

Telangana Assigned Lands (Prohibition of Transfers) Act, 1977

TELENGANA

India

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Act 9 of 1977

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Telangana Assigned Lands (Prohibition of Transfers) Act, 1977(Act No. 9 of 1977)Last Updated 9th January, 2020The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 received the assent of the President on the 29th April, 1977. The said Act 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 Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called the [Telangana Assigned Lands (Prohibition of Transfers) Act, 1977] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].(2)It extends to the whole of the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].(3)It shall be deemed to have come into force on the 21st January, 1977.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"assigned lands" means lands assigned by the Government to the landless poor persons under the rules for the time being in force, subject to the condition of non-alienation and includes lands allotted or transferred to landless poor persons under the relevant law for the time being in force relating to land ceilings; and the word "assigned" shall be construed accordingly;Explanation. - A mortgage in favour of the following shall not be regarded as an alienation, namely:-(i)the Central Government, or the State Government or any local authority;(ii)any co-operative society registered or deemed to be registered under the [Telangana Co-operative Societies Act, 1964; (Act 7 of 1964)] [Adapted by G.O.Ms.No.53, Agriculture and Co-operation (Coop.II) Department, dated 20.05.2016.]. and(iii)any bank which includes,-(a)the Agricultural Development Bank;(b)the Reserve Bank of India constituted under the Reserve Bank of

India Act, 1934;(Central Act 2 of 1934).(c)the State Bank of India constituted under the State Bank of India Act, 1955;(Central Act 23 of 1955).(d)a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959; (Central Act 38 of 1959) and(e)a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; (Central Act 5 of 1970).(2)"Government" means the State Government;(3)"landless poor person" means a person who owns an extent of land not more than 1.011715 hectares (two and half acres) of wet land or 2.023430 hectares (five acres) of dry land or such other extent of land as has been or may be specified by the Government in this behalf from time to time and who has no other means of livelihood;Explanation. - For the purposes of computing the extent of land under this clause, 0.404686 hectares (one acre) of wet land shall be equal to 0.809372 hectares (two acres) of dry land;(4)"notification" means a notification published in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette and the word notified shall be construed accordingly;(5)"prescribed" means prescribed by rules made by the Government under this Act;(6)"transfer" means any sale, gift, exchange, mortgage with or without possession, lease or any other transaction with assigned lands, not being a testamentary disposition and includes a charge on such property or a contract relating to assigned lands in respect of such sale, gift, exchange, mortgage, lease or other transaction.

3. Prohibition of transfer of assigned lands.

(1)Where, before or after the commencement of this Act any land has been assigned by the Government to a landless poor person for purposes of cultivation or as a house-site then, notwithstanding anything to the contrary in any other law for the time being in force or in the deed of transfer or other document relating to such land, it shall not be transferred and shall be deemed never to have been transferred; and accordingly no right or title in such assigned land shall vest in any person acquiring the land by such transfer.(2)No landless poor person shall transfer any assigned land, and no person shall acquire any assigned land, either by purchase, gift, lease, mortgage, exchange or otherwise.(3)Any transfer or acquisition made in contravention of the provisions of sub-section (1) or sub-section (2) shall be deemed to be null and void.(4)The provisions of this section shall apply to any transaction of the nature referred to in sub-section (2) in execution of a decree or order of a civil court or of any award or order of any other authority.(5)Nothing in this section shall apply to an assigned land which was purchased by a landless poor person in good faith and for valuable consideration from the original assignee or his transferee prior to the commencement of this Act and which is in the possession of such person for purposes of cultivation or as a house-site on the date of such commencement.

4. Consequence of breach of provisions of section 3.

(1)If, in any case, the District Collector or any other officer not below the rank of a [Mandal Revenue Officer,] [Substituted by Act No.32 of 1989.] authorised by him in this behalf, is satisfied that the provisions of sub-section (1) of section 3, have been contravened in respect of any assigned land, he may, by order-(a)[take possession of the assigned land after evicting the person in possession after such written notice as the Collector or Mandal Revenue Officer may deem reasonable and any crop or other produce raised on such land shall be liable to forfeiture and any building or other

construction erected or anything deposited, thereon shall also be forfeited, if not removed by him, after such notice, as the Collector or the Mandal Revenue Officer may direct. Forfeitures under this section shall be adjudged by the Collector or Mandal Revenue Officer and any property forfeited shall be disposed of as the Collector or Mandal Revenue Officer may direct; and;] [Clause (a) of sub-section (1) of section 4 substituted by Act No.38 of 1998.](b)[(i) reassign the said resumed land, other than those lands/areas as may be notified by the Government from time to time in public interest and for public purpose, to the transferee who purchased the land in good faith and for valuable consideration on or before [31st December, 2017] [Clause (b) of sub-section (1) of section 4 substituted by Act No.21 of 2008.], subject to the condition that he/she is landless poor person, and is in occupation of the land by using the said for agriculture or as house site, as on the date of taking possession by eviction:Provided that the reassignment in case of transferee shall be limited to only such an extent that the total holding of the reassignee including any other land held by him/her does not exceed 5.00 Acres dry land or 2 / Acres wet land:Provided further that where the transferee who has purchased the land and got reassignment of it, or his legal heir, transfers the reassigned land, the land shall be resumed for assignment to the other eligible landless poor:(ii)restore the said assigned land, other than those lands/areas as may be notified by the Government from time to time in public interest and for public purpose, to the original assignee, subject to the condition that he or she is landless poor person as on the date of restoration for one time; or(iii)assign to other eligible landless poor person:Provided that the restoration of land shall be limited to only such an extent that the total holding including any other land held by him/her does not exceed 5.00 Acres dry land or 2 / Acres wet land:Provided further that where the original assignee or his legal heir, after first restoration transfers the assigned land, the land shall be resumed for assignment to the other eligible landless poor:Provided also that if no eligible landless poor persons are available in the village/area, the resumed land will be utilized for public purpose.Explanation. For the purpose of this clause "Public Interest" and "Public Purpose" shall mean and include, the Weaker Section Housing, Public Utility, Infrastructure Development, promotion of industries and Tourism or for any other public purpose;](c)[in the area which may be notified by Government from time to time, lands resumed under clause 4 (a) above, shall be utilized for public purpose:] [4(1)(c) substituted by Act No.8 of 2007.](2)[An eviction under sub-section (1) shall be made by serving a notice in the manner prescribed in section 25 of the [Telangana Revenue Recovery Act, 1864,] [Sub-sections (2) and (3) added, by renumbering existing sub-sections (2) and (3) as sub-sections (4) and (5) by Act No.38 of 1998.] (Act II of 1864). or in any such other manner as the State Government may direct, on the person reputed to be in occupation or his agent requiring him within such time as the Collector or the Mandal Revenue Officer may deem reasonable after receipt of the said notice to vacate the land, and, if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for arrest of the said person and on his appearance commit him to close custody in the office of the Collector or of any Mandal Revenue Officer for such period not exceeding thirty days as may be necessary to prevent the continuance of such obstruction or resistance or may send him with a warrant in the form of schedule for imprisonment in the civil jail of the District for the like period:Provided that no person so committed or imprisoned under this section shall be liable to be prosecuted under sections 183, 186

or 188 (Central Act 45 of 1860) of the Indian Penal Code in respect of the same facts.(3)Any person who unauthorisedly re-enters and occupies any land from which he was evicted under this section, shall be punished with imprisonment for a term which may extend upto six months or with fine upto rupees five thousand or with both.](4)[[Existing sub-sections (2) and (3) renumbered as sub-sections (4) and (5) by Act No.38 of 1998.] [Any order passed in revision under section 4-B and subject to such order, the decision in appeal under section 4A and subject to the said orders in revision and appeal, any order passed under sub-section (1)] [Substituted by Act No.32 of 1989.], shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by any officer or authority or Government in pursuance of any power conferred by or under this Act.(5)[[Existing sub-sections (2) and (3) renumbered as sub-sections (4) and (5) by Act No.38 of 1998.] For the purposes of this section, where any assigned land is in possession of a person, other than the original assignee or his legal heir, it shall be presumed, until the contrary is proved, that there is a contravention of the provisions of sub-section (1) of section 3.

4A. [Appeal. [Sections 4-A and 4-B with marginal headings inserted by Act No.32 of 1989.]

(1)Any person aggrieved by an order passed by the Mandal Revenue officer under sub-section (1) of section 4, may within ninety days from the date of receipt by him of such order appeal to the Revenue Divisional Officer.(2)Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (1) of section 4 may, within ninety days from the date of receipt by him of such order appeal to the District Collector.

4B. Revision.

(1)The District Collector may in respect of any proceeding not being a proceeding covered by sub-section(2)of section 4A on an application made to him and the Government may in respect of any proceedings either suo motu or on an application made to them, call for and examine the record of any officer subordinate to him or them to satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order taken or passed therein, and if in any case, it appears to the District Collector or as the case may be to the Government that any such decision or order should be modified, annulled, reversed or remitted for re-consideration, they may pass orders accordingly:Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.(2)No order adversely affecting any person shall be passed under sub-section (1), unless such person has been given an opportunity of making his representation.(3)The District Collector or the Government as the case may be, may also suspend the execution of the decision or order pending exercise of their power under sub-section (1).]

5. [Prohibition of Registration of Assigned lands. [Section 5 substituted by Act No.8 of 2007.]

(1)The District Collector or any other Officer, not below the rank of a Mandal Revenue Officer authorized by him in this behalf, shall within 45 (forty five) days from the date of commencement of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, [2007] furnish to the Registering Officer having jurisdiction over the area a list of lands assigned to the landless poor persons with all particulars of assignment and further furnish such particulars of new assignment forthwith.(2)Notwithstanding anything in the Registration Act, 1908, no Registering Officer shall accept for registration of any document relating to the transfer of or creation of any interest in any assigned lands as furnished in the list under sub-section (1).]

6. Exemption.

- Nothing in this Act shall apply to the assigned lands held on mortgage by the State or Central Government, any local authority, a co-operative society, a scheduled bank or such other financial institution owned, controlled or managed by a State Government or the Central Government, as may be notified by the Government in this behalf.

7. Penalty.

(1)Whoever acquires any assigned land in contravention of the provisions of sub-section (2) of section 3 shall be punished with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both:[Provided that any person who has voluntarily disclosed and surrendered the assigned land in his possession or discloses and surrenders the assigned land in his possession within 90 days from the commencement of Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, [2007] [Added by Act No.8 of 2007.] shall be exempted from prosecution.](2)Whoever opposes or impedes the District Collector or any person authorised, in taking possession of any assigned land under this Act shall be punished with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.(2A)[Any officer, violating the provisions under sub-sections (1) and (2) of section 5 shall be punished with simple imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.] [Inserted by Act No.8 of 2007.](3)No court shall take cognizance of an offence punishable under this section, except with the previous sanction of the District Collector.

8. Protection of action taken.

(1)No suit, prosecution or other legal proceeding shall lie against any person, officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.(2)No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered, by virtue of any provision of this Act, or for anything which is in good faith done or intended to be done in

pursuance of this Act, or any rules made thereunder.

9. Power to make rules.

(1)The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Act to over ride other laws.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or, any custom, usage or contract or decree or order of a court, tribunal or other authority.

11. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, published in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the removal of the difficulty:Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

12. Repeal of Ordinance 2 of 1977.

- The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Ordinance, 1977 is hereby repealed.