

# Hyderabad Atiyat Inquiries Act, 1952

MAHARASHTRA

India

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### Act 10 of 1952

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Hyderabad Atiyat Inquiries Act, 1952 Hyderabad Act No. 10 of 1952 The Act received the assent of the Rajpramukh on the 3rd September, 1956; assent first published in the Hyderabad Gazette, Extraordinary, No. 204, dated the 5th September, 1956. The Act was published in Gazette, Extraordinary, No. 21, dated 14th March, 1952. An Act to amend and consolidate the law regarding Atiyat grants, in respect of Atiyat inquiries, inquiries as to claims to succession to, or any right, title or interest in Atiyat grants and matters ancillary thereto. Preamble. - Whereas it is expedient to amend and consolidate the law regarding Atiyat grants, in respect of Atiyat inquiries, inquiries as to claims to succession to, or any right, title or interest in Atiyat grants and matters ancillary thereto; It is hereby enacted as follows :

### 1. Short title, extent and commencement.

(1) This Act may be called the [Hyderabad Atiyat Inquiries Act, 1952.] [This Act was amended by the Hyderabad Atiyat Inquiries (Amendment) Act, 1956 (Hyderabad Act No. XXVIII of 1956).] (1) It extends to the whole of the [Hyderabad area of the State of Maharashtra] [Substituted by Bombay (Hyderabad Area) A.O., 1956 and then by Maharashtra A.O., 1960.]. (2) It shall come into force on such date as the Government may, by notification in the Jarida, appoint in this behalf.

### 2. Definitions.

(1) In this Act, unless there is anything repugnant in the subject or context, - (a) "Atiyat Court" means a Court or authority competent to make Atiyat inquiries and inquiries as to claims to succession to, and any right, title or interest in Atiyat grants and matters ancillary thereto; (b) ["Atiyat grants" means - [The old clause (b) (viz., 'Atiyat grants' includes Inams and cash grants known as Rusums, Youmiahs, Marnuls, Saliana, Imtiyazi Mahars, Pensions and any other allowance granted by the State for the performance of certain duties past or present, or as charities without the obligation of any service) has been substituted by the present clause by Hyderabad Act No. XXVIII of 1956.]] (i) in the case of jagirs abolished under the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli (LXIX

of 1358 F.) the commutation sums payable in respect thereof under the Hyderabad Jagirs (Commutation) Regulation, 1359 Fasli (XXV of 1359 F.);(ii)inams to which the Hyderabad Abolition of Inams Act, 1954 (VIII of 1955) is not applicable;(iii)in the case of inams abolished under the Hyderabad Abolition of Inams Act, 1954 (VIII of 1955), the compensation payable under that Act;(iv)cash grants to which the Hyderabad Abolition of Cash Grants Act, 1952 (XXXIII of 1952) is not applicable;(v)cash grants temporarily continued under the Hyderabad Abolition of Cash Grants Act, 1952 (XXXIII of 1952);(vi)in the case of cash grants abolished under the Hyderabad Abolition of Cash Grants Act, 1952 (XXXIII of 1952) subject to payment of compensation, the compensation payable in respect thereof;].(c)"Muntakhabs and Vasiqas" means documents issued by competent authorities as a result of inam or succession inquiries held under the Dastoor Amal Inams or other Government orders on the subject and issued by way of continuance or confirmation of Atiyat grants;(d)"Holding an Atiyat grant" means the enjoyment of the Atiyat grant on the basis of a Muntakhab, a Vasiqa and order of a competent authority;(e)"Holder of an Atiyat grant" means a person or institution actually holding the Atiyat grant;(f)[ Omitted] [Clause (f) has been omitted by Hyderabad Act No. XXVIII of 1956.](g)"Prescribed" means prescribed by rules made under this Act.(2)Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Hyderabad Land Revenue Act.General Provisions as to Atiyat Grants

**3. [ Continuance of Atiyat grants. [The old Section 3 viz., 'All Atiyat grants held immediately before the commencement of this Act shall, subject to the provisions of the Hyderabad Enfranchised Inams Act, 1952, continue to be held by the holders thereof and after them by their successors, if any, subject to the conditions laid down in the Muntakhabs or Vasiqas, if any, relating thereto and to the provisions of this Act' has been substituted by the present Sections 3 and 3-A by Hyderabad Act No. XXVIII of 1956.]**

- All Atiyat grants shall, subject to the provisions of the Hyderabad Abolition of Jagirs Regulation, 1358 Fasli (LXIX of 1358 F.), the Hyderabad Abolition of Cash Grants Act, 1952 (XXXIII of 1952) and the Hyderabad Abolition of Inams Act, 1954 (VIII of 1955) continue to be held by the holders thereof subject to the conditions laid down in the Muntakhabs or Vasiqas, if any, relating thereto and to the provisions of this Act.]

### **3A. Inquiries as to Atiyat grants.**

(1)In the case of Atiyat grants specified in sub-clause (i) of clause (b) of sub-section (1) of section 2, Atiyat inquiries and inquiries as to any right, title or interest therein shall, notwithstanding anything contained in the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli (LXIX of 1358 F.), be held in Atiyat Courts in accordance with the provisions of this Act, and in the course of such inquiries, Atiyat Courts shall also be competent to inquire into claims to succession arising in respect of such grants :Provided that, claims to succession arising after the completion of Atiyat inquiry of any such grant shall not be entertained in any Atiyat Court and all such claims shall be filed in and decided by the competent Civil Court.(2)In the case of Atiyat grants specified in sub-clauses (ii) to (vi) of clause (b) of sub-section (1) of section 2, all Atiyat inquiries, inquiries as to claim to succession to, or any

right, title or interest therein and matters ancillary thereto shall be held in Atiyat Courts in accordance with the provisions of this Act.

#### **4. Inquiries to Atiyat grants in jagirs.**

- Notwithstanding anything contained in section 3, continuance of Atiyat grants in the erstwhile Jagir areas or granted by erstwhile Jagirdars shall be subject to inquiries made for that purpose and for confirmation in accordance with rules made under this Act.

#### **5. Consequences of breach of conditions of Muntakhab or Vasiqa.**

- For the breach of the conditions contained in any Muntakhab or Vasiqa relating to an Atiyat grant or for other sufficient cause, the Government after giving an opportunity to the holder of the Atiyat grant to be heard, may by order resume the grant or modify the terms and conditions specified in any Muntakhab or Vasiqa relating thereto or pass such other orders in respect of the Atiyat grant as Government may think fit.

#### **6. Prohibition of alienation or encumbrance and exemption attachment by Court.**

- Atiyat grants shall not be liable to be transferred or encumbered in any manner or to any extent whatsoever and it shall not be lawful for any Court to attach or sell any Atiyat grant or any portion or share thereof :Provided that, half the income of the Atiyat grant shall be attachable in execution of a decree through the Revenue Department.

#### **7. Succession.**

- Subject to the provisions of this Act, succession to Atiyat grants shall, after the commencement of this Act, be regulated by the personal law applicable to the last holder. Constitution of Atiyat Courts, their Jurisdiction and Procedure

#### **8. Classes of Atiyat Courts.**

- Notwithstanding the provisions of any law for the time being in force, there shall be the following classes of Atiyat Courts:-(a)Atiyat Deputy Collectors;(b)Atiyat Collectors;(c)Nazim Atiyat; and(d)Board of Revenue :[Provided that, the Government may, by notification in the Official Gazette, appoint the [date] [Proviso to this section has been inserted by Hyderabad Act No. XXVIII of 1956.] on which the Court of Nazim Atiyat shall cease to exist and as from that date (hereinafter referred to as the appointed date) the Courts mentioned in clauses (a), (b) and (d) shall be the classes of Atiyat Courts.Explanation. - The Court of Atiyat Deputy Collector includes the Court of Atiyat Assistant Collector.]

## **9. Investure of powers.**

- Government may, by notification in the Jarida, invest any officer [or authority] [In this section the words 'or authority' have been inserted by Hyderabad Act No. XXVIII of 1956.] with the powers of any Atiyat Court mentioned in [clauses (a), (b) or (c) of] section 8, specifying the area within which the powers may be exercised.

## **10. Jurisdiction and procedure of Atiyat Courts.**

(1)The original jurisdiction of Atiyat Courts shall be regulated in the manner specified in the Schedule and the procedure thereof including the time within which and the manner in which appeals may be filed against their decisions under this Act shall be such as may be prescribed.(2)[ All original cases pending in the Court of Nazim Atiyat on the appointed date shall be transferred to the Court of the concerned Atiyat Collector, and all original cases pending on the date in the Court of Atiyat Collector which as from that date fall within the jurisdiction of the Atiyat Deputy Collector shall be transferred to the Court of the concerned Atiyat Deputy Collector, and on such transfer, the Atiyat Collector or the Atiyat Deputy Collector, as the case may be, shall dispose of such cases as if they had been filed in his own Court. If the Atiyat grant involved in any such case falls within the jurisdiction of the Court of more than one Atiyat Collector or Atiyat Deputy Collector, as the case may be, the Board of Revenue shall determine the Court of the Atiyat Collector or Deputy Collector to which such case shall be transferred. The order of the Board of Revenue in this behalf shall be final and no appeal or revision shall lie therefrom.] [Sub-section (2) has been inserted by Hyderabad Act No. XXVIII of 1956.]

## **11. [ Appeals. [This section has been substituted for the old section by Hyderabad Act No. XXVIII of 1956.]**

(1)From the original decision of -(a)an Atiyat Deputy Collector, an appeal shall lie to the Atiyat Collector;(b)an Atiyat Collector, an appeal shall lie to the Nazim Atiyat before the appointed date, and as from that date to the Board of Revenue;(c)the Nazim Atiyat, an appeal shall lie to the Board of Revenue.(2)Before the date of the publication of the Hyderabad Atiyat Inquiries (Amendment) Act, 1956, in the Official Gazette, from the appellate decision of an Atiyat Collector, an appeal shall lie to the Nazim Atiyat and from an appellate decision of the Nazim Atiyat to the Board of Revenue whose decision shall be final.(3)As from the date referred to in sub-section (2), the appellate decision of an Atiyat Collector, whether passed before or after that date, shall be final and no further appeal or revision shall lie therefrom :Provided that, nothing in this sub-section shall be so construed as to affect in any way any appeal pending on that date in the Court of the Nazim Atiyat or the Board of Revenue, and such appeal shall be continued and disposed of, and the decision passed therein shall be final and no further appeal or revision shall lie therefrom.(4)All appeal cases pending in the Court of the Nazim Atiyat on the appointed date, shall be transferred to the Board of Revenue and on such transfer the Board of Revenue shall dispose of such cases as if they had been filed in the Board of Revenue. The decision of the Board of Revenue shall be final and no appeal or revision shall lie therefrom.]Miscellaneous

## **12. Decision of Civil Courts to prevail on questions of succession, legitimacy, etc.**

(1) In so far as question of succession, legitimacy, divorce or other questions of personal law are concerned, the final decision of a Civil Court shall be given effect to by the Atiyat Court established under this Act on the decision being brought to its notice by the party concerned or otherwise irrespective of whether the decision of the Atiyat Court was given before or after the decision of the Civil Court. (2) [ If in the course of any inquiry as to claims to succession, any dispute arises involving questions of succession, legitimacy, divorce or other questions of personal law, the Atiyat Court shall direct the parties to get the dispute decided in the competent Civil Court. On the production of the final decision of Civil Court, the Atiyat Court shall give effect to such decision.] [Sub-section (2) has been inserted by Hyderabad Act No. XXVIII of 1956]

## **13. Finality of decision of the Atiyat Court and of certain other decisions.**

(1) Except as provided in this Act, the decision of an Atiyat Court shall be final and shall not be questioned in any Court of law. (2) The orders passed in cases relating to Atiyat grants including jagirs on or after the 18th September, 1948 and before the commencement of this Act by the Military Governor, the Chief Civil Administrator or the Chief Minister of Hyderabad or by the Revenue Minister by virtue of powers given or purporting to be given to him by the Chief Minister shall be deemed to be the final orders validly passed by a competent authority under the law in force at the time when the order has passed and shall not be questioned in any court of law.

### **13A. [ Powers of Atiyat Courts when holding inquiries under this Act. [This section has been inserted by Hyderabad Act No. XXVIII of 1956.]**

- Every Atiyat Court shall, when holding an inquiry under this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely (a) enforcing the attendance of any person and examining him on oath; (b) compelling the production of documents and other material objects; (c) issuing commission for examination of witnesses; (d) such other matters as may be prescribed; and every inquiry or investigation by an Atiyat Court shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (XLV of 1860).]

## **14. Rules.**

- Government may make rules for carrying out the purpose of this Act and in particular for anything which may be prescribed under this Act.

## **15. Repeal.**

- Dastoor-ul-Amals Inams, and Circular No. 10 of 1338 Fasli and all other circulars amending or supplementing the same are hereby repealed : Provided that, -(a) any rule, order or notification made

or issued under the circulars hereby repealed in so far as it is not inconsistent with the provisions of this Act shall be deemed to have been made or issued under this Act and shall continue to be in force until it is superseded thereunder;(b)all suits, appeals and applications pending immediately before the commencement of this Act before an Atiyat Court or before the Atiyat Appeal Committee [shall, until such time as no procedure is prescribed therefor under this Act, be continued and disposed of as if this Act, had not been passed and on such procedure being prescribed, they shall, notwithstanding anything contained in the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli (LXIX of 1358 F.) or any other law for the time being in force, be continued and disposed of in accordance with such procedure as if they had been filed under this Act,] [These words have been substituted for the words 'shall be continued and disposed of as if this Act had not been passed' by Hyderabad Act No. XXVIII of 1956.] but such cases may be heard and disposed of by the same Court or Committee before whom they are pending immediately before the commencement of this Act or by any other Atiyat Court or authority appointed for the purposes by the Government by a general or special order.

**16. [ Savings. [This section has been substituted for the old section viz., 'The provisions of this Act shall cease to be applicable to any Inam to which at any time the Hyderabad Enfranchised Inams Act, 1952 is made applicable' by Hyderabad Act No. XXVIII of 1956.]**

- The provisions of this Act shall cease to be applicable -(a)to an Atiyat grant specified in sub-clause (i) of clause (b) of sub-section (1) of section 2 when the commutation sum has ceased to be payable;(b)to an Atiyat grant specified in sub-clause (iii) of clause (b) of sub-section (1) of section 2, when the compensation has ceased to be payable;(c)to an Atiyat grant specified in sub-clause (v) of sub-section (1) of section 2, when such grant has ceased to continue;(d)to an Atiyat grant specified in sub-clause (vi) of clause (b) of sub-section (1) of section 2, when the compensation has ceased to be payable.][Schedule] [This Schedule has been substituted for the old Schedule by Hyderabad Act No. XXVIII of 1956.]Original Jurisdiction of Atiyat Courts

Atiyat Deputy Collector	Atiyat Collector	Nazim Atiyat			
Description of Atiyat grant	Before the appointed date	As from the appointed date	Before the appointed date	As from the appointed date	Before the appointed date
1	2	3	4	5	6
Atiyat grants	Total annual land assessment upto Rs. 250.	Total annual land assessment upto Rs. 5,000.	Beyond the powers of Atiyat Dy. Collector up to an annual land assessment of Rs. 5,000.	Beyond the powers of Atiyat Dy. Collector without any limit.	Beyond the powers of Atiyat Collector without any limit.
1. other than cash					

2. Cash grants.	Upto Rs. 100 annually.	Upto Rs. 1,000 annually.	Beyond the powers of Atiyat Dy. Collector upto Rs. 1,000 annually.	Beyond the powers of Atiyat Dy. Collector without any limit.	Beyond the powers of Atiyat Collector without any limit.
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