, contract or decree of a Court to the contrary, where in any agricultural year, due to late arrival of rains or other vagaries of nature, agricultural lands in any village are not cultivated, or though cultivated the crops raised therein have failed, totally or partially, no creditor shall be entitled to demand, enforce or recover, in such agricultural year, payment of any instalment of any debt or repayment of such debt or unpaid portion thereof, otherwise due and payable in such agricultural year from an agricultural labourer or a small farmer or a rural artisan, in such village, nor shall charge, claim, collect or recover any penal interest from him for non-payment thereof.

(3) Where any dispute arises between the debtor and his creditor as to the amount of any debt, instalment of debt, or interest due by the former to the latter or as to the rate or kind of interest which is charged on any loan advanced by the creditor to his debtor or as to whether in any agricultural year, due to late arrival of rains or other vagaries of nature, agricultural lands in any village are not cultivated, or though cultivated the crops raised therein have failed, totally or partially, the debtor, or the creditor may file a petition before the Junior Civil Judge within whose jurisdiction the debtor lives or carries on business or works for gain, for the determination of such dispute.

(4) On receipt of such petition, the Junior Civil Judge shall give to the respondent in such petition an opportunity to file his counter and shall, after giving to both the parties an opportunity to adduce oral and documentary evidence in support of their respective contentions and after being heard, determine such dispute.

(5) The provisions of the Limitation Act, 1963 (Central Act 36 of 1963) shall apply to such a petition as if it is a suit.

PART 15 ESCHEATS AND BONA VACANTIA

CHAPTER 36 OWNERSHIP, SUPERINTENDENCE AND POWER OF DISPOSAL OF ESCHEAT AND BONA VACANTIA

167. Ownership of escheat :-

Where the owner of any property situated in the State, dies intestate without leaving any legal heir, such property shall, as escheat, belong to the Government.

168. Ownership of bona vacantia :-

Where there is no rightful owner, to any property situated in the State, other than escheat or any movable property found in a public place, such property shall, as bona vacantia, belong to the Government.

169. General Superintendence of escheat and bona vacantia :-

Subject to the orders, if any, of the Government, in that behalf, the general superintendence of all escheats and bona vacantia shall vest in the Chief Commissioner of Land Administration, who shall be the chief controlling authority in all matters connected with the administration of escheat and-bona vacantia under this part.

170. Local Officers :-

(1) The Government may, by notification, appoint the Collector or such other officer as it may deem fit to be the local officer for each district, who shall, subject to the general control of the chief controlling authority, exercise the powers conferred and perform the duties imposed on him by or under this part.

(2) The Government may, by notification, appoint, such number of other officers as may be necessary, for the purposes of this part, to assist the local officer.

171. Powers of disposal of escheat and Powers of disposal of escheat and bona vacantia :-

(1) Save as otherwise provided in this part, an escheat or bona vacantia may be disposed of--

(a) by the Government irrespective of its value unless it delegates such power to the chief controlling authority;

(b) by the chief controlling authority where its value does not exceed one lakh rupees; and

(c) by the local officer, where its value does not exceed twenty thousand rupees.

(2) The power to dispose of an escheat or bona vacantia under subsection (1) shall include the power--

(i) to decide whether the claim of the Government should be asserted and the property should be taken into custody;

(ii) to make equitable disposition of property which devolves by escheat;

(iii) to take charge of the property to which the claim of the Government has been asserted and to arrange for its care and maintenance during the period of its custody.

CHAPTER 37 ENQUIRY RELATING TO ESCHEAT OR BONA VACANTIA

172. Enquiry relating to escheat or bona vacantia :-

Whenever the local officer receives information from any source that any property of the nature of an escheat or a bona vacantia is situated or lying within his Jurisdiction, he shall cause an enquiry to be made in respect thereof.

173. Suit for declaration and possession of escheat or bona vacantia :-

(1) Where, as a result of the enquiry under Section 172, the local officer is satisfied that any escheat or bona vacantia is in the possession of a person, who has no right to it, but such person

refuses, on demand, to surrender possession thereof, the local officer may, after obtaining the sanction of the chief controlling authority, institute a suit for declaration of Governments right to it and recovery of possession thereof.

(2) On the decree of the suit, the local officer shall obtain the possession thereof through the Court and manage it or dispose it of in accordance with the other provisions of this part.

174. Possession and disposal of perishable property :-

(1) Where the property of the nature of an escheat or bona vacantia is not in the possession of any person, or the person in possession surrenders, on demand, the possession thereof, the local officer shall, under an inventory prepared in the presence of not less than five respectable persons of the locality, take such property into his custody and send a report thereof together with a copy of inventory to the chief controlling authority and shall, pending settlement of the claim to such property under Section 175 arrange for its care and maintenance.

(2) Where such property is an immovable property, the local officer shall sell the lease hold right thereof in public auction in such manner as may be prescribed and shall, after deducting the expenses thereof, hold the remaining sale proceeds in deposit.

(3) Where such property or any part thereof is perishable or involves considerable expenditure in its upkeep or the value thereof does not exceed five hundred rupees or for any other reason he considers it expedient so to do, the local officer may, for reasons to be recorded in writing, order the disposal of such property by public auction in the prescribed manner and shall, after deducting the expenses thereof hold the remaining sale proceeds in deposit.

175. Declaration of property as escheat or bona vacantia :-

(1) As soon as may be after taking the property in his custody under sub-section (1) of Section 174, the local officer shall publish a notice in such manner as may be prescribed, calling upon the persons who may have any claim to such claim to such property to prefer their claims thereto in the prescribed form within three months from the date of publication of the notice.

(2) Where no claim is preferred within the said period of three months, the local officer shall declare the property in respect of which notice is published under sub-section (1) to be an escheat or a bona vacantia, as the case may be and dispose it of in accordance with the other provisions of this part.

(3) Where any person prefers a claim to such property within the said period of three months the local officer shall make an enquiry and decide the claim, recording the reasons therefor.

(4) Where the local officer or on appeal, the District Court decides that such property belongs to the claimant, the local officer shall deliver the same to him and where the local officer or, on appeal, the District Court decides that such property does not belong to the claimant, he or it shall declare the same to be an escheat or a bona vacantia, as the case may be, on which the local officer shall dispose it of in accordance with the other provisions of this part.

(5) Notwithstanding anything contained in the other provisions of this part, a claimant who is aggrieved by the decision of the local officer under sub-section (3) may, instead of preferring an appeal against it to the District Court, institute a civil suit to establish his claim and the provisions of sub-section (5) shall apply, mutatis mutatis, to the decision of the civil Court.

176. Immovable property not to be sold for twelve years :-

Notwithstanding anything in this part no immovable property which is declared scheat or bona vacantia shall be alienated for a period of twelve years from the date of such declaration.

CHAPTER 38 MOVABLE PROPERTY FOUND IN A PUBLIC PLACE

177. Movable property found in a public place :-

(1) Any movable property which is found in a public place, the owner of which is not known shall be the property of the finder as against everyone except the true owner.

(2) Where the finder so desires he may hand over such property to the officer in-charge of the nearest police station who shall retain the same in his custody and shall, at once, furnish a report in regard thereto with an inventory thereof the Chief Metropolitan Magistrate or as the case may be the Chief Judicial Magistrate having jurisdiction, over the area.

(3) On receipt of a report under sub-section (2) the Magistrate shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof as if it were a property taken over by the police under Section 51 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Explanation For purposes of this section the term "movable property" does not include a treasure as defined in clause (b) of Section 3 of the Indian Treasure Trove Act 1878 (Central Act VI of 1878).

PART 16 REVENUE RECOVERY

CHAPTER 39 LAND REVENUE AND ITS PAYMENT

178. Security for land Revenue :-

The land, the buildings upon it, and its produce shall be the security for the land revenue due on land.

179. When and to whom the land Revenue is to be paid :-

Every land holder shall pay to the Sub-Collector or other officer empowered by him to receive it, the land revenue due on his land

on or before the day on which it falls due according to the kist-bandi and where no particular day is fixed then within the time it falls due according to the local usage;

Provided that the Chief Commissioner of Land Administration may, by notification, alter and fix, from time to time, the amount of instalments and the dates on which they shall respectively become payable.

180. Mode of recovery of land Revenue :-

Whenever the land revenue is in arrear, the Sub-Collector or other officer empowered in this behalf may recover the arrear together with interest and costs of process by;

(a) attachment and sale of the defaulters movable property;

(b) attachment and sale of the defaulters immovable property;

(c) appointment of a receiver for the management of the defaulters immovable property;

(d) arrest and detention of the defaulter or his surely.

181. Prohibition to bid at Revenue sale :-

No officer conducting a sale or having any duty to be performed in the conduct of sale under this part and no person employed by or subordinate to such officer shall, either directly or indirectly bid for acquiring or attempt to acquire the property to be sold or any interest therein.

182. Interest on arrears of land Revenue :-

The arrears of land revenue shall bear interest at such rate as may be prescribed.

CHAPTER 40 ATTACHMENT AND SALE OF MOVABLE PROPERTY

183. Attachment of movable property other than agricultural produce :-

(1) In the attachment of movable property, other than the agricultural produce, the following procedure shall be observed, namely,--

(i) the Sub-Collector or other officer empowered in this behalf shall furnish to the person employed to attach the property of a defaulter a demand in writing signed by him specifying,--

(a) the name of the defaulter;

(b) the amount of arrear for which the distress may be issued; and

(c) the date on which arrear fell due;

(ii) the demand shall authorize the person making the distress to seize the property;

(iii) Where the defaulter does not pay forthwith the arrear due, as specified in the demand, and makes no arrangement for securing the payment of the same, the distrainer shall attach the movable property by seizing it;

(iv) the distrainer shall, thereafter, prepare a list with the particulars of the property seized and enter in it the particulars of the place where it may be lodged;

(v) a copy of such list shall be furnished to the defaulter setting forth that the distrained property will immediately be brought to sale unless the amount of arrears with interest, batta and all expenses of distress be discharged.

(2) When a defaulter is absent, a copy of the demand with the list shall be affixed or left at the usual place of his residence or at the premises where the property is distrained within three days from the date of distress.

(3) The distrainer will keep the property in his own custody or entrust the custody of the property to one of the subordinates of the Sub-Collector as may be prescribed in this behalf who shall be responsible for due custody thereof.

184. Articles exempt from attachment :-

The following articles shall not be attached for arrears of land revenue,--

(a) the necessary wearing-apparel cooking vessels, beds and bedding of the defaulter, his wife and children and such personal ornaments of a woman as in accordance with the religious usage can not be parted with by her;

(b) his plough, implements of husbandry other than tractors, mechanical tillers and motorised or powered equipment, one pair of plough and cattle, such manure and seed grain stocked by the defaulter or on his behalf by his cultivator as may be necessary for the due cultivation of his lands in the ensuing year; and

(c) such portion of agricultural produce or of any class of agricultural produce as the Government may declare, by notification to be necessary for the purpose of providing until the next harvest for the due cultivation of the land of the defaulter and for the support of the defaulter and his family.

185. Attachment of agricultural produce :-

(1) Where the property to be attached is agricultural produce, the Sub-Collector shall issue a warrant of attachment specifying the particulars mentioned in sub-section (1) of Section 183 and also specifying the lands, the produce of which is to be attached.

(2) The attachment shall be made by affixing a copy of the warrant of attachment,--

(a) where such produce is growing crop, on the land on which such crop has grown; or

(b) where such produce has been cut or gathered, on the threshing floor or place for treading out grain or the like or fodder stack on or in which it is deposited.

and another copy on the outer door or on some other conspicuous part of the house in which the defaulter ordinarily resides, or where there is no such residence on the outer door, or on some other conspicuous part of the house in which he carries on business or personally works for gain, or in which he is known to have last resided or carried on business or personally worked for gain and the produce shall, thereupon, be deemed to have passed into the possession of the Sub-Collector.

186. Arrangements as to the custody etc., of agricultural produce under attachment :-

(1) Where agricultural produce is attached, the Sub-Collector or other officer empowered by him in this behalf shall make such arrangements for the custody, watching, tending, cutting gathering and storing thereof as he may deem fit.

(2) Subject to such conditions as may be imposed by the Sub-Collector or other officer empowered by him in this behalf, as the case may be, either in the order of attachment or in any subsequent order, the defaulter may tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it; and where the defaulter fails to do all or any of such acts, the person appointed by the Sub-Collector in this behalf may, subject to the like conditions, do all or any of such acts, and the costs incurred by such person shall be recoverable from the defaulter as if they were included in the warrant.

(3) Agricultural produce attached as a growing crop shall not be

deemed to have ceased to be under attachment or to require re-attachment merely because it has been severed from the soil.

(4) Where an order for the attachment of a growing crop has been made at a considerable time before the crop is likely to be fit to be cut or gathered, the Sub-Collector or other officer empowered by him in this behalf may suspend the execution of the order for such time as he thinks fit and may, in his discretion, make a further order prohibiting the removal of the crop pending the execution of the order of attachment.

(5) A growing crop which from its nature does not admit of being stored shall not be attached under this section more than twenty days before it is likely to become fit to be cut or gathered.

187. Attachment to be proportionate and only between sunrise and sunset :-

(1) The property attached shall be as nearly as possible proportionate to the amount specified in the demand or warrant as the case may be.

(2) Attachment by seizure shall be made only after sunrise and before sunset.

188. Places which the distrainer may force open :-

The distrainer may,

(a) force open any stable, cowhouse granary, godown, outhouse or other nonresidential building;

(b) enter any dwelling house, the outer door of which is open; and

(c) break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged

therein;

Provided that the distrainer shall not break open or enter any apartment in such dwelling house appropriated for the residence of women except as provided in the Section 189.

189. Distrainer to force open the doors in the presence of a Police Officer :-

(1) Where a distrainer has reason to believe that the property of a defaulter is lodged within a dwelling house the outer door of which is shut, or within any apartment appropriated by women which, by the usage of the country, is considered private, such distrainer shall represent the same to the officer in-charge of the nearest police station.

(2) On such representation, the officer-in-charge of the police station shall send a police officer to the spot, in whose presence the distrainer may force open the outer door of such dwelling house, in the same manner as he may break open the door of any room within the house except the apartments used by women.

(3) The distrainer may also, in the presence of the police officer, after a notice given for the withdrawal of women from their apartments and after furnishing adequate opportunity for their withdrawal in a suitable manner, enter the apartments used by women for the purpose of distraining the defaulters property deposited therein but such property, if found, shall be removed immediately from such apartments after which they shall be left free to the former occupants.

190. Punishment for unlawful entry :-

Persons entering the apartments of women or forcing open the outer doors of dwelling houses, contrary to the provisions of this part, shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or

with both.

191. Recovery of loss from neglect in respect of distrained property :-

Where property distrained is stolen, or lost, or damaged by reason of the necessary precautions for its due preservation not having been taken or from its having been improperly worked or made use of, the amount of such loss or damage shall be recoverable by summary process by the Collector, from the officer whose neglect or act occasioned the loss or damage and the amount when recovered shall be adjusted towards the arrear of land revenue and the balance, if any, shall be paid to the owner.

192. Penalties for fraudulent conveyance of property to prevent distress and forcible or clandestine removal of distrained property :-

(1) Where on an application made by the distraining officer to a civil Court of competent jurisdiction complaining that, --

(a) the defaulter has made a fraudulent conveyance of property to prevent the distress for arrears, or

(b) any person has forcibly or clandestinely taken away the property distrained, the Court may after making such enquiry as it deems fit and after notice to the defaulter and the person in possession of the property, restore the property to the distrainer, if it is satisfied that the complaint of the distrainer is well founded.

(2) The defaulter or any person shall also be liable for punishment for any offence under any law for the time being in force committed by him by the acts referred to in clauses (a) and (b) of sub-section (1).

193. Claims to property distrained :-

(1) When any claim is made by a person to movable property

attached under the provisions of this chapter, the Sub-Collector or other officer empowered by him in this behalf shall make a summary enquiry after giving the claimant an opportunity to be heard and either admit or reject the claim.

(2) Where the claim is admitted wholly or partly, the property shall pro tanto be released.

(3) No claim under this section shall be entertained if it is not made within fifteen days from the date of distraint.

(4) Where the claim under this section relates to growing crops or produce gathered and stored on the land in the possession of the defaulter and in respect of which the Government has a charge, such charge shall prevail against any such claim.

194. Officer empowered to sell distrained property :-

Every Mandal Revenue Officer, hereinafter called the sale officer, shall have the power to sell, in such manner as may be prescribed, the property distrained for arrears of land revenue.

195. Delegation of powers of Mandal Revenue Officer :-

Subject to the orders of the Sub-Collector, every Mandal Revenue Officer may delegate the powers vested in him under Section 194 to any officer subordinate to him not below the rank of a Revenue Inspector and the provisions of the said section shall apply to him in the same manner as they apply to Mandal Revenue Officer.

196. Investing the powers of Mandal Revenue Officer or other Officers :-

The Government may, by notification, invest any Officer or class of officers with the powers of a Mandal Revenue Officer under this part subject to such conditions and restrictions as may be specified therein.

197. Sale of distrained property :-

Where a claim made under Section 193 is rejected or no claim is made to movable property distrained, the sale officer may by auction sell the attached movable property or so much thereof, as may be necessary to satisfy the arrears of land revenue and incidental expenses.

198. Procedure when defaulter fails to pay after notice :-

(1) Where even after the distraint is made and the list of the property is served on the defaulter in the manner provided in Section 183 the amount is not paid in pursuance of the demand notice and no arrangement for securing the payment thereof is made to the satisfaction of the Sub-Collector or other officer empowered by him in this behalf, the distrainer shall transmit the list of the property distrained to the nearest sale officer who shall sell the property for discharge of the arrears of land revenue due with interest, costs and batta.

(2) Within seven days after the receipt of the list of property by the sale officer transmitted under sub-section (1), the sale officer shall issue a proclamation of the intended sale specifying the time and place of the sale and the particulars of the property to be sold.

(3) Such proclamation shall be made by beat of drum or by other customary mode in the village in which the property was seized or where the property was seized in a town or city, then in the locality in which it was seized and at such other place as the Sub-Collector or other officer empowered by him in this behalf may consider necessary to give due publicity to the sale.

(4) The sale officer shall cause to be affixed to the outer door of the defaulters house or on the premises where the property may have been distrained, a list of the property to be sold with a notice specifying the place where and the day and hour at which the distrained property shall be sold.

(5) No sale shall take place before the expiration of a period of fifteen days from the date on which the notice was affixed.

199. Sale of agricultural produce :-

(1) Where the property to be sold is agricultural produce, the sale shall be held,--

(a) where such produce is growing crop, on or near the land on which such crop has grown; or

(b) where such produce has been cut or gathered, at or near the threshing floor or place for treading out grain or the like, or fodder-stack on or in which it is deposited :

Provided that the Sub-Collector or other officer empowered by him in this behalf may direct the sale to be held at the nearest place of public resort, if he is of opinion that the produce is, thereby, likely to sell to greater advantage.

(2) Where, on the produce being put up for sale,--

(a) a fair price, in the estimation of the person holding the sale, is not offered for it, and

(b) the owner of the produce, or a person authorised to act on his behalf applies to have the sale postponed till the next day or, where market is held at the place of sale, the next market day, the sale shall be postponed accordingly, and shall be completed on the postponed day, whatever may be the price offered for the produce.

200. Special provisions regarding sale of growing crops :-

(1) Where the property to be sold is a growing crop and the crop from its nature admits of being stored but has not yet been stored, the day of sale shall be so fixed as to admit of the crop being made ready for storing before such day, and the sale shall not be held

until the crop has been cut or gathered or is ready for storing.

(2) Where the crop from its nature does not admit of being stored or can be sold to a greater advantage in an unripe stage it may be sold before it is cut and gathered and the purchaser shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending or cutting or gathering and removing the crops.

201. Sale how conducted and when stopped :-

(1) At the appointed time the property shall be sold by public auction in one or more lots as the sale officer may consider advisable and shall be disposed of to the highest bidder;

Provided that where the property is sold in more lots than one, if the amount to be realized by sale is satisfied by the sale of a portion of the property, the sale shall immediately be stopped with respect to the remainder of the lots.

(2) Where the property sold fetches more than the amount of the arrears, the surplus, after deducting the expenses of process and interest shall be paid to the defaulter.

(3) If before the lot is knocked down, the defaulter or any person acting on his behalf pays to the sale officer, the arrears of land revenue with interest thereon and all charges, the sale shall be stopped.

202. Payment of Sale Price :-

(1) Where movable property is sold by public auction the price shall be paid in cash at the time of the sale, or as soon as thereafter as the sale officer holding the sale shall appoint and the purchaser, shall not be permitted to carry away any part of the property until he has paid the amount in full.

(2) Where the purchaser falls to pay the purchase money the property shall be resold and the defaulting purchaser shall be liable for the loss arising as well as the expenses incurred for the resale and where the property is sold for a higher price at the second sale than at the first sale, the difference shall go to the credit of the person on whose account the first sale was made.

203. Sale of perishable articles :-

Notwithstanding anything in Sections 1988 to 201 crops or produce which are in their nature speedily perishable, shall be sold by the distrainer as soon as possible after they are distrained in such manner as may be prescribed, and the sale proceeds shall be deposited with the Mandal Revenue Officer.

CHAPTER 41 ATTACHMENT AND SALE OF IMMOVABLE PROPERTY

204. Service demand prior to attachment :-

(1) Before the Sub-Collector or other officer empowered by him in this behalf proceeds to attach the land of the defaulter, or buildings thereon, he shall cause a written demand to be served upon the defaulter specifying.

(a) the amount due;

(b) the land in respect of which it is claimed;

(c) the name of the party in arrear;

(d) the batta due to the person who shall serve the demand;

(e) the time allowed for payment, which shall be fixed with reference to the distance from the land on which the arrear is due to the place at which the money is to be paid.

(2) Such demand shall be served by delivering a copy thereof to

the defaulter, or to some adult male member of his family at his usual place of residence or to his authorised agent, if any, or by affixing a copy thereof on some conspicuous part of his last known residence or on some conspicuous part of the land about to be attached.

205. Procedure when defaulter neglects to pay :-

When the amount due is not paid in accordance with the terms of the demand, and no arrangement for securing the payment thereof is made to the satisfaction of the Sub-Collector or other officer empowered by him in this behalf, he shall proceed to recover the same by attachment and sale of the defaulters land in the manner hereinafter provided.

206. Mode of attachment :-

(1) The attachment shall be effected by affixing notice thereof, to some conspicuous part of the land which shall set forth that unless the arrear with interest and expenses be paid within the date therein mentioned the land shall be brought to sale in due course of law.

(2) The attachment shall be notified by public proclamation by beat of drum in the village, by publication of notice in the District Gazette and by affixing a copy of the proclamation in the village panchayat where the land is situated and at any other conspicuous place in the village.

207. Effect of existing arrangement between landlord and tenants :-

All arrangements entered into between the landlord and his tenants, except such as are hereinafter mentioned, shall be binding upon the Sub-Collector, while attachment subsists, but all the such arrangements made collusively with a view to defeat or delay the effect of the attachment, all leases of land at a rate lower than the normal rate of rent and note made bona fide for the purpose of erecting factories or buildings, or of bringing waste land into

cultivation, and all arrangements made subsequent to attachment, shall be null and void against the Sub-Collector, if he so declares, subject, however to the right of the parties to any such arrangement or lease to bring a suit against the Sub-Collector in a civil Court to establish the same and all charges or encumbrances upon such land shall be postponed to the payment of the land revenue.

208. Release from attachment by persons interested :-

Any person claiming an interest in land, which has been, or is about to be attached, may obtain its release by paying the arrears, interest and costs incurred and all such sums, if paid by a tenant, may be deducted from any rent then or thereafter due by him to the defaulter and if paid by a bona fide mortgagee or other encumbrance upon the land or by any person not in possession thereof but bona fide claiming an interest therein adverse to the defaulter, shall be a charge upon the land but shall take priority over other charges according to the date of payment and such sum when paid by a bona fide mortgagee or other encumbrancee shall also constitute a debt due from the defaulter.

209. Payment by tenants :-

All payments on account of rents or profits actually due, made before attachment to the owner of the land or his nominee by any person holding under him, shall be valid against the Sub-Collector; but all such payments made after attachment or before they are actually due shall be null and void against the Sub-Collector, who shall be entitled to recover, as arrears of land revenue, such amount from the parties by whom it was paid, leaving them to sue the defaulter in a civil Court.

210. Recovery of arrears of rent due to defaulter on day of sale :-

Arrears of rent which on the day of sale may be due to the defaulter from his tenants shall, in the event of the sale, be recoverable by him after sale by any process which might have been used by him for that purpose before the said sale.

211. Sale of land for arrears :-

The Sub-Collector or other Officer empowered by him in this behalf

may sell the whole or any portion of the land of a defaulter as may be sufficient to discharge the arrears with interest and expenses of attachment, management and sale, in discharge of arrears of land revenue;

212. Procedure in sale of immovable property :-

(1) The sale shall be by public auction to the highest bidder and the time and place of sale be fixed by the Sub-Collector of the Revenue Division in which the property is situate.

(2) The Sub-Collector or other officer empowered by him in this behalf shall cause a proclamation of the intended sale to be made in the local language.

(3) The proclamation shall specify,--

(a) the name of the defaulter;

(b) the position and extent of land and of the buildings, if any, thereon;

(c) the amount of Revenue assessed on the land;

(d) the proportion of the land revenue due during the remainder of the current Fasli year;

(e) the time and place and the conditions sale.

(4) The proclamation shall be affixed at least one month before the sale in the Sub-Collectors office, in the Mandal Revenue office, in the concerned Gram Panchayat office and on some conspicuous part of the land and published in the Village by beat of drum.

(5) All persons bidding at the sale shall be required to state

whether they are bidding on their own behalf or as agents, and in the latter case, to deposit a written authority signed by the principals and if such requisition is not complied with, their bids shall be rejected.

(6) A sum of money equal to fifteen per cent of the price of the land shall be deposited by the purchaser at the time of purchase with the Sub-Collector or other person empowered by him in this behalf and the balance of the purchase money shall be paid within thirty days from the date of the sale.

(7) (a) Where the purchaser refuses or omits to deposit the sum of money equal to fifteen per cent of the price of the land at the time of purchase or fails to pay the remaining purchase money, the property shall be resold at the risk and expense of such purchaser and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser as arrears of land revenue.

(b) Where the land on the second sale fetches higher price than at the first sale the difference shall go to the credit of the person on whose account the first sale was made.

(c) Where the purchaser deposits fifteen per cent of the sale price but fails to pay the remaining purchase money within thirty days, the amount so deposited shall be liable to forfeiture.

(8) Every resale shall be made after the issue of fresh proclamation in the manner and for the period fixed for the sale.

213. Purchase by Government :-

The provisions of sub-sections (6) and (7) of the Section 212 shall not apply to cases where immovable property sold under this chapter is purchased by the Government.

214. Stoppage of sale on payment before the lot is knocked

down :-

If, before the lot is knocked down, the defaulter or any person acting on his behalf tenders to the officer conducting the sale, the arrears of land revenue with interest thereon, and the charges which have been incurred in demanding the arrears or in attaching or in taking any steps necessary for the sale or in management of the property, the sale shall be stopped.

215. Application to set aside sale on deposit :-

(1) Any person owning or claiming an interest in immovable property sold under this chapter may, at any time within thirty days from the date of sale apply to the Sub-Collector to set aside the sale after depositing in the treasury of the Mandal in which the immovable property is situate.

(a) a sum equal to five per cent of the purchase money; and

(b) a sum equal to the arrears of Land Revenue for which the immovable property was sold together with interest thereon and the expenses of attachment, management and sale and other costs due in respect of such arrears.

(2) On such deposit and application being made, the Sub-Collector shall pass an order setting aside the sale, and shall repay to the purchaser the purchase money so far as it has been deposited together with the five per cent of the purchase money deposited by the applicant:

Provided that if more persons than one have deposited and applied under this section the application of the first depositor shall be accepted.

(3) If a person has applied under Section 216 to set aside the sale of immovable property he shall not, unless he withdraws such application, be entitled to make an application under this section.

216. Application to set aside sale on the ground of material irregularity etc. :-

(1) At any time within thirty days from the date of sale of immovable property, an application may be made to the Sub-Collector to set aside the sale, on the ground of material irregularity, of mistake, or fraud, in publishing or conducting it, but, except as otherwise hereinafter provided, no sale shall be set aside on the ground of any such irregularity or mistake or fraud unless the applicant proves to the satisfaction of the Sub-Collector that he has sustained substantial injury by reason thereof.

(2) If the application is allowed the Sub-Collector shall set aside the sale and may direct a fresh sale.

217. Confirmation or suo motu setting aside sale :-

(1) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made under Section 215 or 216, or if such application has been made and rejected, the Sub-Collector shall make an order confirming the sale;

Provided that, if he has reason to think that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing set aside the sale.

(2) Whenever the sale of any land is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

218. On confirmation of sale, purchasers name to be registered :-

(1) After confirmation of any such sale the Sub-Collector shall register the lands in the name of the purchaser and shall execute and grant a certificate of sale to such purchaser under his signature and office seal.

(2) Such certificate shall state the property sold and the name of the purchaser and it shall be conclusive evidence of the purchase where it may be necessary to prove the same and no proof of Sub-Collectors signature and seal shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

219. Delivery of possession :-

Where any purchaser of land is resisted and prevented from obtaining possession of the land purchased by him, the Sub-Collector shall, on application and production of the certificate of sale granted under Section 218, put the purchaser in possession thereof.

220. Contracts and payments binding on purchaser :-

All contracts entered into by the defaulter with his tenants and all payments made by them to him shall be binding on the purchaser to the extent and under the conditions laid down in Sections 207 and 203.

221. Sale free from encumbrance and payment of surplus to the defaulter :-

(1) Every sale of land on account of arrears of land revenue due in respect thereof, made under this chapter shall be free from all encumbrances and shall convey to the purchaser such right, title and interest in the land as the defaulter had therein.

(2) If any balance remains after liquidating the arrears with interest and expenses of attachment and sale and other costs due in respect of such arrears, it shall be paid over, to the defaulter.

222. Sale of part of a land :-

Where only a part of a land of the defaulter is sold, the Sub-Collector shall have the land sub-divided and land revenue apportioned.

223. Postponement of sale on tender of security :-

When a defaulter tenders security, the Sub-Collector or other officer empowered by him in this behalf may accept it, and postpone the sale of the defaulters land upon such conditions and until such time as he deems fit and in the event of default in the fulfilment of such conditions, he may sell the land and proceed against the defaulter or his surety or both.

224. Mode of enforcing payment by sureties :-

Remedies provided for in this part for recovery of land revenue may be employed against the sureties and the Sub-Collector or other officer empowered by him in this behalf, may enforce the same simultaneously with, or either previously or subsequently to their enforcement against the principal, so nevertheless that no more than the total sum in arrears and interest with costs and charges shall be realised from both.

225. Power to add legal representative :-

Where a defaulter or his surety against whom proceedings are started under this part for recovery of arrears of land revenue, dies during the pendency of the proceedings, the Sub-Collector shall stop further proceedings and shall cause the legal representative of the deceased defaulter or the surety, as the case may be, to be brought on record after giving an opportunity to the legal representative to be heard and shall, thereafter continue the further proceedings from the stage where they were stopped.

226. Minors property not to be sold :-

Notwithstanding anything in this part, no land, which is the property of a minor, shall during his minority, be sold for arrears of land revenue which accrued due,--

(a) in the case of a joint family property, after the partition of such property and allotment of his share therein and

(b) in the case of any other property, after he becomes the owner of such property.

227. Special provisions for persons in military service :-

(1) Every owner of land who is a member of the armed forces of India may intimate to the Sub-Collector the particulars of the land, the rank which he holds and the designation of the corps to which he is attached and the Sub-Collector shall, on receipt of such information, enter or cause to be entered in the public register and accounts relating to the land and its assessment the particulars so intimated.

(2) Notwithstanding anything in this part where the land or portion thereof belonging to a member of the armed forces, who has given intimation under sub-section (1), becomes liable for sale for the recovery of arrears of land revenue, the Sub-Collector shall address and official letter to the commanding officer of the corps in the prescribed manner, and shall enclose thereof a written notice signed and sealed by himself specifying the amount of the arrears and the date on which it became due and requiring that it be paid to the treasury of the Collectorate within such period as on consideration of the distance, on which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

(3) The commanding officer of the corps to whom the letter is addressed under sub-section (2) shall acknowledge the receipt thereof and shall also intimate to the Sub-Collector the date on which notice is communicated to such member of the armed forces or the circumstances which have rendered it impracticable to make such communication.

(4) If such member of the armed forces fails to discharge the arrears within the time specified in the notice the Sub-Collector shall report the circumstances of the case to the Chief Commissioner of the Land Administration, through the Collector of

his district, transmitting at the same time a copy of the notice and of his correspondence with the commanding officer and shall, thereafter, act in accordance with the directions received from the Chief Commissioner of Land Administration in regard to the recovery of arrears of land revenue.

228. Recovery of sums due to certain banks and other public bodies as arrears of Land Revenue :-

(1) Without prejudice to any other mode of recovery which is being taken or may be taken, all loans granted and all advances made to any person,--

(i) by any bank to which the re-payment of the said loans and advances is guaranteed by the State Government or;

(ii) by such Corporation established by or under a Central or State Act, or Government Company as defined in Section 617 of the Companies Act, 1956, or such other public body as may be notified in this behalf by the State Government in the Andhra Pradesh Gazette;

(iii) by any Bank under any welfare scheme or programme, such as Prime Ministers Rozgar Yojana and the like, sponsored by the State or Central Government as may be notified therein in this behalf by the State Government in the Andhra Pradesh Gazette;

together with interest on such loans and advances and all sums, such as rents, margin money and the like, due to the bodies mentioned aforesaid may be recovered in the same manner as arrears of land revenue under the provisions of this Act;

Provided that the State Government may, by notification in Andhra Pradesh Gazette, specify the loans and advances together with interest thereon, and other sum due to the bodies mentioned in item (ii) and item (iii) above which may be recoverable under the

provisions of this section.

Explanation In this sub-section bank means any banking company as defined in Clause (c) of Section 5 of the Banking Regulation Act, 1949, and includes--

(a) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934;

(b) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955).

(c) any subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959).

(d) any corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (Central Act 5 of 1970).

(e) any corresponding new Bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act 4 of 1980), or which may be constituted by a similar acquisitions and transfer of undertaking of a banking company from time to time.

(2) Out of the proceeds of the dues pertaining to the bodies mentioned in item (ii) and item (iii) of sub-section (1) so recovered ten per cent thereof shall be deducted towards the collection charges and the balance shall be paid by the collection charges and the balance shall be paid by the Collector or other officer empowered by the Collector in that behalf, to the respective bodies.

229. Recovery of dues from persons from whom money is due to the defaulter :-

(1) The Sub-Collector or other person empowered by the Government in this behalf may, at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the defaulter at his last known address, require any person, from whom any money is shown to be due or likely to become due to the defaulter, or who is shown to hold or is likely to hold any money for or on account of the defaulter, to pay to the Sub-Collector so much of such money as is sufficient to pay the amount due by the defaulter or where such money is less than the amount due by the defaulter, the whole of it, within such time as may be specified in such notice, but not before it becomes due or he comes to hold it and such person shall be bound to comply with the same and the payment so made shall be deemed to have been made under the authority of the defaulter, which shall discharge such person of his liability to the defaulter to the extent of such payment.

(2) The Sub-Collector or other officer may, at any time or from time to time, amend or revoke any such notice or extend the time for making payment specified in the notice.

(3) Where any person on whom a notice under sub-section (1) is served files written objections to such payment on the ground that he does not owe or is not likely to owe any money to or does not hold or is not likely to hold any money for and on account of the defaulter the Sub-Collector shall hold such enquiry and pass such orders thereon as he deems fit and such person shall comply with it.

(4) Where such person falls to pay the amount specified in the notice issued under sub-section (1) or in accordance with the order passed under the preceding sub-section, as the case may be, the Sub-Collector may recover the same from him as if it were an arrear of land revenue due from him.

230. Process servers be paid batta :-

Persons employed in serving notices or other processes under this

part shall be entitled to batta at such rates as the Chief Commissioner of Land Administration may, from time to time fix.

231. Interest and charges recoverable as arrears :-

The batta mentioned in Section 230 as well as interest and all costs and charges incurred under the authority of this part shall be recoverable from the defaulter and his sureties in the same manner as arrears of the land revenue.

232. Procedure where defaulter or surety holds property out of the district :-

(1) Where a defaulter or his surety holds property out of the district in which default is made, the Collector in whose jurisdiction such defaulter or surety holds property shall, on the written application of the Collector in whose jurisdiction such default is made on a reference, made by the Sub-Collector, proceed against the property of the defaulter and his surety in the same manner as if the default was made within his jurisdiction.

(2) Every such application shall be signed and sealed by the Collector making it and shall be conclusive as to the amount due and the party in arrear in all proceedings against the Collector acting upon such application or any person acting under his authority and no proof of the signature or seal or official character of the Collector making the application shall be required unless the Court sees reason to doubt its genuineness;

Provided that nothing herein shall affect the Right of any party to sue in his own district the Collector who made the application.

(3) The Collector may delegate all or any of his powers and duties under this section to any Subordinate Revenue Officer not below the rank of a Sub-Collector.

233. Cognizance of question relating to rate of Revenue :-

No civil Court shall take cognizance of any dispute as to the rate of

land revenue or as to the amount of assessment fixed on the portions of sub-divided survey number.

234. Suits by persons aggrieved by proceedings :-

Nothing in this part shall prevent except as herein before provided, any person from instituting a suit in a civil Court against any proceedings under this part:

Provided that no civil Court shall take cognizance of any such suit unless it is filed within six months from the date on which the cause of action arose for such suit.

CHAPTER 42 APPOINTMENT OF RECEIVER

235. Appointment of Receivers :-

(1) Where immovable property is attached, the Sub-Collector may, instead of selling the property, appoint a receiver for its management:

Provided that the Sub-Collector may, if he thinks it desirable so to do, discharge the receiver at any time and sell the property.

(2) The Sub-Collector may, by an order, fix the amount to be paid to the receiver as his remuneration for management of such property.

236. Powers of Receiver :-

(1) The receiver appointed under Section 235 shall exercise such powers as the Sub-Collector may confer on him, for the proper management of the property and realisation of the rents and profits thereof.

(2) The rents and profits of such property, shall, after defraying the expenses of management including the remuneration of the receiver be adjusted towards the discharge of the arrears of land revenue, and the balance, if any shall be paid to the defaulter.

237. Discharge of Receiver and release of property from attachment :-

(1) As soon as the arrears of land revenue are paid by the collection of rents and profits by the receiver or otherwise, the property shall be released from attachment and the receiver shall be discharged after he has rendered proper accounts to the Sub-Collector.

(2) Any amount which the Sub-Collector may find to be due from the receiver may be recovered from him as an arrear of land revenue.

CHAPTER 43 ARREST AND DETENTION OF DEFAULTER OR HIS SURETY

238. Power of arrest in case of wilful or fraudulent non-payment of arrears :-

When arrears of land revenue, with interest and other charges cannot be liquidated by the sale of the property of the defaulter, or his surety, and the Sub-Collector has reason to believe that the defaulter or his surety is wilfully withholding payment of arrears, or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to cause the arrest and detention of the defaulter, or his surety not being a female, as hereinafter mentioned, but no person shall be detained on account of arrears of land revenue for a longer period than three months, if the arrear does not exceed Rs. 1,000/-, provided that such detention shall not extinguish the debt due to the Government by the defaulter or his surety.

239. Procedure in case of arrest :-

(1) The Sub-Collector shall issue the warrant for the arrest of the defaulter, or his surety, or both, not being females, which shall specify his or their names, the amount of land revenue due and the date on which it became payable and the warrant shall be signed and sealed by the authority by whom it is issued.

(2) The officer charged with the execution of the warrant shall thereupon arrest the defaulter, or his surety, or both and convey him or them to the district Jail and deliver the warrant to the Jailer, which shall be a sufficient authority to him to receive the prisoner or prisoners.

(3) A copy of such warrant shall be retained by the jailer, who shall forthwith dispatch the original to the officer in-charge of the jail.

PART 17 MISCELLANEOUS

CHAPTER 44 APPEALS AND REVISION

240. Appeals :-

(1) Any person, aggrieved by any order of the Mandal Revenue Officer under any provision of this Code, may, within sixty days from the date of service or knowledge, as the case may be, of the order, prefer an appeal against the said order to the Sub-Collector of the Revenue Division.

(2) Any person, aggrieved by any order of the Sub-Collector under any provision of this Code, may, within sixty days from the date of service or knowledge, as the case may be, of the order prefer an appeal against the said order to the Collector.

(3) Any person, aggrieved by any order of the Survey Officer under Part IV of this Code, may, within sixty days from the date of service or knowledge, as the case may be, of the order, prefer an appeal against the said order to the Collector of the district.

Provided that no appeal shall be admitted against the order of the Survey Officer under Section 21 or 22 of this Code after a notification of completion of demarcation is issued under Section 24 thereof.

(4) Any person, aggrieved by any order of the Irrigation Officer

under Part V of this Code, may, within sixty days from the date of service or knowledge, as the case may be, of the order, prefer an appeal against the said order to the Collector, whose order shall be final.

(5) Any person, aggrieved by any order of the Collector under any provision of this Code, may, within sixty days from the date of service or knowledge, as the case may be, of the said order, prefer an appeal against the said order to the Chief Commissioner of Land Administration, whose order shall be final.

(6) Any person, aggrieved by any order of the Junior Civil Judge under Part XI or Part XIV of this Code, may within sixty days from the date of service or knowledge, as the case may be, of the order, prefer an appeal against the said order to the District Judge of the district.

(7) Any person, aggrieved by any order of a Local Officer under Part XV of this Code, may, within thirty days from the date of service or knowledge, as the case may be, of the order, prefer an appeal against the said order, to the District Judge of the district.

(8) Any person, aggrieved by any order of the Tribunal or Revenue Divisional Officer under Part XIII of this Code, may, within thirty days from the date of service or knowledge, as the case may be, of the said order, prefer an appeal against the said order to the Appellate Tribunal, whose order shall be final.

(9) Any person, aggrieved by any Judgment or order of a special Tribunal under Part VII of this Code may, within sixty days from the date of service or knowledge, as the case may be, of the said judgment or order, prefer an appeal against it, on any question of fact or law, to the special Court, whose decision shall be final.

(10) Where a copy of the order against which an appeal lies is not served on the appellant, the time taken for obtaining a copy thereof shall be excluded in computing the period allowed for filing

an appeal.

(11) The appellate officer or appellate authority, as the case may be, may admit an appeal even after the expiry of the period prescribed for filing an appeal if such officer or authority is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(12) A copy of any order of the appellate officer or appellate authority shall be furnished to any person interested in such order, on his application and at his cost.

(13) There shall be no further appeal against any judgment or order passed by any Court, authority or officer, in appeal.

(14) Subject to any order that may be passed in revision, the order of the appellate officer or the appellate authority shall be final.

241. Revision :-

(1) Any person, aggrieved by any order of the Appellate Tribunal under Part XIII of this Code, passed in appeal, may prefer a revision against it to the High Court on any of the following grounds, namely

(a) that it exercised a jurisdiction not vested in it by law; or

(b) that it failed to exercise a jurisdiction so vested; or

(c) that it acted in the exercise of its Jurisdiction illegally or with material Irregularity.

(2) The Government may, in a case where an appeal lies to the Chief Commissioner of Land Administration and he has disposed of

the matter; or, in a case where an appeal is provided to the Chief Commissioner of Land Administration; but no appeal is preferred, or, in the case of abuse of powers or gross irregularities by the revenue officers, at any time, either suo motu, or on an application made in such manner as may be prescribed call for the record of any order passed or any proceedings pending or disposed of before any authority or officer under this Code, other than the Special Tribunal or the Special Court under Part VII and the Appellate Tribunal under Part XIII of this Code, to satisfy themselves as to the legality, or propriety of such order or regularity of such proceeding and may pass such order thereon, as they may deem fit.

(3) The Chief Commissioner of Land Administration may, at any time, suo motu, or on an application made in such manner as may be prescribed, call for the record of any order passed or any proceedings pending or disposed of before any officer or other authority, under this Code, other than the Special Tribunal or Special Court under Part VII and the Appellate Tribunal under Part XIII of this Code, to satisfy himself as to the legality or propriety of such order or regularity of such proceedings and may pass such order thereon as he deems fit.

(4) The Collector may, at any time, suo motu, or on an application made in such manner as may be prescribed, call for the records of any order passed or any proceedings pending or disposed of before any Mandal Revenue Officer or Sub-Collector or Survey Officer or Irrigation Officer in his district to satisfy himself as to the legality or propriety of such order or regularity of such proceedings and may pass such order thereon as he deems fit.

Provided that no order shall be passed in revision without giving an opportunity of being heard, to the parties likely to be affected:

Provided further that where a revision petition lies before both the Collector and the Chief Commissioner of Land Administration or the Government, the aggrieved person shall be entitled to file it before one of them only.

242. Power of control and superintendence :-

(1) The Government shall exercise control and superintendence over the Revenue Officers and other authorities, entrusted with the duty of implementation of the provisions of this Code, and may, from time to time, pass such orders or make such directions as it thinks fit, for promoting efficiency and excellence in Revenue Administration, so however, that it shall not pass any order or make any direction detrimental to the interests of any person, without giving him an opportunity of being heard.

(2) Subject to the general control of the Government, the Chief Commissioner of Land Administration shall exercise control and superintendence over the other Revenue Officers and authorities subordinate to him entrusted with the duty of Implementation of the provisions of this Code, and may, from time to time, pass such orders or make such directions as he thinks fit, for promoting efficiency and excellence in Revenue Administration, so however, that he shall not pass any order or make any direction detrimental to the interests of any person, without giving him an opportunity of being heard.

243. Issue of certified copies of documents :-

Where a person interested in the subject matter applies in the prescribed manner, for issue of a certified copy of a document of the revenue administration, the officer or the authority having control over such documents, may, unless prohibited by rules made hereunder, issue copies of the documents applied for as per the procedure prescribed in his regard.

CHAPTER 45 ISSUE OF SUMMONS EXAMINATION OF WITNESSES AND PRODUCTION OF DOCUMENTS

244. Power to issue summons :-

(1) The Government, any authority, any officer or any person shall, while holding any investigation, inquiry, proceeding or trial, or hearing any appeal, under any provision of this Code, have the

same powers as are vested in a civil Court under the Code of Civil Procedure, 1908 Central Act 5 of 1908, while trying a suit in respect of the following matters, namely

(a) summoning and enforcing the attendance of any person or witness and examining him on oath;

(b) requiring the discovery and production of any document or other article in the possession or under the control of any person;

(c) summoning of any document or a copy or an extract thereof from any Court, office or other authority;

(d) receiving of evidence on affidavits;

(e) issuing of any commission for the examination of any witness or for any other purpose;

(f) any other matter which may be prescribed.

(2) Where any commission is issued under clause (e) of sub-section (1), the Commissioner may exercise such of the powers enumerated in clauses (a) to (d) and (f) of sub-section (1) as may be necessary for the execution of the commission.

245. Terms of summons :-

(1) The summons shall be in writing and authenticated by the signature and seal of the officer or authority by whom it is issued.

(2) It shall require the person summoned to appear, before the said officer or authority at the stated time and place and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document or other article or for both

purposes and any particular document or other article, the production of which is required shall be described in the summons with certainty.

246. Service of summons :-

The summons shall be served personally on the person summoned, or, If he is not found, it may be left for him with an adult male member of his family residing with him, or by affixing it on the outer door or other conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

247. Person summoned to produce may send with third party :-

Any person may be summoned to produce a document or other article without being summoned to give evidence and any person summoned merely to produce a document or other article shall be deemed to have complied with the summons if he causes such document or other article to be produced, instead of attending personally to produce the same.

248. When personal attendance of witnesses dispensed with :-

When the person whose evidence may be required is unable, from sickness or infirmity or any other sufficient reason, to attend before the officer or authority issuing the summons, or is a woman who according to the customs and manners of the community ought not to be compelled to appear in public or is exempted from personal appearance under Section 133 of the Code of Civil Procedure, 1908; Central Act V of 1908 the officer or authority issuing the summons may of his or its own motion or on the application of the party who desires the evidence of such person order him or her to be examined on commission.

249. Examination of witnesses :-

(1) Any officer or authority making an enquiry under this Code may examine orally any person acquainted with the matter under enquiry on any fact relevant thereto and may reduce into writing

any statement made by the person so examined.

(2) Such person shall be bound to answer truly all questions relating to such matter put to him by such officer or authority, other than questions the answers to which may have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

250. Correction of clerical errors :-

Clerical and arithmetical mistakes in any order/proceedings passed by any officer under this Code or error arising therein from any accidental slip or omission may at any time be corrected by such officer or authority either on his own motion or on application received in this behalf from any of the interested persons.

CHAPTER 46 BAR OF LEGAL PROCEEDINGS AND PENALTIES

251. No suit etc., for acts done under this Code :-

(1) Except as otherwise provided in this Code no civil Court shall entertain any suit, application or other proceedings for the issue of an injunction to restrain the Government, any authority, officer or person from exercising any of the powers conferred on it or him by or under this Code or to restrain it or him from initiating or proceeding with any proceedings under any provision of this Code.

(2) No civil Court shall entertain any suit, application or other proceedings in respect of any dispute or matter of which any remedy is available by or under the provisions of this Code unless such remedy is fully exhausted.

(3) Where any order or decision is declared by this Code to be final, no civil Court shall, except as otherwise provided in this Code, entertain a suit, application or other proceedings in respect of any dispute or matter in respect of which such order or decision has been made.

(4) Where a person is entitled to file a suit, by or under any

provision of this Code, in respect of any dispute or matter decided by and under the provisions of this Code, he shall not implead the Government, any authority or officer in such suit, unless any interest or land of the Government is involved or it be necessary to obtain an executable decree or order therein, and any suit filed in contravention of this section shall not be maintainable.

252. Protection of action taken in good faith :-

No suit, prosecution or other legal proceedings shall lie against the Government or any authority, officer or person for anything which is in good faith done or intended to be done in pursuance of this Code or the rules made thereunder.

253. Officers to be Public Servants :-

Every Officer acting under or in pursuance of the provisions of this Code or under the rules made thereunder shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

254. Prohibition of unauthorised alterations in the records :-

(1) Save as otherwise provided in this Code, any alterations, interpolations or tampering of an entry in the official records, without specific orders in writing from the competent authority, is prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend upto three years or with fine which may extend upto five thousand rupees or with both.

255. Punishment for neglect of duties :-

Whoever being a public servant willfully neglects his duties required to be performed by him under this Code, or in accordance with the rules made thereunder, shall be punishable with imprisonment for a term which may extend to three years or with fine which may

extend to rupees five thousand or with both.

256. Cognizance of offences :-

No Court shall take cognizance of any offence punishable under this Code except upon a complaint in writing made by the competent authority or any officer authorised by the competent authority as may be prescribed in this behalf and no Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the 1st Class shall try any such offence.

CHAPTER 47 POWER TO MAKE RULES

257. Power to make rules :-

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Code.

(2) Every rule made under this Code shall, immediately after it is made, be laid before Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) The existing rules under relevant statutes, repealed under this Code, shall, till rules are made under sub-section (1), be deemed, except to the extent they are repugnant to any provisions of this Code, to have been made under sub-section (1).

258. Power to remove difficulties :-

(1) If any difficulty arises in giving effect to any provision of this

Code, the Government may, by notification, make such provisions not inconsistent with the provisions of this Code, as appear to them to be necessary or expedient for the purpose of removing the difficulty;

Provided that no such notification shall be issued under this section after the expiry of two years from the date of commencement of this Code.

(2) Every notification issued under this section shall be laid before the Legislative Assembly of the State and the provisions of subsection (2) of Section 257 shall apply in respect of such notification as it applied in respect of a rule made under this Code.

CHAPTER 48 REPEALS AND SAVINGS

259. Repeals and Savings :-

(1) The enactments specified in the third Schedule are hereby repealed.

Provided, however, that such repeal shall take effect only from the date or dates that may be appointed by the Government, by notification for bringing the relevant provisions of this Code into force corresponding to each of such enactments except those enactments for which no corresponding provisions are made in this Code.

(2) Notwithstanding such repeals;--

(i) the existing districts, Revenue Divisions, Mandals and villages formed with their present boundaries and names;

(ii) the appointment of Commissioners, Collectors, Joint Collectors, Sub-Collectors, Deputy Collectors and Mandal Revenue Officers and other authorities made and the powers exercised and functions performed by them;

(iii) survey of lands made, boundaries of lands determined and records and maps thereof prepared;

(iv) the right of ownership of the Government to irrigation and drainage works declared, its powers in respect thereto specified, the right of the ayacutdars to supply of water from irrigation works to the lands in the ayacuts of such irrigation works declared and waters courses and drainage works constructed and maintained;

(v) the lands declared as Government lands, eviction of encroaches there from recovery of assessment, rent, fee and penalty mesne profits from them provided for;

(vi) land grabbing prohibited and civil and criminal liabilities of land grabbers specified;

(vii) assignment and alienation of Government lands provided for;

(viii) Record of Rights in lands prepared and maintained and pattadar pass books and tide deeds issued to landholders and maintained by them;

(ix) splitting of Joint pattas provided for;

(x) provisions made for prevention of fragmentation and preparation of schemes for consolidation of holdings;

(xi) the right of the Government to levy and collect land revenue, water tax and other cess, if any, declared; and related matters provided for;

(xii) determination of ceiling area made, surrender of excess land ordered and possession taken, vesting of such land in the Government declared, disposal of such land, payment of amount to the owner thereof, and other matters provided for;

(xiii) relief to agricultural labourers rural artisans and small farmers provided for;

(xiv) right of ownership of the Government to escheat and bona vacantia declared provision made for their possession and disposal and related matters;

(xv) machinery provided for the recovery of arrears of land revenue; (xvi) certain powers of civil Courts vested in and exercised by different officers and authorities of Revenue Department and restriction imposed on the institution of suits in respect of matters covered; by or under the concerned enactments repealed under sub-section (1) shall be deemed to have been formed, made, exercised, performed, determined, prepared, suffered, constituted, appointed declared, prohibited, maintained, undertaken, implemented, ordered, taken, created, continued, protected, made available, recovered and framed under the relevant provisions of this Code and shall be and shall always be deemed to have been valid and enforceable.

(3) Notwithstanding the repeal of the enactments specified in the Third Schedule, all rights, privileges and status, created, declared or recognised; all rights, privileges and status abolished, denied or negated; all rights accrued, all obligations incurred and liabilities suffered, transfer and merger of areas effected, abolitions made, all actions taken, change in the state of things effected all fines, penalties, forfeitures or punishments incurred or undergone; and all things done or suffered under the said enactments are declared to be and shall always be deemed to have been valid and enforceable.

(4) The repeal of the enactments specified in the Schedule shall not revive any thing not in force or existing at the time of their repeal.

(5) Any suit or other proceedings commenced and pending at the commencement of this Code, under any of the enactments repealed under sub-section (1) before any Court, officer or other authority

shall be disposed of in accordance with the provisions of such repealed enactment as if it continues to be in force and has not been repealed by and under this Code.

(6) Notwithstanding the repeal of,--

(i) (a) the Andhra Pradesh (Telangana Area) Abolition of Cash Grants Act, 1959 (Act 14 of 1959), cash grants if any, payable on the date of commencement of this Code, under sub-section (2) of Section 3 thereof, in Telangana Area of the State, in the name, or for the support of any religious or charitable institution or to any person for the performance of any service or charity of a public nature connected with any religious or charitable institution shall be continued so long as such institution lasts.

(b) The Sub-Collector shall hold enquiries as to any right, title or interest in such grants including claims to succession, in accordance with the personal law applicable to the last holder.

(ii) the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Act 26 of 1948), annual allowance, if any, payable on the commencement of this Code, to any religious charitable or educational institution, in Andhra Area of the State, under Section 38 thereof shall be continued so long as such institution lasts.

(iii) the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (Act 21 of 1956), any tenant who had right of permanent occupancy, if any, on the date of commencement of this Code, in relation to any inam land in the Andhra area of the State under Section 8 or Section 10-A thereof, and such tenant or his heir is in possession of the same on such date, shall continue to have such right subject to such conditions and restrictions as are mentioned therein, and shall be liable for eviction on contravention of any such condition or restriction, on a petition made therefor before the Sub-Collector.

(7) All the Boards Standing Orders which are in force and not inconsistent with the provisions of this Code shall continue to be in force till such time they are replaced by rules made under, this Code.

(8) Upon such repeal, the provisions of Sections 8, 8-A and 18 of the Andhra Pradesh General Clauses Act, 1891 (Act 1 of 1891) shall apply.

260. Code to over ride other laws :-

The provisions of this Code shall have effect notwithstanding anything in any other law or custom or usage or in any contract, express or implied, or in a decree or order of a Court or other authority inconsistent with the provisions of this Code.