

THE TELANGANA LAND REVENUE ACT, 1317 F.

(ACT NO. VIII OF 1317 F.)

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# THE TELANGANA LAND REVENUE ACT, 1317 F.<sup>1</sup>

## ACT NO. VIII OF 1317 F.

### CHAPTER I. PRELIMINARY.

1. (1) This Act may be called <sup>2</sup>[the Telangana Land Revenue Act, 1317 F.] and it shall come into force from 1st Azur 1318 Fasli. **Short title and commencement.**

<sup>3</sup>[(1-a) It shall extend to the whole of the <sup>4</sup>[State of Telangana].

(2) Rules and orders in force before the commencement of this Act, provided they are not repugnant to the provisions contained in this Act, shall remain in force until rules relating to such matters are made under this Act. **Previous rules and orders.**

<sup>3</sup>[1-A. With effect from the commencement of <sup>5</sup>[the Telangana Board of Revenue Regulation, 1358 F.], <sup>5</sup>[the Telangana (Abolition of Jagirs) Regulation, 1358 F.] and <sup>5</sup>[the Telangana Tenancy and Agricultural Lands Act, 1950], **Effect of Regulations LX & LXIX of 1358 Fasli and Act XXI of 1950 on this Act.**

**Regulation LX of 1358F.  
Regulation LXIX of 1358 F.  
Act XXI of 1950.**

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1. The Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F. in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

2. Substituted for the original short title by Act IX of 1961 and subsequently by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

3. Sub-section (1-a) and section 1-A inserted by the A.P Adaptation of Laws Order, 1957 and subsequently amended by Act IX of 1961 and G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

4. Substituted by Act IX of 1961 and subsequently by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

5. Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

respectively, the provisions of this Act are subject to the provisions of the said Regulations and Act].

**Definitions.**

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

<sup>6</sup>[(1) '**Revenue officer**' means every officer of any rank whatsoever appointed under any provision of this Act or of <sup>7</sup>[the Andhra Pradesh (Telangana Area) Record of Rights in Land Regulation, 1358 F.] and appointed for carrying on the land revenue administration or who discharges the function relating to survey, assessment and preparation of accounts and records;

(1-a) '**Survey officer**' means an officer appointed under section 12 of this Act;

(1-b) '**land**' includes all kinds of benefits pertaining to land, or things attached to the earth, or permanently fastened to things attached to the earth and also includes shares in, or charges on, the revenue or rent which are or may be levied on villages, or other defined areas];

(2) '**number**' means a portion of land the area and other particulars of which are separately entered with a number in the village records and shall include a 'Pote-number', if any, in a number;

(3) '**Pote-number**' means the portion of a 'number' separately assessed and entered in a register;

(4) '**residential site**' means the land set apart for the purpose of constructing a house whether a house be

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6. Amended by Act No.III of 1355 F.

7. Repealed by Act 26 of 1971.

constructed thereon or not and also includes the court-yard or ground enclosed by or appurtenant to a house;

(5) '**boundary marks**' mean the marks made of earth stone or any other material, and also a fence, or embankment or any other object, whether natural or artificial, set up, named or fixed by any competent officer, in order to determine the boundary and also include the boundary marks fixed before 1274 Fasli;

<sup>8</sup>[(6) '**to hold land**' or '**to be a land holder**' of land means to be lawfully in possession of land whether such possession is actual or not;

(7) '**holding**' means a portion of land held by a holder;

(8) '**superior holder**' means a land holder entitled to receive rent or land revenue from other land-holders (hereinafter called 'inferior holders') whether he is accountable or not for such rent or land revenue, or any part thereof to Government;

(8-a) '**occupation**' means possession;

(8-b) '**to occupy land**' means to possess or to take possession of land;

(8-c) '**occupant**' means a holder in actual possession of unalienated land other than an asami shikmi: provided that where the holder in actual possession is an asami shikmi, the superior holder shall be deemed to be the occupant;

(8-d) '**occupancy**' means a portion of land held by an occupant];

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8. Substituted by Regulation No.LVIII of 1358 F.



<sup>9</sup>[(9) [XXX]]

(9-a) [XXX]]

(10) '**Inam land**' means the land exempted wholly or in part from payment of land revenue and includes 'Maqta' and 'Agrahar' land;

<sup>10</sup>[(11) '**Pattadar**' means the person who is directly responsible to the Government for payment of land revenue and whose name has been entered as such in Government records, whether he be personally in possession of the holding or through his Shikmidar];

(12) '**Shikmidar**' means the person who like a 'Pattadar' possesses a title to the land or who from the beginning has been jointly in possession of the land with the Pattadar or who, before the commencement of this Act, has acquired by virtue of any regulation in force, or may acquire by virtue of that law the right of a Shikmidar;

<sup>11</sup>[(13) '**asami shikmi**' means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of an asami shikmi's rights with possession, but does not include a lessee holding directly under Government;

(14) '**village**' includes a town or city and all the land belonging to a village, town or city];

(15) '**village officer**' means the Patel and Patwari of a village;

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9. Clauses (9) and (9-a) omitted by the A.P Adaptation of Laws Order, 1957.

10. Substituted for clause (11) by the A.P Adaptation of Laws Order, 1957.

11. Substituted by Regulation No.LVII of 1358 F.

<sup>12</sup>[(16) 'rent' means the consideration in money or kind or partly in money and partly in kind paid or payable by a Shikmidar to his Pattadar or by an Asami Shikmi to the holder of the land on account of the use or occupation of the land held by him as Shikmidar or Asami Shikmi but shall not include the rendering of any personal service];

<sup>13</sup>[(17) 'revenue' means the amount payable by the holder to the Government at fixed periods for use of or entry into the land];

<sup>14</sup>[(18) 'chavdi' includes in any village, in which there is no chavdi, such place as the <sup>15</sup>[Collector] may direct shall be deemed to be the chavdi for the purposes of this Act].

<sup>16</sup>[CHAPTER II.  
APPOINTMENT AND POWERS OF REVENUE OFFICERS.

3. (1) The Chief Controlling Authority in all matters relating to land revenue shall be the <sup>17</sup>[Board of Revenue constituted under <sup>18</sup>[the Telangana Board of Revenue Regulation, 1358 F] (hereinafter in this Act referred to as the Board of Revenue)], subject to the Government in the Revenue Department.

Chief Controlling Authority in matters relating to land revenue.

Regulation LX of 1358F.

<sup>19</sup>[(2) [XXX]

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12. Amended by Act No.I of 1354 F.

13. Substituted for clause (17) by the A.P Adaptation of Laws Order, 1957.

14. Substituted by Regulation No.LVIII of 1358 F.

15. Substituted for the word "Taluqdar" by the A.P Adaptation of Laws Order, 1957.

16. Amended by Act No.III of 1355 Fasli.

17. Substituted for the word "Subedar" by the A.P Adaptation of Laws Order, 1957.

18. Substituted by Act IX of 1961 and the Regulation is adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

19. Sub-section (2) omitted by the A.P Adaptation of Laws Order, 1957.

<sup>20</sup>[4. [XXX]]

<sup>21</sup>[5. [XXX]]

Appointment of  
<sup>22</sup>[Collector.]

6. The Government shall appoint in each district a <sup>22</sup>[Collector] who shall be subordinate to the <sup>23</sup>[Board of Revenue] and shall exercise all the powers and discharge the duties conferred or imposed on a <sup>22</sup>[Collector] under this Act, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of the Government.

The Government may, if necessary, appoint in any district an <sup>24</sup>[Additional Collector] who shall discharge such duties of a <sup>22</sup>[Collector] as may, from time to time, be determined by the Government.

Additional  
Collector or  
Additional  
[Taluqdar] to have  
had always the  
same powers and  
duties as the  
Collector or  
[Taluqdar].

<sup>25</sup>[6-A. Subject to any special orders of Government in force at the relevant time,-

(a) an Additional Collector shall have and shall be deemed always to have had the powers and duties of a Collector; and

(b) an Additional <sup>22</sup>[Taluqdar] shall be deemed always to have had the powers and duties of a <sup>22</sup>[Taluqdar] within their respective districts, whether under this Act or under any other law for the time being in force read with <sup>26</sup>[the

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20. Section 4 omitted by the A.P Adaptation of Laws Order, 1957.

21. Repealed by A.P Act 7 of 1974.

22. Substituted for the word "Taluqdar" by the A.P Adaptation of Laws Order, 1957.

23. Substituted for the words "Subedar-i-Mutalliga" (concerned Subedar) by the A.P Adaptation of Laws Order, 1957.

24. Substituted for the words "Zaid Talukdar" Additional Collector by the A.P Adaptation of Laws Order, 1957.

25. Substituted by Act No.IX of 1952.

26. Adapted in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

Telangana District Officers (Change of Designation and Construction of References) Act, 1950]. Act XXXV of 1950.

7. (1) The Government may appoint in each district so many <sup>27</sup>[Deputy or Assistant Collectors], as it may deem expedient, and they may be called Additional <sup>27</sup>[Deputy or Assistant Collectors] or Divisional officers or by any other name, as may be specified in the order of appointment. All the <sup>27</sup>[Deputy or Assistant Collectors] and all other officers employed in the revenue administration of the district shall be subordinate to the <sup>28</sup>[Collector].

**Appointment of <sup>27</sup>[Deputy or Assistant Collector.]**

(2) Subject to the general orders of the Government a <sup>28</sup>[Collector] may, for the purpose of revenue administration, place one or more of the taluqas in his district in the charge of any <sup>27</sup>[Deputy or Assistant Collector], or may himself retain charge thereof. Any <sup>27</sup>[Deputy or Assistant Collector] so made in charge of any taluqa shall perform all the duties and exercise all the powers imposed or conferred upon a <sup>27</sup>[Deputy or Assistant Collector] by virtue of this Act or perform and exercise such of the duties and powers of a <sup>28</sup>[Collector] as have been imposed or conferred on a <sup>28</sup>[Collector] under this Act or under any other law for the time being in force and as may be assigned to him by the <sup>28</sup>[Collector] or by a special or general order of the Government:

**Duties and powers of <sup>27</sup>[Deputy or Assistant Collector].**

Provided that the <sup>28</sup>[Collector] may, whenever he may deem fit, direct any such <sup>27</sup>[Deputy or Assistant Collector] not to perform or exercise certain duties or powers, and may reserve the same to himself or assign them to any other subordinate <sup>27</sup>[Deputy or Assistant Collector].

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27. Substituted for the words "Duwan Taluqdars" (second collectors) by the A.P Adaptation of Laws Order, 1957.

28. Substituted for the word "Taluqdar" by the A.P Adaptation of Laws Order, 1957.

(3) To such <sup>29</sup>[Deputy or Assistant Collectors] as it may not be possible or expedient to place in charge of a taluqa <sup>30</sup>[Collector] shall, in pursuance of the general or special order of the Government, assign such of his special duties and powers as may, from time to time, appear fit.

<sup>29</sup>[Deputy or Assistant Collector] to hold charge of that office in absence of <sup>30</sup>[Collector] until person is appointed or <sup>30</sup>[Collector] resumes charge.

8. If the <sup>30</sup>[Collector] is not able to perform his services, or for any reason vacates his office or leaves his district, or dies, the senior most <sup>29</sup>[Deputy or Assistant Collector] of the district who may be present in the district, shall temporarily hold charge of the office and for the purposes of this Act shall be deemed to be a <sup>30</sup>[Collector] until the <sup>30</sup>[Collector] resumes charge or until the Government appoints his successor and such successor takes charge of his appointment. An officer whose principal functions are different from those of a <sup>29</sup>[Deputy or Assistant Collector] and who is appointed a <sup>29</sup>[Deputy or Assistant Collector] for special purposes only, shall not be deemed to be a <sup>29</sup>[Deputy or Assistant Collector] for the purposes of this section.

Tahsildar, his appointment, duties and powers.

<sup>31</sup>[9. (1) The Revenue officer entrusted with the revenue administration of a taluqa shall be called a 'Tahsildar' and he shall be subordinate to the <sup>30</sup>[Collector] and the <sup>29</sup>[Deputy and or Assistant Collector] concerned. He shall be appointed by the Government or by an officer authorised by the Government in this behalf by notification in the <sup>32</sup>[Official Gazette]. His duties and powers shall be such as may be expressly imposed or conferred by this Act or by any other law for the time being in force, or as may be imposed upon or delegated to him by the <sup>30</sup>[Collector] under the general or

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29. Substituted for "Duwan Talukdar" (second Collector) by A.P Adaptation of Laws Order, 1957.

30. Substituted for "Taluqdar" by A.P Adaptation of Laws Order, 1957.

31. Substituted by Regulation of 1356 Fasli.

32. Substituted for "Jarida" by the A.P Adaptation of Laws Order, 1957.

special order of the Government. The Government may, if necessary, appoint more than one Tahsildar.

(2) The Government may appoint one or more officers to be designated as Naib Tahsildar, to assist the Tahsildar in the revenue administration of his taluqa, and may by general or special order confer upon the Naib Tahsildars generally or any specified Naib Tahsildar all or any of the powers of a Tahsildar under this Act or any other law for the time being in force].

10. A Tahsildar may, subject to such general orders as may from time to time be passed by the <sup>33</sup>[Board of Revenue] or the <sup>34</sup>[Collector], depute any of his subordinates to perform any portion of his ministerial or executive duties:

Tahsildar may depute subordinates to perform certain of his services.

Provided that all acts and orders of the subordinates as appointed shall be subject to modification and confirmation by the Tahsildar.

11. If a Tahsildar is not able to perform his service or for any reason vacates his office, or leaves his taluqa, or dies, the Peshkar or the superior clerk on the establishment shall temporarily hold charge of the office and shall be deemed to be the Tahsildar of that taluqa until the Tahsildar resumes charge of the taluqa or until such time as a successor is appointed by order of competent authority and takes charge of the office.

Temporary arrangement of office of Tahsildar.

12. For the purposes of Chapters VII and VIII of this Act, the Government may appoint such officers as may from time to time appear necessary. Such officers shall be designated

Survey officers, their duties and powers.

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33. Substituted for "Subedar" by the A.P Adaptation of Laws Order, 1957.

34. Substituted for "Talukdar" by the A.P Adaptation of Laws Order, 1957.

“Commissioner of Survey Settlement”, “Commissioner of Land Records”, “Assistant Commissioner of Survey Settlement”, “Assistant Commissioner of Land Records” or otherwise as may appear requisite, and they shall be subordinate to one another in such order as the Government may fix.

Subject to the orders of the Government all matters, connected with survey and settlement, shall relate to the officers so appointed and they shall exercise and perform all such powers and duties as have been fixed by this Act or any other law for the time being in force.

Combination of offices.

13. The Government may appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter or to confer upon an officer of one class all or any of the powers or duties of any other officer or officers within any particular area or otherwise as may appear expedient.

Appointment of officers to be notified.

14. The appointment of all officers mentioned in sections 3 to 9, 12 and 13 shall be notified in the manner as may be prescribed by the Government.

Power of appointment of establishment.

15. Subject to the rules made in this behalf under section 172, the Government shall regulate the power of appointment of all members of establishments vested in <sup>35</sup>[Board of Revenue], <sup>36</sup>[Collector], Commissioner of Survey Settlement and Commissioner of Land Records in their respective departments. The Government shall also determine, inter alia the powers which the said officers may delegate to their subordinate officers:

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35. Substituted for “Subedar” by the A.P Adaptation of Laws Order, 1957.

36. Substituted for “Taluqdar” by the A.P Adaptation of Laws Order, 1957.

Provided that the aforesaid officers shall always have a right of modification and revision in respect of appointments made by their such subordinate officer.

16. A <sup>37</sup>[Collector] may, after recording reasons, transfer any case from his own or from that of any of his subordinate departments to any other, department or from that of his subordinate department to his own department.

Power of <sup>37</sup>[Collector] to transfer cases.

### <sup>38</sup>[CHAPTER III [XXX]].

#### CHAPTER IV. LAND AND LAND REVENUE.

24. All public roads, lanes, paths, bridges, ditches, dikes, rivers, streams, tanks, ponds, canals, lakes and flowing water and all lands, wherever situated, together with all rights appertaining thereto are the property of the Government excepting:-

All lands etc. are property of <sup>39</sup>[Government].

(a) those belonging to persons or class legally capable of holding property and to the extent so far as their such rights are established;

(b) those in respect of which any other order under any law may have been given.

It shall be lawful for the <sup>37</sup>[Collector] or other officer appointed by the <sup>39</sup>[Government] for this purpose subject to rules sanctioned by the Government and contained in notification and the order of the <sup>40</sup>[Board of Revenue], to

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37. Substituted for "Taluqdar" by the A.P Adaptation of Laws Order, 1957.

38. Omitted by Act No.XLIV of 1952.

39. Amended by Act No.III of 1308 F.

40. Substituted for "Subedar" by the A.P Adaptation of Laws Order, 1957.



dispose of them in his discretion; but the right of way or other rights legally vesting in any person or the public shall subsist.

**Assigning of land for special purposes to be lawful.**

25. When a village is under settlement, the <sup>41</sup>[Commissioner of Survey Settlement or the Commissioner of Land Records] in that Village and in other cases with the sanction of the <sup>42</sup>[Board of Revenue], the <sup>43</sup>[Collector] may, subject to the orders of the <sup>44</sup>[Government], set apart any Khalsa land not in the lawful occupation of any person or class for pasturage of cattle or for grass reserves or for other Government purposes or for the purposes of public benefit; provided that it does not interfere with any right of any person or class. The land so set apart shall not be otherwise appropriated without the order of the <sup>42</sup>[Board of Revenue].

**Animals which shall graze on land set apart for free pasturage of animals.**

26. The right of grazing on land set apart for free pasturage of animals shall confine only to the animals of the village within the limits of which the land is situate and for which it has been set apart.

If there is a dispute as to such right the decision of the <sup>43</sup>[Collector] in respect thereof shall be conclusive.

**Cases in which there shall be right to carry earth stones, etc., from river, stream or bed of tank.**

27. There shall be the right in the following cases, without obtaining the permission and without payment of tax to carry from a river, stream or bed of a tank and also from land which has not been assessed or not set apart for any special purpose, earth, stone, gravel, sand, morrum in as much as has not been reserved by any order of the <sup>44</sup>[Government]:-

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41. Amended by Act No.III of 1355 F.

42. Substituted for "Subedar" by the A.P Adaptation of Laws Order, 1957.

43. Substituted for "Taluqdar" by the A.P Adaptation of Laws Order, 1957.

44. Amended by Act No.III of 1308 F.

(a) for any person for his private purpose in the village of residence and for agricultural need in the village where he has residence or cultivation;

(b) for a potter or brick-maker or tile-maker or for the person who makes use of any of the aforesaid articles in his professional work at the place where he carries on the work of his profession but where trade in any of these articles is carried on a big scale at any place and on account of digging of earth therefor, there is risk of destruction and of becoming useless of any building or cultivation or arising of difficulties in the ordinary requirements of villagers or endangering public health, the Tahsildar shall for that purpose select and assign some plots and notify, the same and no person among them shall be authorized to dig earth at any place other than the said plots;

(c) the aforesaid articles may, with the permission of <sup>45</sup>[Collector] also be taken for Government purposes of the Public Works Department, <sup>46</sup>[Local Administration] or other departments or for purposes of public benefit, from the land on which revenue has been fixed but is not held by any person and is not set apart for any special purpose.

**Explanation:-** Digging within five yards close to a building shall not be lawful.

### TREES.

28. The Pattadar shall have full right over 'Irsali' or 'Ghairi' trees within the limits of land held by a pattadar, so long, as he remains the Pattadar of that land, as also over the trees which may, after obtaining the patta have grown up naturally

Trees Irsali or Ghairi on land held by Pattadar.

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45. Substituted for "Taluqdar" by the A.P Adaptation of Laws Order, 1957.

46. Substituted for "Local Fund" by the A.P Adaptation of Laws Order, 1957.

or have been planted or have cropped up from the roots of trees cut by the Forest Department. But the trees over which the <sup>47</sup>[Government] may have retained its proprietary right by notification shall be excluded from the ownership of the Pattadar.

Right of pattadar to trees planted on occupied land prior to his occupation.

29. Trees Irsali or Ghairi in land in the occupation of Pattadar which may have been planted by the Pattadar or by the persons of whom the present Pattadar is a successor or the ownership of which may have been acquired by the Pattadar or his predecessors by other lawful means, shall belong to the present Pattadar and remain at his disposal by all means and the Government shall have no right of any kind thereto; but the Pattadar shall have full rights over such trees as have not been planted by the Pattadars or by his ancestors or by a former Pattadar whose successor he is and to which the right of the <sup>47</sup>[Government] may be subsisting, if they have not been felled by the Forest Department or sold by fixing the price to the present Pattadar under rules made by the <sup>47</sup>[Government] by notification.

Trees outside occupied tracts or in bed of rivers, streams, etc.

30. All trees being outside the occupied tracts or in river, stream or on road or in the bed of tank and pond or on the bund shall be deemed to be the property of the <sup>47</sup>[Government.]

Sale of Irsali trees outside reserved area.

31. In the taluqas in which boundaries of existing forest have been demarcated by the Forest Department, the <sup>48</sup>[XXX] <sup>49</sup>[Collector] may, if he deems fit to let out for cultivation such lands as are excluded from the boundaries fixed, sell the trees therein at a reasonable price and let out the land for cultivation and credit the sale-proceeds of the timber to the Forest Department; but in case the valuable

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47. Amended by Act No.III of 1308 F.

48. Omitted by Act No.III of 1355 F.

49. Substituted for "Taludkar" by the A.P.A.O. 1957.

Irsali timber therein be in abundance an intimation in writing for sale of timber shall be given to the <sup>50</sup>[District Forest Officer]. It shall be incumbent on the Forest Department either to fell or sell the trees within one year from the date of receipt of the intimation, otherwise the <sup>51</sup>[Collector] on the expiry of the said period may, at his own instance, sell and credit the amount to the Forest Department, and in case it is not deemed fit to fell such trees, they may be preserved and excluding the land on which those trees lie patta of the remaining land may be given.

32. If the <sup>52</sup>[XXX] <sup>51</sup>[Collector] in taluqas where reserved forest has not been demarcated, deems fit to let out for cultivation the unoccupied land beyond the proposed boundaries containing forest or valuable trees, he shall consult the Forest Department and if with the concurrence of competent officer of the Forest Department occupation of such land is given to any person the provisions of the preceding section shall apply thereto.

Letting out for cultivation unoccupied land containing valuable trees situate in taluqa where forest boundaries have not been demarcated.

33. Unless land is set apart demarcated for cultivation within the limits of reserved forest no fresh patta shall be given without consulting the <sup>53</sup>[Chief Conservator of Forests].

Fresh patta within reserved forest to be given in consultation with Conservator of Forests.

<sup>54</sup>[34. (1) Subject to the provisions of this section and section 35 all toddy and sendhi trees standing for the time being within the limits of the land legally occupied by a pattadar, shikmidar or any other person in possession

Proprietary rights over toddy and sendhi trees and the right to plant such trees.

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50. Substituted for "Madadgar Nizam Janghat" (Assistant Conservator of Forests) by the A.P.A.O. 1957.

51. Substituted for the word "Taluqdar" by the A.P.A.O. 1957.

52. Omitted by Act No.III of 1355 F.

53. Substituted for "Nizam Janghat" (Conservator of Forests) by the A.P.A.O. 1957.

54. Substituted by Act No.IX of 1956.

(hereinafter referred to in this section as owner) whether grown by such person or not, shall be deemed to be the property of the owner. Such owner shall not however be entitled to plant toddy and sendhi trees within the limits of such land without obtaining the permission of the Government.

(2) The owner shall not be entitled to tap the trees referred to in sub-section (1) or get them tapped by any person other than a person authorised by the Government. An owner, who permits the trees to be tapped by a person authorised by the Government, shall be entitled to charge such person for each tree not more than 25 per cent of the tree-tax payable for the tree to the Government in accordance with the laws and the rules for the time being in force.

(3) Nothing contained in this section shall be deemed to exempt the juice of such trees from any excise duty that may be leviable thereon under any law for the time being in force.

(4) (i) An owner who is unwilling to get his trees tapped, shall before the end of April every year, intimate his unwillingness in writing, to the Excise Superintendent concerned. In case of failure to give such intimation, he shall not cut down his trees during a period of seventeen months following the said month of April;

(ii) Any owner who cuts down his trees in contravention of the provisions of clause (i) shall be liable for each tree so cut to a penalty equal to double the amount of abkari tree-tax in force at the time of contravention. Such penalty may be imposed by the Collector or any other officer empowered by the Government in this behalf.]

<sup>55</sup>[35. Notwithstanding anything contained in sections 34 and 38 with effect from the date of the coming into force of the Hyderabad Land Revenue (Amendment) Act, 1956 (XXXII of 1956), all the toddy, sendhi and gulmohwa trees standing within the limits of any land that may be given on patta on or after that date, shall belong to the Government and the pattadar, Shikmidar or any other person in possession shall not be entitled to plant such trees within the limits of such lands without obtaining the permission of the Government.]

Proprietary rights of Government over toddy, sendhi and gulmohwa trees.

<sup>56</sup>[36. [XXX]]

37. Rules and orders relating to the <sup>57</sup>[XXX] lopping of sendhi and toddy trees which are now in force or may hereafter be enforced by the <sup>58</sup>[Government] by notification shall apply to trees belonging to the <sup>58</sup>[Government] only.

Rules relating to lopping of Sendhi and toddy and tapping trees to apply to trees belonging to <sup>58</sup>[Government].

Lopping of trees belonging to Pattadar and use of leaves, fruits and wood shall be exempted from such restrictions and orders.

<sup>59</sup>[37-A. (1) The pattadar, tenant or other person, in actual possession of land on which any toddy or sendhi tree stands must report in writing or in case where he does not know writing, orally to the Patel or Patwari of the village any case of tapping of such trees as soon as possible after he becomes aware of such tapping and on receipt of the information by the Patel or Patwari, as the case may be, he must issue written acknowledgement thereof to the reporter, and in case of illegal tapping he must report the same to the Abkari authorities concerned.

Duty of Pattadar or tenant to report illegal tapping of toddy and sendhi trees.

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55. Amendment by Act No.IX of 1956.

56. Omitted by Act No.XXXVII of 1950.

57. Omitted by Act No.III of 1343 F.

58. Substituted by Act No.III of 1308 F.

59. Substituted by Act No.XLIV of 1952.

(2) Any contravention of sub-section (1) shall be punishable with fine which may extend to the amount of the tree-tax payable, in respect of the tree illegally tapped, in accordance with the laws and rules for the time being in force.]

Proprietary right over Gulmohwa trees and the right to plant such trees.

<sup>60</sup>[38. <sup>61</sup>[(1) Subject to the provisions of this section and section 35, all gulmohwa trees standing for the time being within the limits of the land legally occupied by a pattadar, shikmidar or any other person in possession (hereinafter referred to in this section as owner) whether grown by such person or not, shall be deemed to be the property of the owner. Such owner shall not however, be entitled to plant gulmohwa trees within the limits of such land without obtaining the permission of the Government.]

(2) The Pattadar shall not be entitled to ferment any Gulmohwa grown on such land or to sell such Gulmohwa to any person other than a person authorised by Government. <sup>62</sup>[If the Pattadar sells such Gulmohwa to a person so authorised the Pattadar shall not be entitled to charge such person more than 25 per cent of the amount payable to such person by the Government in accordance with the laws and rules for the time being in force relating to supply of Gulmohwa to Government.]

(3) Nothing contained in this section shall be deemed to exempt any Gulmohwa grown on such land from any excise duty leviable thereon under any law for the time being in force.]

<sup>63</sup>[(4) Any owner who is desirous of grazing his cattle within the limits of such lands shall inform the Excise

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60. Substituted by Act No.XXXVII of 1950.

61. Substituted for sub-section (1) by Act No.XXXII of 1956.

62. Added by Act No.XIV of 1954.

63. Inserted by Act No.XXXII of 1956.

Commissioner of his intention, in writing, in the form prescribed and within the period notified by the Excise Commissioner. Failure on the part of an owner to give such information shall mean that he is willing to have the gulmohwa on the said lands collected by the person authorised by the Government in this behalf. Such owner, shall not, however, be entitled to store gulmohwa, exceeding five seers.

(5) Any owner who stores gulmohwa in contravention of the provisions of sub-section (4) shall be liable to a penalty not exceeding Rs. 200. Such penalty may be imposed by the Collector or any other Officer empowered by the Government in this behalf.]

<sup>64</sup>[39. Fruit bearing trees standing for the time being within the limits of the land legally occupied by a Pattadar, whether grown by the Pattadar, or not, shall be deemed to be the property of the Pattadar and the Pattadar shall be fully entitled to the use of such trees.]

**Right to fruit bearing trees in occupied land.**

<sup>65</sup>[40. [XXX]]

41. If the right or possession of another over existing trees in any holding is recognised it shall subsist, but in future whenever the holder of the land tenders a compromise or dies heirless or absconds, the Patta of such land may be made in the name of the owner of the trees and in case he refuses to take Patta his right to the trees shall cease.

**Procedure where land is in occupation of one person and another person has right on trees.**

42. If in an unoccupied land there are trees planted by any person and they are in possession of the planter the Patta of such land may be made in his name but if he refuses to

**Procedure for trees planted in unoccupied land by any person and retained in his possession.**

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64. Substituted by Act No.XXXVII of 1950.

65. Omitted by Act No.XXXVII of 1950.



have the Patta made in his name his right to such trees shall cease.

If in event of pattadar absconding or dying or tendering compromise, right of any other person to land is not recognized, trees to be property of Government.

43. If any Pattadar absconds or dies or tenders compromise and in case the rights of the Pattadar or his heirs or Asami Shikmis as regards restoration of land have not been recognised the trees standing on such land shall be deemed to be the property of the <sup>66</sup>[Government.]

Land may be let out free of assessment for planting shady trees for public benefit.

44. If any person plants by the side of the road or close to it or around an inn or such wakf buildings where travellers put up, or at places which are camps for travellers or troops, shady trees, whether fruit bearing or not, so that the travellers may have amenities under their shade, land may be given by the <sup>66</sup>[Government] free of assessment for planting such trees.

Conditions on which land for raising groves may be given.

45. If any person desires for his own benefit to raise in the land lying barren or waste outside the reserved forests for more than ten years, and does not contain any valuable forest trees, a mango grove, tamarind grove, babul grove or grove of any other kind of tree as may in some manner be deemed to be of public benefit as well, such land may be obtained by the order of the <sup>67</sup>[XXX] <sup>68</sup>[Collector], free of assessment for twenty years and after twenty years it shall be assessed at the dry rate, provided that the Government water is not taken; but if the Government water is taken "dastband" shall be paid.

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66. Amended by Act No.III of 1308 F.

67. Amended by Act No.III of 1355 F.

68. Substituted for "Taludkar" by the A.P.A.O. 1957.

The applicant shall plant annually trees in at least one-fifth portion of the land so that the trees may be planted in the entire land within five years. If the trees in sufficient number with regard to their kind are not planted within five years in the whole land that portion of land in which trees have been planted shall remain free of assessment and the rest shall be assessed from the sixth year. Cultivation between the trees shall not be prohibited.

46. A Pattadar shall not fell fruit bearing trees or timber, Irsali, and Ghairi which have been declared to be belonging to the <sup>69</sup>[Government]. If a person without the permission of an authority, cuts any tree or its roots or appropriates it to his own use or carries it away, the price thereof together with a penalty which may extend to double the price of the tree, shall be recovered from him as a revenue demand.

Procedure where Pattadar is felling trees belonging to <sup>69</sup>[Government].

<sup>70</sup>[46-A. (1) Notwithstanding anything contained in <sup>71</sup>[sections 34, 38 and 39] the Government may by notification in the <sup>72</sup>[Official Gazette] prohibit or regulate the felling of sendhi, toddy and Gulmohwa trees <sup>71</sup>[and fruit bearing trees of any specified kind] in such area and subject to such conditions and restrictions as may be specified in the notification.

Restrictions on felling of sendhi, toddy and gulmohwa trees and fruit bearing trees.

(2) No notification shall be made under sub-section (1) until after the issue of a general notice to the owners of such trees in the local area concerned calling upon them to show cause within a reasonable period to be specified in such notice why such notification should not be made and until their objections, if any, and any evidence that they may produce in support of the same have been heard by an

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69. Amended by Act No.III of 1308 F.

70. Added by Act No.XLIV of 1952.

71. Added by Act No.XIV of 1954.

72. Substituted for the word "Jarida" by the A.P.A.O. 1957.

officer duly appointed by Government in that behalf and have been considered by the Government.

(3) The notification referred to in sub-section (1) shall be published in the locality, and the notice referred to in sub-section (2) shall be served, in such manner as may be laid down by rules made under this Act.

(4) The Government may by order delegate its powers under sub-sections (1) and (2) to the Collector or such other officer as the Government thinks fit subject to such conditions and restrictions, if any, as may be specified in the order.

(5) If any tree mentioned in sub-section (1) is cut in contravention of any prohibition, condition or restriction imposed under that sub-section the Pattadar of the land on which the tree stood or where the Pattadar has not cut or authorised the cutting of the tree any other person who has cut or authorised the cutting thereof shall be liable to a penalty not exceeding the market value of the tree as determined by the Collector and such penalty shall be recoverable from the Pattadar or such other person, as the case may be, as an arrear of land revenue and the tree shall be forfeited to Government by order of the Collector.

(6) The powers of the Collector under sub-section (5) may be exercised by any other officer who is authorised by Government in this behalf.]

Permission to take wood from waste land outside reserved forest.

47. Where trees are standing in any waste land outside the reserved forests the ryots in general of the village may take firewood and agriculturists such wood as may be required for agricultural implements without payment of any tax and subject to rules made by the <sup>73</sup>[Government] by notification.

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73. Amended by Act No.III of 1308 F.

## LAND REVENUE.

48. All land, whether applied to agricultural or any other purpose, and wherever situate shall be liable to payment of land revenue to the <sup>74</sup>[Government] in accordance with the provisions of this Chapter and Chapters VII and IX except in case title to land has been transferred to any <sup>75</sup>[Local Authority] or the revenue thereof has been wholly remitted under any special contract with <sup>74</sup>[Government] or under any order or law.

All land to be liable to payment of land revenue save in case of remission.

49. All rights, conditions, restrictions and liabilities in respect of payment of land revenue applicable to any land excluded from Government demand or Mukta or Inamjodi shall also apply to alluvial land within the limits of such land or which has come up from the river bed on account of the river abandoning its course but land revenue shall not be leviable in respect of any such land or river bed unless the area of the same exceeds the area mentioned in section 55.

If alluvial land be within land excluded from Government demand etc., it shall be subject to original land for purpose of payment of land revenue.

50. Land revenue shall be assessed according to the various modes of use.

Land revenue to be assessed according to use of land for various requirements.

(a) Agricultural use.

(b) In addition to agricultural use any other use from which profit or advantage is derived.

When rate is assessed on any land for any one of the aforesaid purposes and the land is appropriated for any other purpose the rate thereof shall be altered and fixed again, although the term of subsisting settlement may not have expired.

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74. Amended by Act No.III of 1308 F.

75. Substituted for "Mahkama-i-Safai" (Municipality) by A.P.A.O. 1957.

If any land granted by the <sup>76</sup>[Government] with remission of land revenue for any special purpose is appropriated to some other purpose against the intention of the grant, the land revenue thereof shall be recovered.

It shall be lawful for the <sup>77</sup>[Collector], and in case a taluqa is under settlement, for the <sup>78</sup>[Commissioner of Survey Settlement or Commissioner of Land Records] after giving a hearing to the land holder to prohibit its appropriation for any particular purpose and record reasons therefor and to summarily evict the holder who may have appropriated the said land to prohibited purpose.

**Settlement of land revenue with whom to be made.**

51. The settlement of the land revenue of each number or pote-number shall be made with the pattadar of the number or pote-number.

If such person be absent and there be no authorised agent of his in the district, such settlement shall be made with the person who has acquired from him the occupancy right of such land or who is on his behalf in occupation of such land; but if the pattadar is of unsound mind or is a minor or incapable to contract, the settlement of land revenue shall be made with his lawful guardian or after six months notice with the Shikmidar or the Asami who is the land holder.

**Assessment of land revenue by whom and how to be made.**

52. In respect of land on which land revenue is wholly or partially recoverable and for which settlement of assessment has not been duly notified, the Nazim Jamabandi shall, with due regard to subsisting rights assess the land revenue but the assessment of land for which settlement has not been made shall not be increased or decreased until settlement is made.

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76. Amended by Act No.III of 1308 F.

77. Substituted for "Taluqdar" by the A.P.A.O. 1957.

78. Amended by Act No.III of 1355 F.

53. The Government may confer upon the <sup>79</sup>[Collector] or any officer the power to fix such rate, as may be deemed fit to recover for use of water which is either the property of the Government or which the Government has by constructing and repairing an anicut or by any other means made available for cultivation and with regard to the use of which rate has not already been fixed on the land. **Water rate.**

Such rate shall be liable to revision after a period which the Government may with regard to the principle and rules of settlement, determine and it shall be recoverable as <sup>80</sup>[Government] land revenue.

#### CHAPTER V. OCCUPATION OF KHALSA LAND AND RIGHT OF OCCUPANTS.

<sup>81</sup>[54. (1) When any person is desirous of taking unoccupied land he shall before occupying the land submit a petition to the Tahsildar and obtain his permission in writing. **Procedure for acquiring unoccupied land.**

(2) On such petition being submitted, the Tahsildar may, in accordance with the rules made by the Government in this behalf from time to time, give permission in writing for occupation].

<sup>82</sup>[54-A. When agricultural or pasturage land acquired for public benefit is no longer required, the patta thereof shall be made in the name of the person or his successor from whom, such land was acquired, provided he consents to refund the compensation originally paid to him. If such **Procedure in respect of land acquired for purpose of public benefit and no more required.**

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79. Substituted for "Talukdar" by the A.P.A.O. 1957.

80. Amended by Act No.III of 1308 F.

81. Amended by Act No.IV of 1345 F.

82. Amended by Act No.III of 1324 F.

person or his successor does not take the land, it may be given on patta under section 54].

**Rules relating to alluvial land.**

55. Alluvial land, upto two guntas where it is wet and upto one acre where it is dry, shall remain, without collecting any revenue, in the occupation of the holder of the adjacent land, and if it exceeds that extent it shall be let out as unoccupied Khalsa-land but the holder of the adjacent land shall have preference over others.

**Rules relating to diluvial land.**

56. If diluvial land is upto two guntas where it is wet and upto one acre where it is dry, the pattadar of the land shall not get any rebate in its revenue and if it exceeds that extent rebate shall be given in its revenue.

**Procedure when person unlawfully occupies unoccupied land or uses land without title.**

<sup>83</sup>[57. (1) If any person unlawfully occupies any unoccupied khalsa land or so uses or occupies any land which has been set apart for any special purposes, to the use or occupation of which under this Act he is not entitled or in respect of which his right of use or occupation has extinguished shall,-

(a) if the land which he has unlawfully occupied or used without title or has retained in his possession forms part of a number which has been assessed for land revenue, pay the land revenue of the entire number for the whole period of unlawful occupation or use; and

(b) if such land has not been assessed for land revenue, pay so much amount of land revenue as would be recoverable in the same village for similar land according to the area of occupied land, period of occupation and the nature of use; and

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83. Amended by Act No.IV of 1345 F.

(c) if the land has been used for agricultural purposes he shall at the discretion of the <sup>84</sup>[XXX] <sup>85</sup>[Collector] <sup>84</sup>[XXX], pay in addition to the land revenue provided in clause (a) or (b) a fine which may extend to ten times the annual land revenue of the said land recoverable from him. Provided the ten times amount is not less than five rupees otherwise the maximum amount of fine may extend to five rupees and if the land has been used for non-agricultural purposes the maximum amount of fine shall extend to the amount as the Government may by rules fix from time to time.

(2) In case of every occupation or unlawful use the decision of the <sup>84</sup>[XXX] <sup>85</sup>[Collector] <sup>84</sup>[XXX] as to the assessment of land revenue shall be conclusive and for the purposes of assessment of land revenue occupation for a portion of a year shall be deemed to be an occupation for a whole year.

(3) The <sup>84</sup>[XXX] <sup>85</sup>[Collector] <sup>84</sup>[XXX] may summarily evict from land any person having unlawful occupation or use and attach the crop raised on such land. Similarly if any building or construction of any kind is erected on such land, the <sup>84</sup>[XXX] <sup>85</sup>[Collector] <sup>84</sup>[XXX] shall have power to grant reasonable opportunity (which shall not be less than one month) and give to the land holder an order in writing to remove such building or construction from the land. If the holder does not comply with the order within the period fixed the <sup>85</sup>[Collector] at its expiry shall have authority to attach such building or construction or to summarily demolish and remove it from the land.

(4) After the property is attached by the order of the <sup>84</sup>[XXX] <sup>85</sup>[Collector] <sup>84</sup>[XXX] the attached property shall be managed according to his discretion, and if there be any

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84. Amended by Act No.III of 1355 F.

85. Substituted for "Talukdar" by the A.P.A.O. 1957.



encroachments on such property, the cost incurred in removing them under the provisions of this section shall be recoverable from the unlawful occupier or the person who has unlawfully used it, as the case may be, as an arrear of land revenue.]

Occupancy right is heritable and transferable.

58. An occupancy right to land shall be deemed to be heritable and transferable.

Sanction of <sup>90</sup>[Collector] for transfer of occupied land compulsory in certain cases.

<sup>86</sup>[58-A. (1) Notwithstanding anything contained in the preceding section the Government may by <sup>87</sup>[Official Gazette] notify in respect of any village or tract of <sup>88</sup>[the area to which this Act extends] that the right of occupation of any land under section 54 given after the date of the notification shall not be transferable without obtaining the previous sanction of the <sup>89</sup>[XXX] <sup>90</sup>[Collector] <sup>89</sup>[XXX].

(2) The Government may also at its discretion from time to time notify by <sup>87</sup>[Official Gazette], that any part or person or class of persons of such village or tract of <sup>88</sup>[the area to which this Act extends] to which the provisions of sub-section (1) have been made applicable shall be exempt from the said provisions.

Procedure in case of transfer by order of Court of land not transferable without sanction of <sup>90</sup>[Collector].

58-B. Where right of occupancy of any land is declared non-transferable without the sanction of the <sup>89</sup>[XXX] <sup>90</sup>[Collector] <sup>89</sup>[XXX] and the <sup>90</sup>[Collector] has not given sanction for its transfer and the transfer of such occupation has been made by the order of a Civil Court or the Civil Court has passed a decree regarding its transfer or its

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86. Amended by Act No.IV of 1345 F.

87. Substituted for "Jarida" by Act No.IV of 1345 F.

88. Substituted for "Mumalik-i-Mahroosa-i-Sarkari-i-Aali" (H.E.H. the Nizam's Dominions) A.P.A.O. 1957.

89. Amended by Act No.III of 1355 F.

90. Substituted for "Taludkar" by the A.P.A.O. 1957.

decree or order is founded on such transfer as has been effected without the sanction of the <sup>91</sup>[Collector].

(a) no process of the Civil Court shall have effect on such land nor any transfer thereof shall be considered as valid, and

(b) where a certificate is produced before such Court under the hand and seal of the <sup>92</sup>[XXX] <sup>91</sup>[Collector] <sup>92</sup>[XXX] to the effect that right of occupancy of the land is not transferable without the sanction of the <sup>91</sup>[Collector] which should be previously obtained and that such sanction has not been given, such court shall remove any attachment of land if it has been made or cancel any other process if it has unissued in respect thereof or if the land has been sold auctioned or any such auction has been made as affects right of occupancy of such land, shall also cancel every such sale.]

59. On the death of a Pattadar of Khalsa-land the name of the person who is lawfully entitled under a will and if there be no such person, of the nearest heir, and if there are several heirs of equal degree, of the one who by custom has the right of primogeniture shall be entered in the register by the <sup>91</sup>[Collector] and the names of the remaining heirs shall be entered as Shikmidars. But, if at any time, any person produces against claimants of a patta a decree of a competent Court as regards his right of preference, amendment in the Government records shall be made in accordance with the decree.

**Who shall be  
Pattadar on death  
of Pattadar.**

60. Where a Pattadar dies intestate or without making a will, the occupancy right of land held by him shall be sold and after deducting expenses of sale the arrears of land

**Occupancy right  
to be sold in case  
Pattadar dies  
intestate or  
heirless.**

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91. Substituted for "Taluqdar" by the A.P.A.O. 1957.

92. Amended by Act No.III of 1355 F.

revenue, if any, shall first be paid from the sale proceeds and the remainder shall be dealt with as unclaimed property.

Occupant to be entitled to construct godowns and wells etc., or otherwise improve condition of land.

61. <sup>93</sup>[(1)] Every occupant shall be entitled <sup>93</sup>[to construct or repair godowns or wells on land occupied by him or otherwise improve its condition] and shall not be entitled except with the written permission of the <sup>94</sup>[Collector] to appropriate agricultural land to purposes other than agricultural. If no written reply for such permission is given by the <sup>94</sup>[Collector] for three months from the date of presentation of the application, the application shall be deemed to have been granted. In every such case the <sup>94</sup>[Collector], on receipt of the application, shall furnish a written acknowledgement thereof and without unnecessary delay communicate to him the sanction or refusal of the application, and the <sup>94</sup>[Collector] at the time of granting such application, may, in addition to the new assessment payable under section 50, if necessary, after recording reasons therefor introduce such conditions as he may have settled with the consent of the occupant.

<sup>93</sup>[(2) No occupant of land shall be entitled to construct or repair any tank or kunta without the permission of the Government].

Procedure in case of agricultural land appropriated to non-agricultural purposes.

62. The <sup>94</sup>[Collector] may take action under section 57 against a pattadar or Shikmidar who has, without permission, appropriated agricultural land to non-agricultural purposes.

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93. Amended by Act No.III of 1324 F.

94. Substituted for "Taludkar" by the A.P.A.O. 1957.

63. Right to all mineral products vests in the <sup>95</sup>[Government] and no person shall excavate anything from any mine without permission. But this section shall have no effect on subsisting rights. **Right to all mines vests in Government.**
64. A pattadar may, before expiry of the date fixed by the <sup>95</sup>[Government] by notification in this behalf, by presenting a compromise relinquish the land occupied by him or get it transferred in the name of any other person, but he shall remain responsible for the Government demands due by him. A compromise not applying to a whole number or a whole pote-number shall not be acceptable. **Occupant may relinquish or transfer occupancy right to another.**
65. If any person relinquishes land, the way to which lies through other land occupied by him the right of way shall continue to the person who shall hold land in future, provided there is no other way equally convenient. **Right of way on relinquishing land to vest in future holder.**

#### CHAPTER VI. OF SUPERIOR HOLDER AND SHIKMI-HOLDER.

66. A Pote-pattadar shall pay on his portion of land proportionate land revenue and so long as he continues to pay the land revenue for his share he shall not be evicted from his portion of land. The pattadar shall not be entitled to enhance the <sup>95</sup>[Government] land revenue on the land of the pote-pattadar. **Liability and rights of Pote-pattadar.**
67. Where no agreement has been made between the Pattadar and Asami Shikmi pertaining to the period of possession, and the possession by the Asami Shikmi has been for a continuous period of twelve years he shall be deemed to be a Shikmidar and he shall have permanent right as against the Pattadar. If any person has been from the commencement of cultivation or the patta jointly **When shall Asami Shikmi have perpetual occupancy right.**

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<sup>95</sup>. Amended by Act No.III of 1308 F.

cultivating with the Pattadar he shall be deemed to be a Shikmidar until a decision of a Court of law to the contrary is obtained:

<sup>96</sup>[Provided that an Asami Shikmi who has been in possession of any bill-Maqta-land in an ijara village for a continuous period of 12 years, whether there was any agreement between the Ijaradar and the Asami Shikmi pertaining to the period of cultivation or not, and every person who has from the commencement of cultivation or from the time patta was granted to the Ijaradar, jointly with such Ijaradar cultivated any bil-Maqta-land held by such Ijaradar, shall be deemed to be a Shikmidar in respect of such bil-Maqta-land].

**Explanation:-** If an Asami Shikmi remains out of possession for a period of more than one year and during that period takes no action against the pattadar for possession, such period shall not be deemed to be continuous.

Conferment of  
Pattadari rights on  
Shikmidars.

<sup>97</sup>[67-A. Notwithstanding anything in any law, usage, contract, grant, decree or order of a court but subject to the provisions of section 166-B,-

(i) a Shikmidar who was granted a Shikmidari certificate in respect of any land by a Revenue Officer, shall be declared as pattadar of that land by the Deputy Collector in whose jurisdiction the land is situate, within a period of <sup>98</sup>[seven years] from the date of commencement of the Andhra Pradesh (Telangana Area) Land Revenue (Amendment) Act, 1964 and the Deputy Collector shall issue a certificate to that effect in the prescribed form and give

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96. Added by Act No.IX of 1952.

97. Substituted by Act No.8 of 1964.

98. For the words "four years" the words "seven years" substituted by Act No.13 of 1969.

intimation thereof to, the former pattadar of that land; and such certificate shall be binding on the former pattadar;

<sup>99</sup>[(ii) where no Shikmidari certificate was granted to a Shikmidar in respect of any land by a Revenue Officer as provided in clause (i), the Deputy Collector, shall on an application made within a period of seven years from the date of commencement of the Andhra Pradesh (Telangana Area) Land Revenue (Amendment) Act, 1964, or may, suo motu at anytime, after making an enquiry in the prescribed manner, declare the Shikmidar as pattadar of that land and issue a certificate to that effect in the prescribed form and give intimation thereof to the former pattadar of that land and such certificate shall be binding on the former pattadar;]

(iii) where a Shikmidar is declared to be a pattadar in respect of any land under clause (i) or clause (ii), the former pattadar of that land, who has not received the price payable therefor from the Shikmidar, shall within a period of one year from the date of intimation to him, apply to the Deputy Collector for the determination of the reasonable price to be paid to the former pattadar for that land by the Shikmidar;

(iv) on receipt of an application under clause (iii), the Deputy Collector shall give notice to the applicant and the Shikmidar who is declared as pattadar and to all other persons who appear to him to be interested, of the date, time and place at which he proposes to enquire into the application and on the completion of the enquiry, he shall determine the reasonable price payable for the land by the Shikmidar to the former pattadar:

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99. Substituted by Act No.13 of 1969.

Provided that the amount so determined as reasonable price shall not be more than ten times and less than eight times the difference between the rent paid or payable by the Shikmidar to the former pattadar for the year 1952 and the land revenue paid or payable for that year by the former pattadar to the Government in respect of that land;

(v) where the Shikmidar fails to pay, in the manner and within the time prescribed, the reasonable price for the land in respect of which he has been declared as pattadar under clause (i) or clause (ii), as determined by the Deputy Collector, the amount so payable shall be recovered from the Shikmidar as an arrear of land revenue in the following manner and paid to the former pattadar of the land,-

(a) by the sale of the properties, if any, of the Shikmidar other than the land in respect of which the reasonable price is payable;

(b) where he has no properties other than such land or where the amount realised from such properties falls short of the reasonable price, by the sale of such land.

**Explanation.-** <sup>100</sup>[In this section and in section 67-B],-

(i) the expression 'Shikmidar' shall, in relation to any land, include a person who shall be deemed to be a Shikmidar in respect of that land under section 67;

(ii) the expression 'pattadar' shall, in relation to any land, include any other person interested in that land but does not include a 'Shikmidar'.]

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100. Substituted by Act No.13 of 1969.

<sup>101</sup>[67-B. (1) Notwithstanding anything in this Act where, before the commencement of the Andhra Pradesh (Telangana Area) Land Revenue (Amendment) Act, 1964, any transferee has in good faith purchased or otherwise acquired the interests of the Shikmidar in the land either directly from the Shikmidar or from any other person who in good faith acquired such interests, and where such transferee is in possession of the land on such commencement, apply to the Deputy Collector within whose jurisdiction the land is situate for declaring him as pattadar of that land.

Validation of certain transfers of land and conferment of pattadari rights on transferees.

(2) Where transferee has made an application for declaring him to be a pattadar in respect of any land under sub-section (1), if the former pattadar has not received the price payable thereof from the transferee, the Shikmidar or any other person who in good faith purchased the interests of the Shikmidar in the land, such former pattadar shall, within a period of one year from the date of intimation to him by the Deputy Collector of such application, apply to the Deputy Collector for the determination of the reasonable price to be paid to him by the transferee.

(3) On receipt of an application under sub-section (2), the Deputy Collector shall give notice to the applicant and the transferee and to all other persons who appear to him to be interested, of the date, time and place at which he proposes to inquire into the application and on the completion of the enquiry, he shall determine the reasonable price payable for the land by the transferee to the applicant:

Provided that the amount so determined as reasonable price shall not be more than ten times and less than eight times the difference between the rent paid or payable by the

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101. Inserted by Act No.13 of 1969.



Shikmidar to the former pattadar for the year 1952 and the land revenue paid or payable for that year by the former pattadar to the Government in respect of that land.

(4) Where the transferee fails to pay, in the manner and within the time prescribed, the reasonable price for the land in respect of which he has applied to be declared as pattadar under sub-section (1), as determined by the Deputy Collector, the amount so payable shall be recovered from the transferee as an arrear of land revenue in the following manner and paid to the former pattadar referred to in sub-section (2), of the land,-

(a) by the sale of the properties, if any, of the transferee other than the land in respect of which the reasonable price is payable;

(b) where he has no properties other than such land or where the amounts realised from such properties falls short of the reasonable price, by the sale of such land.

(5) The Deputy Collector shall after satisfying himself that the price payable to the former pattadar referred to in sub-section (2) has been paid or has been deposited within such time and in such manner as may be prescribed, require the transferee to deposit in the office of the Deputy Collector an amount equal to the registration fees and the stamp duty that would have been payable had the transfer been effected by a registered document in accordance with the provisions of the Indian Registration Act, 1908. On the deposit of such amount, the Deputy Collector shall issue a certificate in the prescribed form to the transferee declaring him as pattadar of that land and such certificate shall, notwithstanding anything in the Indian Registration Act, 1908, be conclusive evidence of such transfer.

68. A Shikmidar shall pay on the land held by him only so much of fixed rent or share of produce as may be due in accordance with the agreement entered into between him and the pattadar or pote-pattadar; and if no such agreement has been entered into as much as he was paying in accordance with the usage in previous years, and so long as he continues to pay the rent he shall not be evicted from the land in his possession.

Liability of Shikmidar to payment of land revenue.

69. The rent on the Shikmidar may be enhanced in the following cases only:-

When rent may be enhanced on Shikmidar.

(a) When after expiry of the term of settlement an enhancement in the assessment of land revenue on the land held by the Shikmidar is made by the <sup>102</sup>[Government] or at any time any new local tax is levied by the <sup>102</sup>[Government], the Shikmidar shall be liable to a proportionate increase, provided that no agreement to the contrary has been entered into.

(b) When the term of agreement between the pattadar and the Shikmidar expires and the right of the pattadar to enhance the rent after the expiry of the term has been agreed to under the agreement the enhancement may be made under the terms of the agreement.

(c) If, apart from the labour and expenses of the Shikmidar through the expenses of the pattadar or owing to other reasons the capacity or the area of the land is improved an enhancement may be made with regard to such improvement, provided that no agreement to the contrary has been entered into and enhancement shall not be made again within five years.

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102. Amended by Act No.III of 1308 F.

When Shikmidar shall be entitled to reduction of rent.

70. A Shikmidar shall be entitled to a reduction of rent in the following cases only:-

(a) When any reduction in the land revenue in respect of land held by the Shikmidar is made by the <sup>103</sup>[Government] or any local tax is remitted by the <sup>103</sup>[Government] in proportion thereto provided that no agreement to the contrary exists.

(b) When it may be so provided in the agreement.

(c) When the area or capacity of the land is diminished owing to some reason, not being the result of an act of the Shikmidar, provided that no agreement to the contrary has been entered into.

Liability of Asami Shikmi respecting payment of rent and procedure when Shikmi relation is not desired to be maintained.

71. If no agreement has been entered into with the Asami Shikmi the same rent as was due for the previous year shall be recoverable either in cash or share of produce and if the Asami Shikmi has from the beginning taken possession of the land without any agreement, such rent shall be fixed as is realised for land of similar capacity from Asami Shikmis in the neighbourhood.

The pattadar shall not be entitled, after the commencement of the agricultural year, to make any variation without the consent of the Asami-Shikmi, in the terms or the rent for that year, or to evict the Asami from the land.

If the pattadar desires to vary the terms or evict the Asami for which there is no express agreement a written notice of enhancement of rent and other conditions of eviction shall be given to the opposite party three months before the termination of the agricultural year or if the

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103. Amended by Act No.III of 1308 F.

person giving the notice so desires such notice may be given through the Tahsil Office under the rules made in this behalf.

If the Asami-shikmi agrees to the rent and terms he shall retain possession of the land during the following year, otherwise he shall relinquish the land. If he retains his possession notwithstanding the receipt of notice he shall be bound to pay the enhanced rent and observe the conditions set forth in the notice; and if the notice be for eviction the Asami Shikmi shall have no right of possession during the following year. Asami-Shikmi, after commencement of the agricultural year, shall not be authorised to relinquish the land for the whole year, without payment of rent, but if he desires to relinquish, he shall, as hereinbefore specified, notify the pattadar three months before the termination of the current agricultural year.

Application regarding enhancement or reduction of rent or eviction shall be presented and heard in the Tahsil.

72. If a pote-pattadar, shikmidar or Asami Shikmi does not pay the land revenue or rent in time, application in respect of the same may be presented in Tahsil within three years from the date of its becoming due and the decision of the Tahsil shall be enforced under the rules for the realisation of land revenue, but this procedure shall not be a bar to seek remedy in the Civil Court.

**Application for arrears of land revenue or rent in Tahsil within three years.**

73. If land revenue is wholly or partially remitted or suspended by the <sup>104</sup>[Government] the remission or suspension shall also apply to the rent of pote-pattadar, Shikmidar and Asami Shikmi according to the shares; provided that no agreement has been made to the contrary.

**Procedure in case of remission of suspension of land revenue.**

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104. Amended by Act No.III of 1308 F.

<sup>105</sup>[74. [XXX]].

Penalty when proved that land holder has by force recovered any amount in excess of fixed land revenue or rent.

75. When it is proved to the <sup>106</sup>[Collector] regarding any land holder that he has unlawfully recovered from any shikmidar or Asami Shikmi an amount in excess of fixed land revenue or rent payable under the provisions of this Chapter, the <sup>106</sup>[Collector] shall get the amount recovered in excess refunded to the aggrieved person and may also levy on him a fine not exceeding the amount recovered in excess and the <sup>106</sup>[Collector] may also, if he deems fit, order to pay a portion of the amount of fine recovered to the aggrieved person by way of damages.

In default of payment of land revenue it shall be lawful in certain cases to cease and auction right of pattadar and make any co-occupant or other concerned person a pattadar.

76. When it appears to <sup>106</sup>[Collector] that a pattadar with intent to defraud or cause injury to shikmidar or other person interested in the number, has, wilfully not paid the land revenue and rendered the number liable to attachment and sale, the <sup>106</sup>[Collector] may, instead of attaching and selling the right of occupancy, attach only the title of such pattadar, and on condition of payment of the whole amount of land revenue due on that land cause the name of the Shikmidar or the person interested in such number to be entered as a pattadar in the village records. The person whose name may be so entered in the village records shall acquire the same rights as the original pattadar.

## CHAPTER VII. SETTLEMENT AND PARTITION OF AREAS.

Government may introduce revenue survey into any part of Dominions.

<sup>107</sup>[77. The Government may whenever they deem it expedient, issue order to make survey of any land in any part of <sup>108</sup>[the area to which this Act extends], for the

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105. Omitted by Act No.IX of 1952.

106. Substituted for "Taluqdar" by the A.P.A.O. 1957.

107. Amended by Act No.III of 1355 F.

108. Substituted for the words "Mumalik-i-Mahoorsa-i-Sarkar-i-Aali (H.E.H. the Nizam's Dominions) by the A.P.A.O. 1957.

purpose of settlement and assessment of land revenue and record and preservation of the rights relating thereto, or for any other similar purpose. Such survey shall be called the revenue survey. Such survey may be made of the land of any village, town or city generally of such land only as the Government may direct; and subject to the orders of the Government the officers conducting such survey may exempt from survey any land the settlement of which does not appear expedient.

The entire power to control every such survey shall vest in the Government.]

78. The <sup>109</sup>[Survey officer] may require, by general notice or summons, the attendance of all land holders and all persons interested in such land, person or through an authorised agent acquainted with the facts and able to answer material questions, and the presence of village servants and officers concerned, who are, legally or by usage, bound to perform their functions by virtue of their offices and services and also take from them such assistance in the operation of survey as may not be inconsistent with their dignity and position.

**Land holders etc., may be made by general notice or summons, to attend survey operations and assistance of village officers, and officers concerned may be taken.**

79. Number of any cultivable land shall not be made of less or greater area than fixed by the <sup>110</sup>[Government] for each district according to different types of land and a statement showing the area fixed shall, before the commencement of the survey, be displayed at a conspicuous place in each village. These provisions shall not apply to the numbers which have already been made of a lesser area or which have been made under the special

**No number to comprise of less than fixed area.**

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109. Amended by Act No.III of 1355 F.

110. Amended by Act No.III of 1308 F.

order of a superior <sup>111</sup>[Survey officer] or which may be made, separately demarcated, under the order of the <sup>112</sup>[Collector] <sup>111</sup>[XXX] in accordance with the provisions of section 25 for purposes other than agricultural.

When pattadar or pote-number tenders compromise it may be made over to any one of pote-pattadars of same number.

80. <sup>113</sup>[(1) If a Pattadar of a pote-number of any number tenders compromise the pote number shall be made over to such person from among the Pote-pattadars as may be entitled thereto and if there is no such person or he does not take it then to him who pays the largest amount of land revenue and if he also does not take, all the pote-pattadars of the same number shall in the same manner successively have the right].

<sup>114</sup>[(2) [XXX]

Settlement officers to make assessment.

81. Subject to rules made under section 172 the <sup>111</sup>[Survey officer] shall, with due regard to laws and subsisting rights, make the assessment on all lands within the local limits in respect of which an order may have been made under section 77: Provided the land is not wholly exempt from the land revenue; but nothing in this section shall be construed to prevent the <sup>111</sup>[Survey officer] from making or registering the assessments on land wholly exempt from land revenue or especially excepted under section 77 from settlement or from dividing into numbers all such land where the survey is being made.

Assessment of land revenue may be made directly of land or of means of irrigation.

82. Where assessment is to be made on the land which is used for agricultural purpose only, the aforesaid powers shall also include the power to make assessment be made either directly on the land or to fix a rate of tax for water according to the means of irrigation, provided that of tax has

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111. Amended by Act No.III of 1355 F.

112. Substituted for "Taluqdar" by the A.P.A.O. 1957.

113. Amended by Act No.III of 1324 F.

114. Sub-section (2) omitted by the A.P.A.O. 1957.

been fixed on such means of irrigation under section 53 or any other law or that land is assessed in some other manner approved by the <sup>115</sup>[Government].

83. The assessment made by the <sup>116</sup>[Survey officer] shall not be recovered without the sanction of the Government. The Government shall after proper modification, sanction such assessment for any fixed term which in the case of the agricultural land shall not exceed thirty years.

**Assessments made in settlement shall not be recovered without sanction of Government.**

84. When the assessment fixed by the settlement for the agricultural land is sanctioned by the <sup>115</sup>[Government] a <sup>116</sup>[Survey officer] not lower in rank than an <sup>116</sup>[Assistant Commissioner] or in his absence the <sup>117</sup>[Collector] either himself or through any <sup>118</sup>[Deputy or Assistant Collector] shall fix a date for the announcement of the assessment and at a reasonable time beforehand make proclamation and on such date shall publicly announce the assessment fixed on each number.

**Announcement of assessment how made.**

No person by being absent at the time of announcement shall be absolved from any liability to which he may be subject under the announcement of assessment.

85. In the agricultural year in which a settlement, whether original or subsequent, is announced under the last preceding section, assessment fixed shall not be levied but it shall be levied in the subsequent year as may be fixed in the announcement of assessment. Any person who does not agree with the assessment fixed may, before the commencement of that agricultural year, file a compromise under section 64.

**When assessment fixed shall be levied.**

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115. Amended by Act No.III of 1308 F.

116. Amended by Act No.III of 1355 F.

117. Substituted for "Taluqdar" by the A.P.A.O. 1957.

118. Substituted for "Duwam Taluqdar" (Second Taluqdar) by A.P.A.O. 1957.



Preparation of register.

86. <sup>119</sup>[(1) The <sup>119</sup>[Survey officer] shall, at each settlement, prepare a separate register for each village showing the area and assessment of each number together with the name of the pattadar. This register and other records shall be prepared in accordance with the rules made by the Government by notification.]

<sup>120</sup>[(2) [XXX]

<sup>120</sup>[(3) [XXX]

Settlement officer to correct clerical and other errors admitted by all parties and application for correction of name to be made within two years.

87. <sup>121</sup>[The Director of Settlements and on making over the settlement records to the <sup>122</sup>[Collector], the Collector may, at any time, correct or cause to be corrected any clerical error or errors admitted by the party concerned.]

The aforesaid officer shall hear all applications made within two years after the introduction of the settlement, for the correction of any wrong entry of a pattadar's name in the register referred to in the preceding section and if satisfied about the error whether such error has been made through negligence, fraud, or collusion shall correct the same, notwithstanding that the party concerned does not admit the error, but no such application shall be entertained after two years, unless reasonable cause is shown to the said officer for the delay, and in such case if any error is proved it shall not be corrected without obtaining the sanction of the <sup>123</sup>[Government].

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119. Amended by Act No.III of 1355 F.

120. Sub-section (2) and (3) were omitted by the A.P.A.O. 1957.

121. Substituted by Act No.36 of 1976.

122. Substituted for "Taluqdar" by the A.P.A.O. 1957.

123. Amended by Act No.III of 1308 F.

<sup>124</sup>[87-A. (1) Notwithstanding anything in this Act, the Government may, by notification published in the Telangana Gazette, delegate their powers under section 87 to the Settlement Commissioner, and may, by like notification, withdraw any such delegation.

Delegation of powers of Government.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to such restrictions and conditions, if any, as may be specified in the notification.]

<sup>125</sup>[88. (1) The Settlement register and other records prepared by the <sup>125</sup>[Survey officers] shall be made over to the <sup>126</sup>[Collector], who shall cause Village records to be prepared in accordance therewith.]

Settlement records to be made over to <sup>126</sup>[Collector] who shall cause village records to be prepared.

<sup>127</sup>[(2) [XXX]]

<sup>128</sup>[88-A. [XXX]]

89. The <sup>125</sup>[Survey officer] may, on the occasion of any subsequent settlement, subject to the provisions of section 79 and under the rules made in this behalf, break up and divide a number into two or more numbers and shall fix separate assessment for each such number and enter the area of each such number and the name of the occupant in the settlement register.

Division of numbers and fixing of pote-numbers on second settlement to be lawful.

<sup>125</sup>[89-A. Notwithstanding anything contained in section 79 and section 89 or rules made thereunder, when any portion of cultivable land is permitted to be used under the provisions of sections 61 and 62 for non-agricultural purposes or when any portion of land is specially set apart

Division of Survey numbers into new Survey numbers.

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124. Inserted by Act No.36 of 1976.

125. Amended by Act No.III of 1355 F.

126. Substituted for "Taluqdar" by the A.P.A.O. 1957.

127. Sub-section (2) omitted by the A.P.A.O. 1957.

128. Section 88-A omitted by A.P Adaptation Order, 1957.

under section 25 or when an assessment on any portion of the land is altered or levied under section 50, separate survey numbers may, subject to the rules made by the Government under this Act in this behalf, be made of such portion.

Division of Survey numbers into pote numbers.

89-B. (1) Notwithstanding the provisions of section 89 the Government, at any time, may direct that survey-numbers be divided into so many pote-numbers as may be required in view of the rights acquired in land or for any other reason.

(2) The division of survey-numbers into pote-numbers and the assessment of the pote-numbers shall be made and from time to time revised under the rules made by the Government in this behalf under this Act:

Provided that the total amount of assessment of any survey-number or pote-number shall not be enhanced during the term of settlement for which such assessment has been fixed under sections 81 and 83, unless such assessment is declared liable to alteration under section 50.

(3) The area and the assessment fixed of such pote-numbers shall be entered into such records as the Government may prescribe in this behalf.]

### CHAPTER VIII. DISPUTE RELATING TO BOUNDARIES AND INSTALLATION AND MAINTENANCE OF BOUNDARY MARKS.

Determination of village boundaries.

<sup>129</sup>[90. The Collector or any other officer nominated by the Government for this purpose, or the Settlement Commissioner, if survey operations are proceeding in the village shall enquire about and fix the boundaries of villages and determine disputes, if any, relating thereto.

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<sup>129</sup>. Sections 90 and 91 substituted by the A.P.A.O. 1957.

When the Patels and Patwaris of any two or more adjoining villages agree to any given line of boundary and such agreement is not illegal, the officer determining the boundary shall require the said parties to execute an agreement to that effect and shall mark off the boundary accordingly.

91. If the parties do not agree in the manner prescribed in the last preceding section, the said officer shall, after necessary inquiry, make a plan showing the area of the ground in dispute together with the boundaries or marks, existing or which may be stated, in different colours, and shall, after completing the inquiry, make an award in the case.]

**Procedure in case of disagreement or dispute.**

92. If, at the time of a survey, the boundary of a field is pointed out by the holder and it is undisputed and its correctness is also affirmed by the Patel and Patwari of the village the boundary shall be marked. If the boundary of a field is disputed or the landholder is not present or does not point out the same, the <sup>130</sup>[Survey officer] and when settlement operation is not proceeding, <sup>130</sup>[the <sup>131</sup>[Collector] in case the land is of a khalsa area <sup>132</sup>[XXX] shall fix the boundary according to the entries in village records, and according to occupation if, adverse to the entries in village records, it is established that the occupation extends over a year and no legal action has been taken in connection therewith.

**Determination of field boundaries.**

93. If the parties agree to refer the boundary-dispute to arbitration and make an application to that effect in writing, the competent officer shall refer the case to arbitration for settlement; and to the dispute shall apply all provisions of

**Settlement of boundary disputes by arbitration.**

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130. Amended by Act No.III of 1355 F.

131. Substituted for "Taluqdar" by the A.P.A.O. 1957.

132. The words "and in case of non-Khalsa land the officer authorised under section 172" were omitted by the A.P.A.O. 1957.

arbitration relating to civil suits and the powers vested in a Court by virtue of such provisions shall vest in <sup>133</sup>[Collector] or the <sup>134</sup>[Settlement Commissioner].

Construction or repair of boundary marks of Villages and survey numbers.

<sup>135</sup>[94. Where survey operations are proceeding, it shall be lawful for the Settlement Commissioner or such other officer authorised by him in this behalf, to cause to be constructed or repaired boundary-marks of villages and occupied numbers; and the officers concerned shall see to their maintenance. The Survey Officer shall, by a notification posted in the "Chaudi" or in some adjacent and conspicuous place, require the holders of lands to construct or repair the boundary marks of their numbers and in accordance with the directions given in the notification within specified period which shall not be less than one month, and on their failure to comply with the requisition within the specified period, the said Survey Officer shall cause the boundary-marks to be constructed or repair and cause charges incurred to be recovered from Pattadars as an arrear of land revenue.]

Dimensions and form etc., of boundaries to be determined with sanction of Chief Revenue Authority.

95. The dimensions and form of boundary-marks of villages and numbers and the material of which they shall be made, shall be determined with the sanction of the Government according to local conditions, climate, durability and cheapness of materials.

Collector to have charge of boundary marks after introduction of settlement.

96. When settlement is introduced into a district, the <sup>133</sup>[Collector] shall be in charge of boundary-marks. The <sup>133</sup>[Collector] may for their preservation and maintenance,

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133. Substituted for "Taluqdar" by the A.P.A.O. 1957.

134. Substituted for the words "Nizam Paimaish Bandobast or Nazim Land Records" (Commissioner of Survey Settlement or the Commissioner of Land Records) by the A.P.A.O. 1957.

135. Section 94 substituted by the A.P.A.O. 1957.

exercise all the powers as are vested in a Settlement officer under section 94.

97. <sup>136</sup>[(1) Every land-holder shall maintain the boundary marks of the land occupied by him in original condition and if he fails in it and does not carry out necessary repairs in spite of orders of the village and Taluqa officers the Revenue officers, not lower in rank to a <sup>136</sup>[XXX] Tahsildar, shall cause the necessary repairs to be carried out and recover the charges thereof from the pattadar as an arrear of land revenue.

Responsibility for preservation of boundary marks.

<sup>137</sup>[(2) [XXX]]

98. Any person convicted, after a summary trial, before a <sup>138</sup>[XXX] <sup>139</sup>[Collector] or <sup>140</sup>[Deputy or Assistant Collector] or <sup>138</sup>[Survey officer] or Tahsildar, of willfully erasing, removing or damaging boundary-marks, shall be liable to a penalty which may extend to four times the cost of repair or fixation of each mark so erased, removed or damaged and such mark shall be repaired or fixed from such amount.

Penalty for damaging etc., boundary marks.

99. The <sup>139</sup>[Collector] or the <sup>138</sup>[Survey officer] may, subject to rules and safeguarding the subsisting rights of landholders, determine the limits of a village site.

Fixing of limits of village sites.

100. No land revenue for purposes of this Act shall in the following cases be levied on lands situated within a village site and not used for purposes of agriculture,-

No land revenue to be levied in certain cases on lands within village site.

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136. Amended by Act No.III of 1355 F.

137. Sub-section (2) omitted by the A.P.A.O. 1957.

138. Amended by Act No.III of 1308 F.

139. Substituted for "Taluqdar" by the A.P.A.O. 1957.

140. Substituted for "Duwam Taluqdar" (Second Taluqdar) by A.P.A.O. 1957.

(a) Where a person or his legal representative upto the date of commencement of this Act, has held any land without payment of land revenue and has not made an agreement with the <sup>141</sup>[Government] to pay it in future;

(b) where a competent officer has made an order or granted a Sanad in respect of right of occupancy exempting any land from land revenue without fixing any period. In other cases also no land revenue shall be levied on a land within a village site without the sanction of the <sup>141</sup>[Government.]

Procedure on occupying without permission land situate in village site.

101. If, after the commencement of this Act, any person, without the written permission of the officer, occupies any land situated in a village site which has not been set apart for agriculture the <sup>142</sup>[Collector] may recover the compensation for occupancy right of such land or fix a land revenue on the land or order both for recovery of compensation and levy of land revenue; and if it is proved that the land was held dishonestly or through mischief he may recover penalty to the extent of double the compensation for occupancy right.

And if any building has been constructed on it and the Government purposes or the public benefit is thereby encroached upon if that building is not demolished and not more than one year has elapsed from the date of completion of construction the <sup>142</sup>[Collector] may, after recording his reasons, order the person who has constructed the building to demolish it and remove the materials thereof within a fixed period which shall not be less than six months. If he does not comply within the period the <sup>142</sup>[Collector] may seize the building.

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141. Amended by Act No.III of 1308 F.

142. Substituted for "Taluqdar" by the A.P.A.O. 1957.

102. No suit against the order of the <sup>143</sup>[Collector] made under section 101 shall be instituted in any Civil Court after one year from the date of the order.

Suit not to be instituted in Civil Court after one year from order of <sup>143</sup>[Collector].

### CHAPTER IX. REALIZATION OF LAND REVENUE AND OTHER GOVERNMENT DEMANDS.

103. The person primarily liable for payment of land revenue for khalsa land, shall be the pattadar of such land, and for non-khalsa land the superior holder thereof.

Responsibility for payment of land revenue.

And when he fails to pay the land revenue, the land revenue may be recovered from the Shikmidar, or co-sharer of the superior holder or inferior holder or person in actual occupation of the land, but the amount which he may have paid to the pattadar or superior holder at the time of instalment or thereafter shall not be recovered from him, and the amount so recovered shall be refunded from that pattadar or superior holder.

### PRIORITY OF <sup>144</sup>[GOVERNMENT] CLAIM FOR LAND REVENUE.

104. The demand on any land, for its land revenue shall have priority over other demands whether in respect of debts or mortgage or based on a decree of or attachment by a Court, and if the title to any land on which such Government demand is due is transferred, such land or its transferer shall not be discharged from such demand. If the demand for land revenue which cannot be recovered from the title to or existing produce of that land is due from a person, the liability for the payment of the land revenue shall have precedence over debt or decree of a Court also on his

Government demand to have priority over all claims.

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143. Substituted for "Taluqdar" by the A.P.A.O. 1957.

144. Amended by Act No.III of 1308 F.



property other than the land on which the demand is due; provided that such property before it is forfeited for recovery of the said demand, is not sold or mortgage or given as a gift or otherwise transferred or hypothecated or attached.

Produce of land to be deemed as, hypothecated for payment of land revenue.

105. The produce of land for every year shall be deemed to have been hypothecated for land revenue due for that year.

### PRECAUTIONARY MEASURES FOR SECURING LAND REVENUE.

Produce disposed of by sale etc., may be withheld till payment of land revenue.

106. When the produce of any land is wholly or partly sold, mortgaged, or otherwise disposed of, whether by order of a Court or other competent department or with the desire of the land holder, the <sup>145</sup>[Collector] may prevent such produce being removed until the land revenue for the current year has been paid, though the date for the prescribed instalment has yet not arrived. But in no case shall a produce or a portion of the produce, which, has been sold, mortgaged or disposed of, be detained on account of land revenue of a period exceeding one year.

Power of Collector when apprehended that revenue shall not be recoverable.

107. If the <sup>145</sup>[Collector] has reason to believe that any land holder is a defaulter or it is apprehended that land revenue shall not be recoverable on any land in case the crop is reaped or the produce is sold,-

(a) he may require that the standing crop of the land liable to payment of land revenue shall not be reaped without a notice to himself or to the officer appointed by him for this work. Such notice shall be given in writing and returned with acknowledgment receipt and if the crop has been reaped,

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145. Substituted for "Taluqdar" by the A.P.A.O. 1957.

(b) he may direct that such crop shall not be removed from the land on which it has been reaped, or from the place where it may have been stored, without the written permission of the <sup>146</sup>[Collector] or of other officer as aforesaid,

(c) he may appoint a watchman, fixing his pay, to watch that the standing crop is not unlawfully reaped or removed without permission. The pay of such watchman shall not exceed five rupees per month, and may be realized as an arrear of land revenue from the land holders; but if the produce could be watched through the village officers a paid watchman shall not be appointed.

108. Orders provided in clauses (a) and (b) of the preceding section may be issued generally to all the co-occupants or land holders or individually to any particular holder.

**Issue of orders provided for in section 107 and penalty for contravention thereof.**

If the orders be made generally to all land holders they shall be issued by proclamation to be made by beat of drum and a copy thereof shall be affixed at some conspicuous place in the village Chavdi. If the said orders be made individually they shall be issued separately to each holder concerned. Any person who contravenes the orders so issued or abets such contravention shall be liable, on conviction after a summary enquiry before the <sup>146</sup>[Collector] to a fine not exceeding double the amount of the land revenue on the land in respect of produce of which the of offence is committed.

109. The <sup>146</sup>[Collector] shall not defer the reaping of the crop and its removal so as to damage the produce of the land and if the land revenue has not been paid within two months from the date of attachment or within such lesser time as the <sup>146</sup>[Collector] may fix in special cases, he shall either release

**Reaping or removal of produce of land not to be prohibited for such long period as to damage produce.**

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146. Substituted for "Talukdar" by the A.P.A.O. 1957.

the produce and adopt other measures to realise the land revenue under the provisions of this Chapter or sell such portion of the attached produce under the provisions of this Chapter relating to sale of movable property for the recovery of revenue the price of which will be sufficient for payment of revenue.

Attachment of village or part of village for land revenue.

110. If the holding consists of an entire village or of a part of a village and the <sup>147</sup>[Collector] has reason to believe that owing to a dispute among the sharers or for any other reason its land revenue will not be recoverable in the prescribed instalments, he may temporarily attach the village or part of the village and take it under his own management or entrust it to an officer or agent appointed by him for that work.

The provisions of section 125 shall also apply to any village or part of a village which has been temporarily attached under this section and the income of the village or part of the village in surplus after allowing the costs of attachment and management of the land, and the payment of the land revenue and of the cost of survey and settlement, if made under section 77 shall be kept in deposit for eventual payment to the person entitled to the same, or subject to the orders of the <sup>148</sup>[Board of Revenue], shall be paid by the <sup>147</sup>[Collector] to the person entitled to the same.

Precautionary measures to be suspended on security being furnished.

111. The precautionary measures provided for in sections 106 to 110 shall be suspended or relinquished if the person responsible for the payment of land revenue shall pay the entire costs of attachment and management of the land up to the time of relinquishment and shall furnish reliable security to the effect that the land revenue shall be paid on

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147. Substituted for "Taluqdar" by the A.P.A.O. 1957.

148. Substituted for "Subedar" by the A.P.A.O. 1957.

the fixed date or in the prescribed instalments, as the case may be.

### MODE OF INSTALMENTS OF LAND REVENUE.

112. (1) Land revenue, except under the circumstances mentioned in sections 106 to 110, shall be payable in such instalments and on such dates and at such places, and to such persons as may be determined by order of the Government for this purpose.

Government to determine date and instalments for recovery of amount.

(2) No officer shall recover any instalment before the prescribed date.

### DEFAULTERS.

113. An amount of land revenue not paid as above shall be called an arrear of land revenue and the persons from whom the arrear is due under section 103 or any other section shall be called defaulters.

Arrears and defaulter.

114. If any instalment be not fully paid even after the expiry of the prescribed time, the <sup>149</sup>[Collector] may adopt measures to recover both the entire amount of land revenue due by the defaulter for the current year and the interest or penalty as may be recovered according to a scale fixed by the <sup>150</sup>[Government]; but if he is satisfied that the arrear of land revenue is only due to poverty he may remit the penalty or interest and refund the same if already recovered.

Liability incurred in case of non-payment of arrears.

115. An account, certified by Peshkar or any other Taluqa officer, higher in rank than a Peshkar shall be conclusive evidence of the existence of the arrear its amount, or of the person by whom it is due. On receipt of such certified

Certified account to be conclusive evidence as to arrears.

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149. Substituted for "Taluqdar" by the A.P.A.O. 1957.

150. Amended by Act No.III of 1308 F.

account, the <sup>151</sup>[Collector] of one district shall proceed to recover the arrear of land revenue of another district under the provisions of this Chapter as if the arrear is of his own district.

### RECOVERY OF ARREARS OF LAND REVENUE.

Measures for recovery.

116. An arrear of land revenue may be recovered by the following measures and as far as possible, the measures shall be employed in the order mentioned below:-

(a) by issuing a notice to the defaulter under section 118;

(b) by distraint and sale of the defaulter's movable property under section 119;

(c) by distraint and sale of the defaulter's immovable property under section 120;

(d) by arrest and detention of the defaulter under section 122;

(e) by forfeiture of the right of occupancy in respect of which the arrear is due under section 124.

<sup>152</sup>[(f) [XXX]]

Measures specified applicable to arrears due both for previous years and current year.

117. The measures specified above may be employed for the recovery of arrear, both of previous years and of the current year, but the preference provided in section 105 shall apply only to arrears for the current year, and the preference provided in section 104 shall apply to arrears for three years, except in case any measure for any arrear

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151. Substituted for "Taluqdar" by the A.P.A.O. 1957.

152. Clause (f) omitted by the A.P.A.O. 1957.

commenced in the very year for which it is due but it has not been fully executed by the end of the year and the execution is pending.

### NOTICE OF DEMAND.

118. The Tahsildar may, on any day after the expiry of the date on which the arrear accrues send on any day to the defaulter a notice of demand, and the cost of demand notice being two annas if the amount of demand does not exceed ten rupees, four annas if it exceeds ten rupees but does not exceed twenty five rupees and eight annas in all other cases, may be recovered.

When and by whom notice of demand may be issued and its costs.

119. The Tahsildar may distrain and sell the defaulter's movable property. Such distraint shall be made by officers or clerks appointed by him for this work.

Distraint and sale of defaulter's movable property.

<sup>153</sup>[120. The <sup>154</sup>[Collector] or the <sup>155</sup>[Deputy or Assistant <sup>156</sup>[XXX] Collector] may distrain the defaulter's immovable property, other than the land held by him, but where such distraint has been made by the order of the <sup>155</sup>[Deputy or Assistant Collector] it shall not be sold except with the sanction of <sup>154</sup>[Collector].

Distraint and sale of defaulter's immovable property.

121. All such property of the defaulter shall be exempt from attachment and sale under the preceding, sections as is exempt under the <sup>157</sup>[Code of Civil Procedure, 1908] from attachment and sale in execution of a decree of a Court. The

Property of defaulter exempt from attachment.

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153. Amended by Act No.III of 1324 F.

154. Substituted for "Taluqdar" by the A.P.A.O. 1957.

155. Substituted for the word "Duwan Taluqdar" (Second Taluqdar) by the A.P.A.O. 1957.

156. Amended by Act No.III of 1355 Fasli.

157. Substituted for the expression "Hyderabad Code of Civil Procedure" by A.P.A.O. 1957.

<sup>158</sup>[Collector's] order as to what property of the defaulter shall be exempt from attachment and sale shall be final.

### ARREST AND IMPRISONMENT.

Power to arrest defaulter and send him to Civil Jail.

122. After an arrear becomes due, when it may not appear possible to recover it in any other way the defaulter may be kept in custody for ten days in the district or Tahsil office, but if within the said period the arrear, together with penalty or interest and the costs of arrest of and subsistence for the defaulter during custody and the cost of notice that may be recoverable is recovered the defaulter shall forthwith be released.

If, during the period of ten days the amount due is not recovered the <sup>158</sup>[Collector] may thereafter or if he deems fit before the expiry of ten days, send the defaulter a warrant, to remain in custody in the Civil Jail of his district; but no defaulter shall be kept in imprisonment for a period exceeding one month.

Power to arrest.

123. The <sup>159</sup>[Government may declare by notification] the officer or class of officers empowered to arrest under section 122 and the cost of arrest and scale of subsistence for the person under custody.

### FORFEITURE OF OCCUPANCY AND EVICTION OF DEFAULTER.

Lease and sale of occupancy right.

<sup>160</sup>[124. <sup>159</sup>[(1) The <sup>158</sup>[Collector] may attach the holding in respect of which land revenue is due and lease it out for a period not exceeding ten years; but if in his opinion it is proper to sell such land he may, with the sanction of the

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158. Substituted for "Taluqdar" by the A.P.A.O. 1957.

159. Amended by Act No.III of 1355 Fasli.

160. Substituted by Act No.III of 1324 F.

<sup>161</sup>[Board of Revenue] sell the right of occupancy of the land. Any sum realised by auction or sale or through other management of the land shall be credited to the account of the defaulter.

(2) The Government may, whenever it appears necessary, by general or special order, authorise any <sup>162</sup>[Collector] or Additional <sup>162</sup>[Collector] to sell the land attached under sub-section (1) without the sanction of the <sup>161</sup>[Board of Revenue].

<sup>163</sup>[XXX]

<sup>163</sup>[125 to 128. [XXX]]

#### STAY OF PROCEEDINGS FOR RECOVERY OF ARREARS.

129. If, in the presence of the <sup>162</sup>[Collector] or other officer appointed by him for this purpose and if the defaulter is imprisoned, before the officer of the jail reliable security or amount in cash towards payment of the aforesaid arrears and other costs is furnished to the satisfaction of the <sup>162</sup>[Collector] or such other officer he shall forthwith be released from custody or imprisonment. Any person against whom, under some measure, any proceeding for the recovery is pending before any officer, may deposit the amount demanded with that officer stating that he has objection for the payment of the said amount.

Recovery proceedings to be stayed on security being given or amount being paid.

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161. Substituted for "Subedar" by the A.P.A.O. 1957.

162. Substituted for "Taluqdar" by the A.P.A.O. 1957.

163. The heading "Attachment of Villages" and Sections 125 to 128 were omitted by the A.P.A.O. 1957.



Procedure for sale and publication of notification.

130. When an order for the sale of the property of the defaulter is made under the provisions of this Chapter the Tahsildar or any <sup>164</sup>[XXX] <sup>165</sup>[Collector] or <sup>166</sup>[Deputy or Assistant Collector] shall issue a notification in the vernacular <sup>167</sup>[XXX]. The notification shall contain the following particulars:-

(a) the time and place of sale;

(b) by whose sanction the sale shall be made final;

(c) when the property to be sold is revenue land its area and revenue;

(d) other matters which the <sup>165</sup>[Collector] may think necessary.

Such notification shall be affixed at some conspicuous place in the chavdi or any other place in the village wherein the property was attached and the Tahsildar's Office and its substance shall be proclaimed by beat of drum in the village wherein the property was attached and in such places also as the <sup>165</sup>[Collector] may deem fit. If the property to be sold be immovable property, a copy of the notification shall also be affixed at some conspicuous place in the <sup>165</sup>[Collector's] Office and its substance shall be published by beat of drum at the headquarters of the district; and the <sup>165</sup>[Collector] may in addition to the aforesaid method get every notification published in any other manner also.

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164. Amended by Act No.III of 1305 F.

165. Substituted for "Taluqdar" by the A.P.A.O. 1957.

166. Substituted for the words "Duwam Taluqdar" (Second Taluqdar) by A.P.A.O. 1957.

167. The words "as well as in Urdu" were omitted by the A.P.A.O. 1957.

131. When any objection is made by any person in respect of any property for the sale of which notification has been issued and not being a holding the right of occupancy of which has been absolutely forfeited to the <sup>168</sup>[Government] under section 124, the <sup>169</sup>[Collector] shall make a summary inquiry and decide it and excluding the property in respect of which the objection is admitted he shall order the rest to be sold.

**Objection in respect of attached property.**

132. Sale shall be made through such persons as the <sup>169</sup>[Collector] may appoint for the work on a day not being a public holiday, during ordinary office hours but not within atleast thirty days if the property is immovable, and seven days if it is movable, from the issue of the notification referred to in section 130, but this provision shall not apply to perishable articles, which irrespective of the restriction as to said period, shall be sold immediately at the discretion of the officer conducting the sale and he shall have power to finally conclude such sale.

**Sale by whom and when to be made.**

The <sup>169</sup>[Collector] shall have power to stay from time to time the sale for any sufficient reason.

133. If at any time before the date fixed for the sale the arrear together with the other lawful charges is deposited by the defaulter with the auctioneer or the person appointed under section 112 for the recovery of land revenue or if reliable security is furnished under section 129 the sale shall forthwith be stayed.

**When sale may be stayed.**

134. Every sale of immovable property shall be finally concluded by the sanction of the <sup>169</sup>[Collector] and that of movable property by the sanction of the officer empowered by the <sup>169</sup>[Collector] by a general or special order.

**By whose sanction sale shall be final.**

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168. Amended by Act No.III of 1308 F.

169. Substituted for "Talukdar" by the A.P.A.O. 1957.

Mode of payment of purchase money.

135. The auction purchaser shall pay the purchase money as directed below:-

(a) When the sale is concluded before an officer authorised to confirm and conclude it finally,-

(1) on account of movable property, in full, immediately after the sale is concluded or within such period as the officer conducting the sale may fix,

(2) on account of immovable property one-fourth, as deposit, immediately after the sale is concluded and the entire balance within 30 days from the date of sale and if the thirtieth day be a public holiday, then on the first day following the holiday;

(b) when the sale is concluded before an officer who is not authorised to sanction and conclude it finally,-

(1) one-fourth, as deposit, immediately after the sale is concluded,

(2) the entire balance, on account of movable property, before sunset of the day on which the notice of sanction of the sale is received, and on account of immovable property within thirty days of the receipt of notice of sanction and if the thirtieth day be a public holiday then on the day following such holiday.

Re-sale if purchase money is not paid within prescribed time.

136. If purchase money is not paid within the period provided in the preceding section, the deposit money, if any, after defraying therefrom the expenses shall forfeit to the <sup>170</sup>[Government] and there shall be a resale and for every such resale, when it does not take place on the day fixed and in the meeting of the first sale, action shall be

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170. Amended by Act No.III of 1308 F.

taken for the issue of a notice under section 130. If the amount for which the resale was concluded be less than the first sale the deficiency shall be recovered from the purchaser at the first sale as an arrear of land revenue and the purchaser at the first sale shall have no claim to the property sold and the amount of deposit forfeited.

137. On payment of the purchase money the auction purchaser shall get a receipt and after payment of full amount of purchase money such sale, shall, subject to the provisions of sections 138 and 139, become absolute in favour of the purchaser as against all other persons.

**Receipt for purchase money to be furnished and sale as concluded to become absolute.**

138. At any time within thirty days from the date of sale of immovable property application may be made to the <sup>171</sup>[Collector] to set aside the sale on the ground of illegality of proceedings, material mistake, or fraud, in conducting sale or publishing notification but no sale shall be set aside on such application only unless the applicant proves to the satisfaction of the <sup>171</sup>[Collector] that he has sustained loss by reason of the illegality, mistake or fraud. If such application be allowed the <sup>171</sup>[Collector] shall make order to set aside the sale with the direction that it should be re-sold.

**Application to set aside sale of immovable property.**

139. If application for setting aside the sale is not made under the preceding section or has been made and rejected, the <sup>171</sup>[Collector] shall make an order confirming the sale; and if he thinks that the sale may be set aside on reasonable ground though no such grounds were set forth in the application rejected, he may, after recording his reasons make an order setting aside the sale.

**Order confirming or setting aside sale.**

140. Where the sale of any property is not confirmed on is set aside the purchaser shall be entitled to receive back the purchase money or the deposit.

**Refund of purchase money if sale is not confirmed or set aside.**

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171. Substituted for "Talukdar" by the A.P.A.O. 1957.

Putting purchaser into possession of holding sold and entering his name as pattadar in village record.

141. Where a sale of a holding for which an arrear of land revenue is due is confirmed in accordance with the aforesaid provisions, the <sup>172</sup>[Collector] shall put the auction purchaser into possession of the same and shall grant him a certificate to the effect that the person has purchased the occupancy right of the land. The certificate shall be treated as an authority for transfer of that land and the name of the auction-purchaser shall be entered into the village records as a pattadar; and no suit against the purchaser whose name has been recorded in such certificate shall be entertained in a Civil Court on the ground that the certificate holder is not in fact the purchaser but that by mutual agreement certificate has been made in his name.

Application of purchase money.

142. The purchase money after the sale has been concluded shall be applied first to the payment of expenses of the sale and then to the payment of arrears due by the defaulter at the date of conclusion of the sale and recoverable as an arrear of land revenue, and the person whose property has been sold shall be entitled to the surplus, if any. The expenses of the sale shall be assessed according to rules and orders approved by the <sup>173</sup>[Government].

Liability of purchaser for payment of land revenue.

143. The person whose name has been entered in the sale certificate as purchaser of occupancy right of the Government land shall be liable for the payment of all instalments of land revenue due in respect of such land subsequent to the date of sale.

Sums recoverable under provisions of this Chapter.

144. All the Government sums under the following heads may be recovered under the provisions of this Chapter:-

(1) Land revenue.

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172. Substituted for "Taluqdar" by the A.P.A.O. 1957.

173. Amended by Act No.III of 1308 F.

- (2) Quit-rent.
- (3) Nazrana.
- (4) Peshkesh.
- (5) Taxes.
- (6) Local cess.
- (7) Fine and Penalties.
- (8) Income from lands.
- (9) Rusum.
- (10) Fees.
- (11) Charges.
- (12) Penal interest.
- (13) Lease money.
- (14) Moneys recoverable from sureties.
- <sup>174</sup>[(15) Taccavi loans].

<sup>174</sup>[(16) All sums in respects of which provision has been made in this Act or in any other Act that they be recovered as arrears of land revenue].

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174. Amended by Act No.III of 1355 F.

**CHAPTER X.  
PROCEDURE OF REVENUE OFFICERS.**

Revenue officer to be subordinate to his superior.

145. In all official works and proceedings a Revenue officer shall be subject as to the place, time, and manner, of performing his duty, to the direction and control of his superior, provided there is no express provision in the law to the contrary.

Power to issue summons for evidence and producing document etc.

146. Every Revenue officer not lower in rank than a Peshkar of a Tahsil, <sup>175</sup>[the Assistant Settlement Commissioner] may issue summons to any person to be examined as a party or to give evidence as a witness or to produce any document or article, as the case may be, for the purposes of an enquiry which he is empowered to make. Such officer shall have all the powers which are vested in a Civil Court under the <sup>176</sup>[Code of Civil Procedure, 1908] to compel the attendance of person to whom summons has been issued or the production of document or other article.

Central Act 5 of 1908.

Every person to whom summonses have been issued shall attend either in person or by an agent as may be directed in the summons and state the truth upon any subject respecting which his statement or evidence is recorded and produce such document and articles as may be required.

Form, issue and service of summons.

147. The provisions of the <sup>176</sup>[Code of Civil Procedure, 1908] shall apply mutatis mutandis to the form, issue and service of summons.

Central Act 5 of 1908.

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175. Substituted for the words "Madadgar Nazim Paimaish Bandobast or Madagar Nazim Land Records" (the Assistant Commissioner of Survey Settlement or the Assistant Commissioner of Land Records) by A.P.A.O. 1957.

176. Substituted for the expression "Hyderabad Civil Procedure Code" by the A.P.A.O. 1957.

148. If any party, in any formal or summary inquiry, shall desire the attendance of witnesses he shall follow the rules contained in the <sup>177</sup>[Code of Civil Procedure, 1908] regarding summons, allowance and sustenance to witnesses.

Code of Civil Procedure regarding sustenance allowances to be followed when party desires attendance of witnesses.

Central Act 5 of 1908.

### FORMAL INQUIRY.

149. In a formal inquiry, the officer making the inquiry shall in his own hand record evidence in full <sup>178</sup>[XXX] or cause it to be recorded in his presence and under his personal superintendence that it may be audible to him and sign it.

Mode of recording evidence in formal inquiry.

The cases in which the officer making the inquiry is not able to record the evidence in his own hand, he shall, in the course of examination, make, in his own hand, a memorandum of the substance of the deposition of the witness and after signing it cause it to be put on the file. If such officer is not able to record such memorandum, he shall write the reason of his inability.

150. The competent officer shall after completing the inquiry write every decision in his own hand and fully record therein the grounds on which the decision is based.

Mode of writing of decisions.

### SUMMARY INQUIRY.

151. In summary inquiry the competent officer shall, in the course of inquiry, record a minute of the proceedings in his own hand <sup>178</sup>[XXX], containing the material averments of the parties to the case, the gist of the evidence, and the

Mode of summary inquiry.

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177. Substituted for the expression "Hyderabad Civil Procedure Code" by the A.P.A.O. 1957.

178. The words "in urdu" were omitted by the A.P.A.O. 1957.



decision and the reasons in brief for the same. But the officer making an inquiry may, if deemed fit, in the cases where an inquiry directed by this Act is to be summary, act under all or any of the rules in force for formal inquiry.

152. In a formal or summary inquiry provided in this Act the proceedings by a competent officer shall be deemed to be judicial proceedings for purposes of <sup>179</sup>[sections 183, 198 and 210 of the Indian Penal Code, 1860] and his office shall be deemed to be a Civil Court.

Every act and decision in a formal or summary inquiry shall be in public, and the parties to the case or their authorised agents, shall be duly given an opportunity for attendance.

153. An inquiry which this Act does not expressly require to be either formal or summary or an inquiry which a Revenue officer may on any occasion deem necessary in the execution of duties, shall be conducted according to any special or general rules, made under the order of the <sup>180</sup>[Government] or at the instance of a superior authority and subject to such rules the said officer shall in his discretion adopt such procedure as may be fit for finding out facts and for the public welfare.

154. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders and exhibits shall be furnished to the parties on application being made; and original documents produced in evidence, if they have not been impounded under any rule or by any order or decision, shall be restored to the persons who had produced them: provided that the full charges for copying or translation, as the case may be, have

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179. Substituted for the reference "sections 159, 174 and 186 of the Hyderabad Penal Code No.III of 1313 Fasli" by the A.P.A.O. 1957.

180. Amended by Act No.III of 1308 F.

**Formal and summary inquiry to be deemed judicial proceedings and to be conducted openly.**

**Mode of ordinary inquiry.**

**Manner of obtaining copies and translation.**

been received in accordance with the rules as are in force by the order of the <sup>181</sup>[Government].

155. When, under the provisions contained in this Act, a defaulter or any other person is held liable to be arrested, such arrest shall be made upon a warrant of arrest issued by an officer competent to order the arrest, of such person.

**Arrest to be made by warrant.**

156. Every Revenue officer may, enter, whenever necessary for measurement, fixing of boundary marks or inspecting of boundaries, classification of soil, or assessment, or for any other necessity connected with the discharge of duty, any land or premises, whether such land or premises belongs to the <sup>181</sup>[Government] or to any private individual and whether the revenue is partially or wholly realised from the land or not: Provided that he shall not enter into any house used as a dwelling without the permission of the occupier of the house and without giving twenty-four hours' previous notice, and on entering such a house due regard shall be had to the religious and social ideologies of the occupier of the house.

**Power to enter upon land or premises when necessary.**

157. Whenever a <sup>182</sup>[Collector] may desire to evict, under the provisions of this Act or any other law, any person having unlawful occupation of any land, such eviction shall be made in the following manner:-

**Mode of evicting unlawful occupant.**

(1) a notice shall be served on the unlawful occupant requiring him to vacate the land within a fixed period from the date of receipt of the notice;

(2) if it is not obeyed such person shall be evicted from the land by force;

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181. Amended by Act No.III of 1308 F.

182. Substituted for "Taluqdar" by the A.P.A.O. 1957.

(3) if such eviction is resisted and obstructed by any person, the <sup>183</sup>[Collector] may hold before him a summary inquiry into the case and if satisfied after inquiry into the facts of the case that the resistance or obstruction was without any just cause and that such resistance and obstruction continues, shall issue a warrant for the arrest of the said person and keep him in custody in the office of the district, or Tahsil or send him with a warrant for imprisonment in the Civil Jail of the district for a period not exceeding thirty days, as may be necessary to prevent the obstruction and resistance.

**Explanation:-** Nothing in this section shall prevent proceedings against such person under the <sup>184</sup>[Indian Penal Code, 1860].

Central Act 45 of 1860.

<sup>185</sup>[CHAPTER XI].  
APPEAL, REVIEW AND REVISION.  
APPEAL.

Appeal from order of Revenue officer.

158. (1) Except as otherwise provided in this Act or any other law for the time being in force, an appeal shall lie against any decision or order passed by a Revenue officer under this Act or any other law for the time being in force, to his immediate superior officer, whether such decision or order may have been passed in the exercise of original jurisdiction or on appeal.

**Explanation:-** For the purposes of this section superior officer with reference to the and orders of Tahsildars shall mean the <sup>186</sup>[XXX] <sup>183</sup>[Collector] <sup>186</sup>[XXX] concerned, or the

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183. Substituted for "Taluqdar" by the A.P.A.O. 1957.

184. Substituted for the reference "Hyderabad Penal Code" by the A.P.A.O. 1957.

185. Amended by Act No.IV of 1345 F.

186. Amended by Act No.III of 1355 F.

<sup>187</sup>[Deputy or Assistant <sup>188</sup>[XXX] Collector] entrusted with the control of the Taluqa and specially invested by the <sup>189</sup>[Government] with powers to hear appeals against the decisions and orders of Tahsildars subordinate to him.

<sup>190</sup>[(2) Subject to the provisions of [the Telangana Board of Revenue Regulation, 1358 F.], an appeal shall lie to the Government from any decision or order passed by a Collector or Settlement Commissioner except in the case of any decision or order passed by such officer on second or third appeal].

Regulation LX of  
1358F.

(3) When on account of promotion or change of designation, an appeal against any decision or order lies under this section to the same officer who has originally passed the decision or order appealed against, the appeal shall lie to the officer competent under this section to hear appeals against the decisions of the said officer.

<sup>191</sup>[(4) Subject to the provisions of [the Telangana Board of Revenue Regulation, 1358 F.], if any decision or order is varied or reversed on revision or review in accordance with the provisions hereinafter laid down, an appeal shall lie from the order passed on such revision or review as if such order were an original order or decision].

Regulation LX of  
1358F.

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187. Substituted for the words "Duwam Taluqdar (Second Taluqdar)" by the A.P.A.O. 1957.

188. Amended by Act No.III of 1355 F.

189. Amended by Act No.III of 1308 F.

190. Sub-section (2) substituted by the A.P.A.O. 1957.

191. Sub-section (4) substituted by the A.P.A.O. 1957.

**Non-appealable orders.**

159. The following orders shall be non-appealable:-

(1) order for exemption from period of limitation for a memorandum of appeal or application for review under <sup>192</sup>[section 5 of the Indian Limitation Act, 1908].

Central Act 9 of 1908.

(2) order rejecting an application for revision or review.

**Period of limitation.**

160. Except as otherwise provided in this Act the period of limitation for the appeal preferred under section 158 shall be as follows:-

(1) when the appeal is against the order or decision of an officer lower in rank to a <sup>193</sup>[XXX] <sup>194</sup>[Collector] <sup>193</sup>[XXX] or <sup>195</sup>[Settlement Commissioner], 60 days;

(2) in all other cases, 90 days.

**Original order or copy thereof to be filed along with memorandum etc.**

161. The original order or decision appealed against or an authentic copy thereof shall be filed along with every memorandum of appeal.

**Powers of appellate authority.**

162. The appellate authority may admit the memorandum of appeal after or without calling for the record of the subordinate department or may after calling for the record and hearing the arguments of the appellant summarily dismiss without admitting it: Provided that when the memorandum of appeal is time barred or the decision is

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192. Substituted for the reference "section 5 of the Hyderabad Limitation Act" by the A.P.A.O. 1957.

193. Amended by Act No.III of 1355 Fasli.

194. Substituted for "Taluqdar" by the A.P.A.O. 1957.

195. Substituted for the words "Madadgar Nazim Paimaish Bandobast or Madagar Nazim Land Records" (the Assistant Commissioner of Survey Settlement or the Assistant Commissioner of Land Records) by A.P.A.O. 1957.

non-appealable the record of the subordinate department shall not be called for.

(2) If the memorandum of appeal is admitted, a date shall be fixed for the hearing and the respondent informed of it by a notice.

(3) The appellate authority may, if the parties be present, after hearing their arguments and if, inspite of the due service of notice, any party be not present, after perusing the existing record:

(a) annul, vary, modify or confirm the order or decision of the subordinate department; or

(b) order the subordinate department to make further enquiry or take further evidence; or

(c) take such further evidence himself or by sending back the case to the subordinate department direct it for its disposal in the manner he may deem fit.

163. (1) When a memorandum of appeal admitted is the appellate authority may, pending decision of the appeal, direct the execution of the order or decision under appeal to be stayed.

**Power to stay execution.**

(2) Any Revenue officer who has passed an order or decision or his successor may, if an appeal against the order or decision has not been preferred to a competent officer, on the application of any aggrieved party at any time within the period of appeal stay the execution of such order or decision for such period (not exceeding three months, in any case) as he may deem fit in order to enable the aggrieved party to present a memorandum of appeal to the competent officer and obtain an order for the stay of execution.

Orders under this sub-section by which execution is stayed or refused to be stayed shall not be appealable.

(3) When an order of stay of execution is passed under sub-section (1) or (2) the appellate authority or the executing officer may, at his discretion, take security from the party concerned or impose any other conditions as may be deemed fit.

Final order to be deemed non-appealable.

<sup>196</sup>[164. Whenever in this Act or any rule or order thereunder, it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order but, subject to the provisions of the Telangana Board of Revenue Regulation, 1358 F. the Government may under section 166-B, annul, vary or modify even a final order or decision.]

Regulation LX of 1358 F.

Propriety of reconsideration of order passed on motion of incompetent officer.

165. If in any case on the motion of any officer who is not competent to deal with it, a superior competent officer passes any order in the first instance, nothing shall prevent such competent officer, on the application of any party, to reconsider the said order and modify, annul or vary it and such modification, annulment or variation shall be deemed to be in the first instance.

## REVIEW.

Review.

166. (1) Every Revenue officer may, either himself or on the application of any party when the application is accompanied by the original order or decision or by an authentic copy of such order or decision against which the review is desired, review the order or decision passed by him or his predecessor and make such order as he may deem fit:

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196. Section 164 substituted by the A.P.A.O. 1957.

Provided that an application for review shall be made on the following grounds only:-

(a) when some new and important matter or evidence has been discovered which the applicant even after due diligence, could not know or adduce till the order or decision was passed; or

(b) when some mistake or omission, by reason of which the applicant has suffered loss, is apparent on the face of order or decision; or

(c) when there is some other reasonable ground for review.

(2) (a) Where it appears to the reviewing authority that there is no reasonable ground for review he shall reject the application, but before rejecting the application, the person applying for review shall be given an opportunity to produce arguments in support of the application;

(b) Where such authority is of opinion that the application for review should be granted, he shall grant the application but before doing so the opposite party shall be given an opportunity of being heard;

(c) Where such application is on the ground of the discovery of new and important matter or evidence which the applicant alleges was not within his knowledge or could not be produced by him till the order or decision was passed, it shall not be granted unless such allegation is fully proved.



(3) Where in the opinion of a <sup>197</sup>[XXX] <sup>198</sup>[Settlement Commissioner] or the <sup>199</sup>[Collector] <sup>200</sup>[XXX] the review of an order or decision not passed by him is necessary or when any other Revenue officer, below the rank of a <sup>200</sup>[XXX] <sup>199</sup>[Collector] <sup>200</sup>[XXX] <sup>198</sup>[Settlement Commissioner] desires to review an order or decision whether passed by him or his predecessor every such officer shall before granting the application for review obtain the sanction of such officer or higher department whose immediate subordinate he may be.

(4) No order or decision shall be modified or annulled on review unless all the parties to the case to be affected are summoned and heard against the order or decision under review.

(5) When a memorandum of appeal or application for revision has been filed against any order or decision, such order or decision shall not be reviewed.

(6) No order or decision shall be reviewed which affects the mutual rights of the raiyot unless an application is filed by some party to the case and such application for review shall not be admitted unless it is filed within 90 days from the date of the order or decision.

(7) When an order or decision has been disposed of in appeal or revision, no Revenue officer lower in rank to the authority hearing the appeal or revision shall be competent to review such order or decision.

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197. The words "subedar ya" (Subedar or) were omitted by the A.P.A.O. 1957.

198. Substituted for the words "Nazim Paimaish Bandobast, Nazim Land Records" (Commissioner of Survey Settlement, Commissioner of Land Records) by the A.P.A.O. 1957.

199. Substituted for "Taluqdar" by the A.P.A.O. 1957.

200. Amended by Act No.III of 1355 Fasli.

(8) For purposes of this section, the <sup>201</sup>[XXX] <sup>202</sup>[Collector] <sup>201</sup>[XXX] shall be deemed to be the successor of every such Revenue officer in the district as may not be present within the limits of the district or who has ceased to have powers in the Revenue department: Provided that his successor has not been appointed.

(9) Orders passed in review shall on no account be reviewed.

166-A. The provisions of the <sup>203</sup>[Indian Limitation Act, 1908] shall, as far as possible, apply to every memorandum of appeal and application for review under this Act.

**Application of  
Limitation Act.**

Central Act 9 of 1908.

166-B. (1) <sup>204</sup>[Subject to the provisions of [the Telangana Board of Revenue Regulation, 1358 F.], the Government] or any Revenue officer not lower in rank to a <sup>202</sup>[Collector] the <sup>205</sup>[Settlement Commissioner] of Land records may call for the record of a case or proceedings from a subordinate department and inspect it in order to satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and may make suitable order in that behalf:

**Revision.**

Provided that no order or decision affecting the rights of the raiyot shall be modified or annulled unless the concerned parties are summoned and heard.

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201. Amended by Act No.III of 1355 Fasli.

202. Substituted for "Taluqdar" by the A.P.A.O. 1957.

203. Substituted for the reference "Hyderabad Limitation Act" by the A.P.A.O. 1957.

204. Substituted for the word "Sarkari-i-Aali" (The Government) by the A.P.A.O. 1957.

205. Substituted for the words "Nazim Paimaish Bandobast, Nazim Land Records" (Commissioner of Survey Settlement, Commissioner of Land Records) by the A.P.A.O. 1957.

(2) Every Revenue officer lower in rank to a <sup>206</sup>[Collector] or <sup>207</sup>[Settlement Commissioner] may call for the records of a case or proceedings from a subordinate department and satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and if, in his opinion, any order or decision or, proceedings should be modified or annulled, he shall put up the file of the case with his opinion to the <sup>208</sup>[XXX] <sup>206</sup>[Collector] <sup>208</sup>[XXX] or <sup>207</sup>[Settlement Commissioner] as the case may be. Thereupon the <sup>208</sup>[XXX] <sup>206</sup>[Collector] <sup>208</sup>[XXX] or <sup>207</sup>[Settlement Commissioner] may pass suitable order under the provisions of sub-section (1).

(3) The original order or decision or an authentic copy of the original order or decision sought to be revised shall be filed along with every application for revision.

**Review by  
Government.**

<sup>209</sup>[166-C. (1) The Government may, at any time, either suo moto, or on application from any person interested, made within ninety days of the passing of an order under section 158 or section, 166B review any such order if it was passed by them under any mistake, whether of fact or of law, or in ignorance of any material fact:

Provided that the Government shall not pass any order adversely affecting the interests of any person unless such person has been given an opportunity of making his representation.

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206. Substituted for "Taluqdar" by the A.P.A.O. 1957.

207. Substituted for the words "Nazim Paimaish Bandobast, Nazim Land Records" (Commissioner of Survey Settlement, Commissioner of Land Records) by the A.P.A.O. 1957.

208. Amended by Act No.III of 1355 Fasli.

209. Inserted by Act No.27 of 1990.

(2) The Government may stay the execution of any such decision or order, pending the exercise of their powers under sub-section (1) in respect thereof.

(3) The provisions of this section shall apply to any order passed under section 158 or section 166B whether before or after the commencement of the Andhra Pradesh (Telangana Area) Land Revenue (Amendment) Act, 1990 and in the case of an application for review from any person interested in respect of such an order passed prior to such commencement, the period of ninety days specified in sub-section (1) shall be computed from the date of such commencement.]

## CHAPTER XII. MISCELLANEOUS.

167. Subject to such rules and after taking such fees as the Government may prescribe by notification, settlement records, all maps and village accounts shall be open to the inspection of the public and copies and extracts thereof may be given.

Inspection of maps, survey records and village accounts and granting copies thereof.

168. The following rules shall be enforced at the partition of any area on which land revenue is levied:-

Rules for partition of an area on which land revenue is levied.

(1) The area shall be divided as far as possible according to numbers without sub-dividing any number;

But if the partition cannot be completely effected without sub-dividing a number, such number may be subdivided by the <sup>210</sup>[Collector], subject to the provisions of section 79.

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210. Substituted for "Talukdar" by the A.P.A.O. 1957.

(2) Any number or its pote-number which may remain undivided after the partition has been carried out under the preceeding rule and which is incapable of subdivision or further sub-division according to section 79, shall be made over to one of the sharers; provided that such sharer pays to the other sharers the consideration for their shares or they shall be sold or auctioned and the proceeds divided among all the sharers or disposed of as the <sup>211</sup>[Collector] thinks fit.

(3) The expenses properly incurred in making such partition shall be recoverable as an arrear of land revenue in such proportions as the <sup>211</sup>[Collector] thinks fit from all the sharers or from the persons at whose request partition is made or from the persons interested in such partition.

<sup>212</sup>[169. [XXX]]

<sup>212</sup>[170. [XXX]]

<sup>212</sup>[171. [XXX]]

Power to make rules.

172. (1) The Government may, by notification published in the <sup>213</sup>[Official Gazette], make rules not inconsistent with the provisions of this Act, to carry out the purposes and objects of this Act and for the guidance of all persons in matters connected with the enforcement of this Act or in matters not expressly provided for in the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, rules may be made with regard to the following matters:

<sup>214</sup>[XXX]

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211. Substituted for "Taluqdar" by the A.P.A.O. 1957.

212. Sections (169), (170) and (171) omitted by the A.P.A.O. 1957.

213. Substituted for "Jarida" by the A.P.A.O. 1957.

214. Proviso omitted by the A.P.A.O. 1957.

(a) the appointment of Revenue officers and the exercise of their powers and their duties;

(b) where the appointment of the officials is subject to furnishing security, the manner in which security shall be taken from them and the nature and the amount of such security;

<sup>215</sup>[(c) [XXX]]

<sup>216</sup>[(d) [XXX]]

(e) the assessment of land revenue and the alteration and revision of such assessment and the recovery of land revenue;

(f) the disposal of attached land;

<sup>217</sup>[(f-i) to prescribe the manner of publication of the notification and of the service of the notice referred to in sub-section (3) of section 46-A;]

(g) the maximum amount of fine leviable under section 57;

(h) the purpose for which land assessed for land revenue may or may not be used and to grant permission to use agricultural land for non-agricultural purposes;

(i) issuing of notice in the matter of enhancement of rent and eviction from land by the holder to the Asami or by the Asami to the holder under section 71;

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215. Omitted by Act No.XLIV of 1952.

216. Clause (d) omitted by the A.P.A.O. 1957.

217. Added by Act No.XLIV of 1952.

(j) prescribing the area of a number under section 79 and the records, registers, accounts and maps to be maintained for the purposes of this Act and the manner and forms in which they shall be prepared and maintained;

(k) the interest or penalty chargeable if land revenue is not paid in time;

(l) regulating the conduct of survey and settlements and land revenue and prescribing the notice to be issued under section 84 before the introduction of settlement;

<sup>218</sup>[(m) [XXX]]

<sup>218</sup>[(n) [XXX]]

(o) the division of survey numbers into pote-numbers and the assessment of pote-numbers under section 89-B;

(p) the construction, laying out, maintenance and repair of boundary marks;

(q) the mode of drawing up plaint, appeal, application for review and revision of prescribing forms and the manner of presenting them.

**Punishment for breach of rules.**

173. (1) The <sup>219</sup>[Government] may prescribe punishment for breach of rules which may either be imprisonment to the extent of one month or fine which may extend to five hundred rupees or both.

(2) Under sub-section (1) punishment on conviction shall be awarded by a magistrate.

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218. Clauses (m) and (n) omitted by the A.P.A.O. 1957.

219. Amended by Act No. III of 1308 F.