

Andhra Pradesh (Telangana Area) Grant of Lease of Lands for Non Agricultural Purposes Rules, 1977

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-TELANGANA-AREA-GRANT-OF-LEASE-OF-LANDS of 1977

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In exercise of the powers conferred by Section 172 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (Act VIII of 1317 F) the Governor of Andhra Pradesh hereby makes the following rules:

1. Short title, extent and commencement.

- These rules may be called the Andhra Pradesh (Telangana Area) Grant of Lease of land for Non Agricultural Purposes, Rules, 1977.(2)They shall extent to the whole of the Telangana Area of the Andhra Pradesh excluding the retroceded area in the Secunderabad division of the Hyderabad Municipal Corporation.(3)All subsisting leases granted under any rules, regulations or orders of the Government shall be deemed to have been granted under these rules subject, however, to the covenant's and conditions under which they were granted.

2. Definition.

- In these rules, unless the context otherwise requires;(a)form means a form appended to these rules;(b)land means land belonging to the Government or Andhra Pradesh and includes any belongings thereon;(c)local body includes a Gram Panchayat constituted under the Andhra Pradesh Gram Panchayat Act, 1964 and also a Panchayat Samithi and a Zilla Parishad constituted under the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959.(d)market value means the price which a land would fetch if sold in the open market and is arrived at on the basis of registered sale

statistics of similar land or lands in the vicinity or by conducting local enquiry.(e)municipal town means to town which has been constituted as a municipality under sub section (1) of Section 3 of the Andhra Pradesh Municipalities Act, 1965.(f)public purpose means a purpose which is conducive to the good of a considered section of the community at large or of the locality or region.(g)retroceded area means all that area described in Schedule A appended to the Memorandum of Agreement regarding the Rendition of Secunderabad Town to the erstwhile Hyderabad State.

3. Grant of lease of lands.

- Lands may be granted on lease to any individual, local body or any institution, society, association, company and corporation registered under the relevant Act or incorporated by an Act of Parliament or of any State Legislature for temporary occupation for non agricultural purposes for specified periods on payment of rent as may be fixed, from time to time, by the competent authority.

4. Grant of lease of lands of the disposal of other departments.

- The authority competent to grant lease under these rules may, on the request of the Heads of Departments of the Government, grant lease of any land and collect the rent payable under the lease.

5. Consideration of the requirements of the departments of Government etc.

(1)In all district headquarters towns and in all municipal towns other than the twin cities of Hyderabad and Secunderabad and within a belt of one from the limits of such towns, no land shall be given on lease without taking into consideration the requirements of the Departments of Government, Municipalities, Town Planning Trusts or the Andhra Pradesh Housing Board and Corporations owned or controlled by Government.(2)In the twin cities of Hyderabad and Secunderabad and within a belt of 10 miles from their limits, no Government land shall be given on lease without taking into consideration the requirement of the Department of the Government, the Hyderabad Municipal Corporation, the Andhra Pradesh Board, the Urban Development Authority and the Corporation owned or controlled by Government.(3)The maximum period of lease granted under this rule shall be six years, if not renewed.

6. Extent and period of sanction.

- The extent of land and the period of lease that may be granted under these rules shall be determined carefully in each case with reference to the nature of the land, the purpose for which the land is required and whether the land is likely to be required by the Government for any purpose, subject however, to the condition that the period of lease shall in no case exceed twenty five years.

7. Authority competent to make grants.

- The competent authority to grant lease of land shall be (a) the Tahsildar, if the market value of land does not exceed Rs.500. (b) the Revenue Divisional Officer, if the market value of land exceeds Rs.500 but does not exceed Rs.1,000. (c) the Collector, if the market value of land exceeds Rs.1,000 but does not exceed Rs.3,000. (d) the Commissioner for Land Revenue, if the market value of land exceeds Rs.3,000 but does not exceed Rs.10,000. (e) the Government if the market value of land exceeds Rs.10,000.

8. Application for grant.

- Every application for the grant of lease under these rules shall be made in Form A to the Tahsildar within whose jurisdiction the land is situate.

9. Disposal of applications for grant of leases.

- The Tahsildar shall, on receipt of an application for the grant of lease, cause verification of the particulars furnished in the application; ascertain the market value of the land, determine the rent and pass such order as he deems fit, if he is competent, to make the grant; if he is not competent, he shall forward the application to the concerned competent authority through proper channel for orders together with record of enquiry.

10. Execution of lease deeds.

- On receipt of grant of lease from the competent authority, lease deed shall be executed in Form B setting out the conditions and covenants under which the lease is granted and incorporating additional or special conditions if any.

11. Authority competent to execute lease deeds.

- The Tahsildar shall be the authority competent to execute lease deeds in all cases where the leases have been granted by the competent authority, on behalf of the Governor of Andhra Pradesh.

12. Determination of leases without compensation.

- Any lease granted under these rules is liable to be determined for breach of any of the conditions of the lease and the land is liable to be resumed without payment of compensation whatsoever by the authority competent to grant such lease.

13. Resumption of lands on payment of compensation.

- The Government may, at any time, resume the land wholly or in part with the building if any, thereon, if, in their opinion the land is required for a public purpose or for conducting mining operations upon giving three calendar months, previous notice in writing in that behalf to the lessee.

under the hand of the Collector of the district in which the land is situate and upon paying to the lessee compensation for such erections and buildings standing in the land erected under proper authority.

14. Renewal.

- The authority competent to grant lease in the first instance may renew the lease after suitably revising, or adding or deleting any condition, if necessary, and after fixing the rent on the basis of the market value prevailing at the time of renewal.

15. General Powers of Government.

- Notwithstanding anything in these rules, the Government may grant lease of a land for any public purpose free of rent and without any restriction as to the period of lease in favour of any local body or institution, association, society, company or a corporation registered under the relevant Acts or incorporated by an Act or Parliament or of any State Legislature.

Appendix A
Form A
Form of Application for Grant under Rule 8 to be Filled in By the Applicant To The Tahsildar, Taluk, District.

Dated the Sir, I have the honour to apply for the grant of acres sq.ft. of a land situated in for the purpose of A ground plan of area required is attached (together with detailed plant) in triplicate and specifications of the proposed. I hold the following lands: I am prepared to abide by such conditions regarding the disposal of the land as the authority may lay down, and to deposit the cost, if any, of surveying and demarcating the land. I appended herewith an approximate statement of the intended outlay of the land and of the rent which it is proposed to charge for the sale.

Appendix B
Form B
Form of order of Grant of State Land for Temporary Occupation for Non Agricultural Purposes

The land specified in the schedule is hereby granted to (Name and address of the grantee) for temporary occupation for a period of years months commencing from (date, month and year), subject to the following conditions to which the aforesaid grantee has agreed.

(1) The grant is liable to cancellation if it be found that it was grossly inequitable or was made under a mistake of fact or owing to misrepresentation or fraud or in excess of the limits of authority delegated to the officer granting the land, or that there was an irregularity in the procedure. Cancellation on any of these grounds may be ordered by any authority to whom the assigning authority is administratively subordinate.

(2) In the event of such cancellation of the grant, the grantee shall not be entitled to compensation for any loss caused to him by the cancellation.

(3) The grantee shall not transfer to any other person the rights hereby conveyed to him, without the previous sanction of the authority which has made the grant.

(4) The grantee shall, so long as the grant be in force, pay clear of all deductions a sum of Rs. for credit to the general revenues of the State and a further of Rs. on account of rates, taxes, assessment and out goings, payable by the Government to the Corporation Municipality as result of his occupation of the land. The Consolidated charge shall be payable to the Government in advance annually monthly, the first of such payments to be made on the day of and the subsequent annual monthly payments on the corresponding day of the succeeding years months.

(5) In the event of the Corporation Municipality varying its demand, the assigning authority shall be at liberty to revise, without notice, the second part of the charge referred to in condition (4) as the sum payable by the Grantee on account of taxation by the Corporation Municipality and, on such revision, any balance due shall become immediately payable by the grantee.

(6) The grantee

shall not use the land or suffer it to be used except for the purposes of the which are the following :

(7)The grantee may erect . in accordance with the plan (s) hereto annexed.(8)The land and the building (s) thereon shall not be used for political meetings.(9)The grantee shall not, except as provided in condition 7, erect any buildings, fences or structures of a permanent or temporary character on the land without the previous written sanction of the assigning authority.(10)The grantee shall maintain the said land in a clean and sanitary condition to the satisfaction of the assigning authority and shall also maintain the structures, if any, erected thereon as aforesaid, in good and substantial repair to the satisfaction of the assigning authority.(11)The grantee may uproot, cut down or destroy such trees, plants, groves or bushes as, in the opinion of the assigning authority it is necessary to uproot, cut down or destroy, to make the land fit for the purpose of and may take them free of charge and dispose of them in any manner he likes. The grantee may level the round by removing embanked pathways and filling up low laying places on the land so as to make the ground fit for the purposes of and may move and cut the grass thereon and dispose of the same in any manner he likes and do any work on the land which, in the opinion of the assigning authority, is necessary for such purpose.(12)The grantee shall remove immediately any unauthorised building, fence or structure, on receiving notice from the assigning authority and in default of immediate compliance with any such notice the assigning authority shall have power to remove the same and the grantee shall, upon demand made by or on behalf of the assigning authority, pay the cost of removal and the cost of storing the materials removed and take delivery of the same. The grantee shall have no claim to any materials removed under this condition which shall not have been taken delivery of or the cost of removal and storage of which shall not have been paid by the grantee on demand made as aforesaid.(13)The grantee shall not, without previous written sanction of the assigning authority, permit any person to use the land or any structure thereon or any portion of the land or structure except as provided in condition (6).(14)The grantee shall, on the termination or revocation of this grant, restore the said land to the assigning authority in as good a condition as is consistent with the foregoing conditions.(15)The grantee shall be answerable to the Government of Andhra Pradesh for all or any injury or damage done to the said land and other Government property thereon except as is permitted by the foregoing conditions.(16)The assigning authority may revoke the grant wholly or in part, if the charge specified in condition (4) above or any part thereof shall remain unpaid for fifteen days after it has become payable, whether formally demanded or not or if the grantee shall have broken any of the conditions of the grant herein contained and assume control or otherwise dispose of all or any part of the land and any buildings, fences and structures thereon and the grantee shall not be entitled to any compensation therefor.(17)If the amount specified in condition (4) above or any part thereof is in arrear, it shall also be competent for the assigning authority to recover the same from the grantee as an arrear of land revenue.(18)The grant hereby given may be revoked by the assigning authority after giving months notice in writing and by the Government or the Commissioner of Land Revenue without notice for emergent reasons (the said Government or the Commissioner of Land Revenue being the sole judge of the emergency) and shall be terminable by the grantee by giving to the assigning authority months notice in writing but without prejudice to any right of action of remedy of the assigning authority in respect of any antecedent breach of any of the foregoing conditions. The grantee shall not in case of such revocation or termination, be entitled to any compensation in respect of any buildings, fences and structures on the land or of any other improvements effected by the grantee to the land but he may, before the revocation or termination of the grant takes effect or if the grant is revoked without

notice, within such time as may be allowed by the assigning authority in that behalf, remove such buildings, fences and structures.(19)The grant includes all rights, easements and appurtenances belonging to the land or reputed to belong to it or usually held or enjoyed with it. The existing and customary rights of Government and the public in roads and paths and rivers, streams and channels running through or bounding the land and the right of Government to the mines and quarries, subjacent to the said land are, however, reserved and are in no way affected by the grant.