

Andhra Pradesh (Telangana Area) Tenancy And Agricultural Lands Rules, 1951

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-TELANGANA-AREA-TENANCY-AND-AGRICULTURE of 1951

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Andhra Pradesh (Telangana Area) Tenancy And Agricultural Lands Rules, 1951Published vide in the Government Gazette, Part 1-C, dated 15-2-1951.(Notification No. 12, dated the 9th February, 1951)(Regarding Sections 35, 37, 38(3), (6), 39, (1), (2))In exercise of the powers conferred by sub-section (1) and Clause (i) of sub-section (2) of Section 97 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, H.E.H. The Nizam is pleased to make the following Rules:

1. Short title and commencement:.

- These rules may be called the "Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Rules, of 1951" and shall come into force from the date of publication of the same in the Gazette.

2. Definitions:.

(1)In these rules, unless there is anything repugnant in the subject or context:(a)"Act" means the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950;(b)"Form" means the Form appended to these rules;(c)"Section" means section of the Act;(2)Words and Expressions used in these rules but not defined shall have the same meaning as is assigned to them in the Act.

3. Application for determination whether any person is a protected tenant:.

- An application under Section 35 either by a landholder or by a tenant for the determination of the question whether any person and if so what person is to be deemed to be a protected tenant under Section 34 in respect of any land, shall be in Form No.I, when filed by a landholder and in Form I-A, when filed by a tenant and shall bear a court fee stamp of the value of Re. 1.

4. A copy to be communicated to and a statement to be filed by the counter-petitioner:.

- On receipt of an application under Rule 3, the Tahsildar shall send a copy of the application to each of the persons named in the application as respondents and shall call upon every such person to file in writing on or before a date specified therein or within such further time as may be extended by him for sufficient reasons to be recorded in writing, a statement showing the grounds, if any, against grant of the prayer in the application.

5. Enquiry:.

- On receipt of the statement referred to in Rule 4, the Tahsildar shall issue notices in Form II to all the parties concerned specifying the time, date and place at which he proposes to enquire into the application. On the date so appointed or any other date to which the enquiry may be adjourned by him, the Tahsildar, shall after hearing the parties and their witnesses if any present and examining the documents if any, filed by other party and after taking such further evidence as he may consider necessary pass such orders as he deems proper, declaring which among the parties or none of them, is a protected tenant in respect of the land specified in the application referred to in Rule 3. The declaration by the Tahsildar shall be in Form III.

6. Application for a declaration that tenant is not a protected tenant:.

- An application by a landholder for a declaration under sub-section (1) of Section 37, that a tenant is not a protected tenant shall be in Form IV and shall bear a court-fee stamp of the value of Re. 1.

7. Copy to be communicated to and a statement to be filed by the other party:.

- On receipt of an application filed under Rule 6, the Tahsildar shall send a copy thereof to each of the persons against whom a declaration under Section 37 is sought to be made and shall call upon every such person to file in writing on or before a date specified therein or within such further time as may be extended by the Tahsildar for sufficient reasons to be recorded in writing, a statement showing the grounds, if any, why such declaration should not be made.

8. Enquiry:.

- On receipt of the statement referred to in Rule 7, the Tahsildar shall issue notices in Form V to all the parties concerned specifying the time, date and place at which he proposes to enquire into the application. On the date so appointed or any other date to which the enquiry may be adjourned by him the Tahsildar shall, after hearing the parties and their witnesses, if any, present and examining the documents, if any, filed by either party and after taking such further evidence as he may consider necessary, pass such orders as he deems proper.

9. Determination of reasonable price of land which protected tenant is entitled to purchase:.

(1)When an application under sub-section (3) of Section 38 for determination of the reasonable price of land is received by the Tribunal, it shall determine the reasonable price of the land after taking into consideration the factors prescribed for consideration in fixing reasonable rent under Section 17 and such other additional factors as in its opinion are relevant and necessary.(2)The amount of price so determined by the Tribunal under sub- rule (1) shall be deposited by the protected tenant in such instalments, and within such time as may be fixed or extended by the Tribunal, but not exceeding in any case one year from the date of determination of the reasonable price:Provided that the Government may by general or special order, vary the number of instalments and extend the time provided for in sub-rule (2).

10. Certificate of purchase by a protected tenant:.

(1)The certificate to be issued by the Tribunal to a protected tenant under sub-section (6) of Section 38 shall be in the following form:(a)in Form VI when the price of land is determined by the Tribunal;(b)in Form VI-A when the price is agreed to between the landholder and the protected tenant; and(c)in Form VI-B when the landholder agrees to relinquish his rights in favour of the protected tenant.and shall be stamped in accordance with the provisions of the Hyderabad Stamp Act in force, relating to sale of immovable property.(2)[The protected tenant shall produce before the Tribunal stamps of the value payable under the Indian Stamp Act as required in sub-rule (1) and the Tribunal shall engross a certificate thereon] [Substituted by G.O.Ms. No. 1127, Revenue (G), dated 13-11-1968.](3)When a certificate provided for in sub-rule (1) is issued to a protected tenant, the Tribunal shall send a copy of the certificate to every sub-registrar of the area in which the land covered by such certificate or any portion of it is situate. The sub-registrar of the concerned area shall file the said copy in the relevant registration books.

11. Manner of deciding questions arising in respect of purchases of land by a protected Tenant:.

(1)Any dispute regarding the kind, extent or location of any particular area of land to be purchased by a protected tenant under Section 38, shall be decided by the Tribunal after taking into consideration the following factors, namely:(i)location and kind of land, if any, already held by the

protected tenant as owner;(ii)improvements, if any, made by the protected tenant on the lands; and(iii)such other factors as may be deemed relevant and necessary by the Tribunal.(2)if there is any dispute between protected tenant and the landholder or if there is any dispute between the protected tenants inter se, regarding any other matter in relation to the purchase of the land, the Tribunal shall decide such disputes after taking such evidence as may be adduced.

12. Application for exchange of tenants:.

- An application for exchange of tenancies under sub-section (1) of Section 39 in respect of lands held by protected tenants shall be in Form VIII.

13. Terms and Conditions for exchange of lands:.

- The terms and conditions for exchange of lands by protected tenants under Section 39 shall be as follows, namely:(a)the land once exchanged shall not be allowed to be re-exchanged with the same land;(b)the land to be exchanged should be adjacent to or within a radius of atleast one mile from the land or lands held by the respective protected tenants as such protected tenants or as owner in the same or adjacent village;(c)no arrears of rent are due by the protected tenants, in respect of the lands to be exchanged;(d)no proceedings have been started against the protected tenants by their landholders in respect of the lands to be exchanged under Section 19 or 44; and(e)in sanctioning the exchange of lands the Tahsildar shall allow no amount as compensation.

14. Certificate of exchange of lands between protected tenants:.

- The certificate sanctioning the exchange of lands between protected tenants to be issued by the Tahsildar under sub-section (2) of Section 39 shall be in Form VIII and shall be stamped in accordance with the provisions of the Hyderabad Stamp Act of 1331 F. relating to leases of immovable property.[The protected tenant shall produce before the Tahsildar stamps of the value payable under the Indian Stamp Act and the Tahsildar shall engross a certificate thereon] [Inserted by G.O.Ms. No. 1127, Revenue (G), dated 13-11-1968.].

15. Manner of apportioning rent on the termination of the tenancy in respect of a part of the land leased to a protected tenant:.

(1)Where after the tenancy of a part of the land leased to a protected tenant is terminated by a landholder under sub-section (2) of Section 44 and the possession of the land is obtained by him by virtue of an order of the Tahsildar under sub-section (2) of Section 32, in case the landholder and the protected tenant do not agree as to the amount of the rent to be paid for the area of the land left with the protected tenant, the landholder or the protected tenant may make an application in Form IX to the Tahsildar for the apportionment of the rent.(2)On receipt of the application under sub-section (1), the Tahsildar shall issue a notice to the protected tenant or the landholder, as the case may be, and after holding an inquiry, fix the rent of the area of land left with the protected tenant after taking into consideration the following factors:(a)the total area and kind of land held by

the protected tenant before the termination of his tenancy of a part of the land and the rent paid by him for it;(b)the factors mentioned in sub-section (3) of Section 17. Nothing contained in this rule shall at any time prevent a protected tenant from applying for fixation of reasonable rent under Section 17.

16. Application for determination of compensation for improvements made by protected tenant:.

- An application for determination of compensation for improvements made on the land by a protected tenant under sub-section (1) of Section 41 shall be in Form X. Form No. I Form of Application by a Landholder under Section 35 (See Rule 3) To The Tahsildar,.....Taluq,.....District. Sir, I am the landholder of Survey No.....Pote No./Hissa No....measuring.....acres.....guntas of.....village taluk.....district. The undermentioned person (s) is/was (has been) tenant(s) of the above land during the year shown below against their names:

| Sl.No. | Name | Father's name | Years during which he was or has been tenant | Address |
|--------|------|---------------|--|---------|
|--------|------|---------------|--|---------|

1.2.3.

In respect of the said land, none of the above person or persons, only.....should be deemed to be a protected tenant under Section 34 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, for the following reasons:(Here give reasons with full details) My witnesses are:

| Sl.No. | Name | Father's name | Address |
|--------|------|---------------|---------|
|--------|------|---------------|---------|

1.2.

I file the following documents in support of this application Item.....Description. Your's faithfully, Signature. Date.....I hereby declare that the facts stated above are true to my knowledge and belief. Date :Signature Note: - Additional copies (unstamped) at the rate of one for each of the persons against whom the declaration is sought should be filed. (To be Filled up by The Tahsildar)(Name)....hereby called upon to file on or before.....a statement showing the grounds, if any, as to why the declaration applied for should not be made, together with a list of witnesses whom he will produce for examination on his behalf and the documents, if any, on which he relies. Tahsildar. Form I-A Form of Application by a Tenant under Section 35 (See Rule 3) To The Tahsildar,.....Taluq,.....District. Sir, I am/was a tenant of Survey No....Pote No./Hissa No. of....measuring....Acres....Guntas....Village....Taluq....District from the year...to the year. The landholder of the above land is.....(Name).....(Father's name).....(Address).....The undermentioned person(s) is/was tenant(s) of above land during the year mentioned below against his/their name(s).

| Sl.No. | Name | Father's name | Years during which land was/has been held by him | Address |
|--------|------|---------------|--|---------|
|--------|------|---------------|--|---------|

1.2.3.

I am the person entitled to be deemed to be a protected tenant in respect of the above land under Section 34 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, for the following reasons:(Here give the reasons with full details) My witnesses are:

| Sl.No. | Name | Father's name | Address |
|--------|------|---------------|---------|
|--------|------|---------------|---------|

1.2.3.

I file the following documents in support of this application: Items Date : Description. Yours faithfully, (Signature) I hereby declare that the facts stated above are true to my knowledge and belief. Signature. Note: - Additional copies (unstamped) at the rate of one for each of the persons, against whom the declaration is sought, should be filed. To be Filled by the Tahsildar (Name)..... is hereby called upon to file on or before..... a statement showing the grounds if any as to why the declaration applied for should not be made, together with a list of witnesses whom he will produce for examination on his behalf and the documents, if any, on which he relies. Tahsildar Form - II (See Rule 5) Notice Notice is hereby given that the application under Section 35 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 filed by..... S/o..... Village against:

| Sl.No. | Name | Father's name | Address |
|--------|------|---------------|---------|
| 1.2.3. | | | |

for a declaration that he (they) is (are) not protected tenant(s) of Survey Nos. situated in..... Village or of the above mentioned person(s) only..... (name)..... (father's name) should be deemed to be a protected tenant under Section 34 of the said Act. The said application will be taken up for consideration at..... a.m./p.m. on..... (day of the week)..... date, at..... (Place) (Name)..... is hereby called upon to be present at the hearing and produce all oral and documentary evidence bearing on the dispute. He should take notice that if he fails to appear or produce his evidence at the hearing, the application will be heard and decided ex parte. Date: Tahsildar Form III (See Rule 5) Office of the Tahsildar..... Taluq,..... District S.No. Whereas (name)..... (Father's name)..... of Village..... Taluq..... Landholder of Survey No..... Pote No..... Hissa No..... Measuring..... A..... G of..... Village..... Taluq District has filed upon an application No..... of (Year) before me under Section 35 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, for a declaration that the following persons.

| Sl.No. | Name | Father's name | Address |
|--------|------|---------------|---------|
| 1.2.3. | | | |

Only..... (name)..... (father's name) no one is a protected tenant within the meaning of the said Act in respect of the said land: And whereas on a consideration of the evidence adduced before me by all the parties at enquiry held by me on the said application on..... (date or dates), it was established that none of the above said persons is only..... (name)..... (father's name) is a protected tenant and finding to that effect was accordingly given therein: It is hereby declared that none of the said persons only..... (name)..... (father's name)..... is a protected tenant of the land described above within the meaning of the said Act. Signature Tahsildar Date : Form No. IV (See Rule 6) Form of Application for Declaration under Section 37 To The Tahsildar,..... Taluq,..... District. Sir, I am the landholder of Survey No..... Pote No./Hissa No..... measuring..... Acres..... Guntas of..... Village..... Taluq..... District. I apply for a declaration that the person or persons below is/are not a protected tenant(s) of the above land.

| Sl.No. | Name | Father's name | Address |
|--------|------|---------------|---------|
| 1.2.3. | | | |

The grounds on which I apply for the declaration are : My Witnesses :

| Sl.No. | Name | Father's name | Address |
|--------|------|---------------|---------|
| 1.2.3. | | | |

I file the following documents in support of my application: Items Description Your's faithfully, Signature Date : I hereby declare that the facts stated above are true to my knowledge and

belief.Note:- Additional copies (unstamped) at the rate of one for each of the persons against whom the declaration is sought should be filed.To be Filled up by the Tahsildar(Name).....is hereby called upon to file on or before.....a statement showing the grounds if any, as to why the declaration applied for should not be made, together with the list of witnesses whom he will produce for examination on his behalf and the documents, if any, on which he relies.Date:TahsildarForm V(See Rule 3)NoticeNotice is hereby given that the application under Section 37 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act of 1950, filed by.....(son of).....Village.....against.

Sl.No. Name Father's name Address

1.2.3.

for a declaration that he (they) is (are) not protected tenant(s) of Survey Nos. situated in.....village under Section 37 of the said Act, and that the same will be taken up for consideration at....a.m./p.m. on....(day of the week)....(date), at....(place).(Name).....is hereby called upon to be present at the hearing and produce all oral and documentary evidence bearing on the dispute. He should take notice that if he fails to appear or produce his evidence at the hearing the application will be heard and decided ex-parte.Date:Tahsildar.Form - VI(See Rule 10)Form of Certificate under sub-section (6) of Section 38Whereas.....(name).....father's name.....(address)....is the protected tenant of the land specified below belonging to the landholder....(name)....(father's name).....(address) and whereas under the provisions of sub section(5) of the Section 38 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, the protected tenant mentioned above was required to deposit and has deposited Rs....(in words)....as the price of the land; it is hereby certified that the said protected tenant....(name) shall be deemed to be the purchaser of the land specified below under the provisions of sub-section (6) of Section 38 of the said Act.Description Of Property

| District | taluk | Village | Survey No. | Pote no. or Hissa No. | Area A.G. | Boundaries | Assessment | Remarks |
|----------|-------|---------|------------|-----------------------|-----------|------------|------------|---------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |

SignaturePresidentThe Agricultural ands TribunalPlace:Date :Form VI-A(See Rule 10)Whereas.....(name).....(father's name).....(address) is the protected tenant of the land specified below belonging to the landholder.....(name)....(father's name).....(address) and whereas under the provisions of sub section (5) of Section 38 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, the said protected tenant was required to deposit and has deposited or has paid direct to the landholder an amount of Rs.....(in words)....as the price of the said land; it is hereby certified that the said protected tenant....(name) shall be deemed to be the purchaser of the land specified below under the provisions of sub-section (6) of Section 38 of the said Act.Description of Property

| District | taluk | Village | Survey No. | Pote no. or Hissa No. | Area A.G. | Boundaries | Assessment | Remarks |
|----------|-------|---------|------------|-----------------------|-----------|------------|------------|---------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |

SignaturePresidentThe Agricultural ands TribunalPlace:Date :Form - VI-B(See Rule 10)Whereas.....(name).....father's name....(address) is the protected tenant of the land specified below belonging to the landholder.....(name).....(father's name) (address) and whereas the said Shri.....(landholder) has relinquished all his rights in the lands described below in favour of Shri.....(protected tenant) under Section 38-A of the said Act the said Shri.....(protected tenant) shall with effect from this day, be deemed to be the owner of the lands described below:Description Of

Property

District taluq Village Survey No. Pote no. or Hissa No. Area A.G. Boundaries Assessment Remarks

(1) (2) (3) (4) (5) (6) (7) (8) (9)

SignaturePresidentThe Agricultural and TribunalPlace:Date :Form - VII(See Rule 12)Form of Application for the exchange of Protected Tenancies under sub-section (1) of Section 39ToThe Tahsildar,.....Taluq,.....District.Sir,We,

Sl.No. Name Age Place of Residence

1.2.

Protected tenants of the following lands do hereby apply for the exchange of the tenancies thereof by mutual agreement:Land Held By Applicant No. I

| Name of Village | Survey No. | Pote No. or Hissa No | Area A.G | Assessment | Name of the landholder and his place of residence | Details of rent payable to the landholder |
|-----------------|------------|----------------------|----------|------------|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |

Land Held By Applicant No.2

| Name of Village | Survey No. | Pote No. or Hissa No | Area A.G | Assessment | Name of the landholder and his place of residence | Details of rent payable to the landholder |
|-----------------|------------|----------------------|----------|------------|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |

The exchange of tenancies may please be sanctioned. The extracts of the Records of Tenancies concerning the lands are enclosed.Yours faithfully,Signature of applicant.Date:We hereby declare that the facts stated above are true to our knowledge and belief.SignatureNote:.. - Additional copies at the rate of one for each of the Landholders concerned should be filed.Form VIII(See Rule 14)Form of Certificate under sub-section (2) of Section 36Whereas the protected means:

Sl.No. Name Father's Name Address

1.2.3.

Applied for the exchange of tenancies in respect of the following lands held by them as protected tenants:

| Taluq | Village | Survey No. | Pote No. or Hissa No. | Area A.G. | Assessment | Name of landholder | Details of tent payable to the landholder | Name of protected Tenants |
|-------|---------|------------|-----------------------|-----------|------------|--------------------|---|---------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |

And whereas after holding enquiry as required by sub-section (2) of Section 39, I have sanctioned the exchange of the Tenancies. I hereby certify that said tenancies shall be deemed to have been exchanged with effect from the date of this certificate, subject to the following terms and conditions.(Here enter the terms and conditions of the tenants)Given under my hand and seal, this.....day of.....198.....SignatureTahsildar.Date:Form - IX[See Rule 15(1)]Form of Application for Apportionment of RentToThe Tahsildar,.....Taluq,.....District.Name of the applicant.....Age.....Profession.....Place of the Residence.....name of the opposite party.... Age.....Profession.....Place of Residence.....Sir,I am the landholder/protected tenant of the following

lands:

Survey No. Pote No. or Hissa No. Area A.G. Assessment Village Taluq

(1) (2) (3) (4) (5) (6)

The opposite party has been the protected tenant/landholder of these lands and was paying/receiving the following rent for these lands:(Here give details of rent)I have/the opposite party has terminated his/my tenancy in respect of the following lands under Section 44 and obtained possession of them by an order of the Tahsildar under Section 32:

Survey No. Pote No. or Hissa No. Area A.G. Assessment Village Taluq

(1) (2) (3) (4) (5) (6)

The opposite party has/I have now in his/my possession the following of the above lands :

Survey No. Pote No. or Hissa No. Area A.G. Assessment Village Taluq

(1) (2) (3) (4) (5) (6)

I am prepared to accept/pay the following rent for the above lands remaining in his/my possession:(Here give the rent acceptable)I request you to apportion the rent payable for the above land in his/ my possession.The extracts of Record of Tenancies.concerning the lands are enclosed. I enclose the following documents:(Here give a list of documents)

Sl.No. Name Father's name Address

1.2.3.

Date:Your's faithfully,Signature of landholder/protected tenant.I hereby declare that the facts stated above are true to my knowledge and belief.Date:SignatureForm - X(See Rule 16)Form of application for determination of compensation under sub section (1) of Section 41ToThe

Tribunal,.....Taluq,.....District.Name of the applicant.....Age.....Profession.....Place of Residence.....Name of the opposite party.....Age Profession.....Place of Residence.....Sir,I am the protected tenant and the opposite party is the land-holder of the following lands:

Survey No. Pote No. or Hissa No. Area A.G. Assessment Village Taluq

(1) (2) (3) (4) (5) (6)

My tenancy has been terminated by the landholder under the provisions of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950. I have made the following improvements on the above land.(Here give details of improvements made)I request that the improvements made by me and their value be ascertained and the compensation payable by the opposite party for these improvements be assessed and paid to me.The extracts of the Records of Tenancies concerning the land are enclosed.I also enclose the following documents :(Here give a list of the documents)My witnesses are :-

Sl.No. Name Father's name Address

1.2.3.

Yours' faithfully,Signature of the applicant.I hereby declare that the facts stated above are true to my knowledge and belief.Date:(Signature)