

# The Telangana Rights in Land and Pattadar Pass Books Act, 2020

TELENGANA

India

## The Telangana Rights in Land and Pattadar Pass Books Act, 2020

### Act 9 of 2020

- Published on 19 September 2020
- Not commenced
- [This is the version of this document from 19 September 2020.]
- [Note: The original publication document is not available and this content could not be verified.]

AN ACT TO CONSOLIDATE THE LAW RELATING TO THE RECORD OF RIGHTS IN LAND IN THE STATE OF TELANGANA. Be it enacted by the Legislature of the State of Telangana in the Seventy-first Year of the Republic of India as follows:-

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

(1) This Act may be called the Telangana Rights in Land and Pattadar Pass Books Act, 2020. (2) It extends to the whole of the State of Telangana. (3) It shall come into force on such date as the Government may, by notification in the Telangana Gazette, appoint.

#### 2. Definitions.

In this Act, unless the context otherwise requires, - (1) “certified copy” or “certified extract” means a copy or extract taken from Dharani, as certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872. (2) “credit agency” means any banking company as defined in the Banking Regulation Act, 1949, the State Bank of India and its subsidiaries, a corresponding new Bank, a Regional Rural Bank, a Co-operative Bank or credit society by whatever name called, Agricultural Development Bank and includes any other agency or individual the main object of which is to lend money. (3) “Dharani” means the digital platform created and maintained for the purposes of Record of Rights. (4) “District Collector” or “Collector” means the Collector of the concerned district and, where the context so requires, includes Additional Collector. (5) “Government” means the Government of Telangana. (6) “land” means land which is used or is capable of being used for purposes of agriculture, including horticulture but does not include land used exclusively for non-agricultural purposes. (7) “notification” means a notification published in the Telangana Gazette and the expression “notify” or “notified” shall be construed accordingly. (8) “owner” means a person

who has permanent and heritable rights of possession on the land which can be alienated and includes the holder of a patta issued to him as a landless poor person.(9)“pattadar” in relation to a land includes a person whose name is recorded as pattadar in respect thereof in the Record of Rights and other Land accounts of the Government.(10)“pattadar pass book-cum-title deed” means the Pattadar Pass Book-cum-Title Deed issued under the provisions of this Act.(11)“prescribed” means prescribed by rules made under this Act.(12)“Record of Right (ROR)” means records prepared and maintained electronically under the provisions, or for the purpose of this Act in “DHARANI”.(13)“Registrar” means the Tahsildar-cum-Joint Sub-Registrar of the mandal where in the land is located, as notified by the Government from time to time.(14)“Revenue division, Mandal and village” means respectively any area, which is notified as a Revenue division, Mandal or village as the case may be.(15)“Special Tribunal” means, the Tribunal as constituted by the Government with one or more members for the purpose of section 16.(16)“State” means the State of Telangana.(17)Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Telangana Land Revenue Act, 1317 Fasli and the rules made there under.

### **3. Preparation, maintenance and updating of record of rights.**

(1)The Record of Rights in all lands in every village of the State shall be prepared and maintained digitally in a centralized storage in such form and in such manner as may be prescribed.(2)The Record of Rights shall contain the following particulars, namely,-(a)The names of all persons who are pattadars of lands;(b)survey numbers and extents of each Pattadar;(c)such other particulars as may be prescribed.(3)The Record of Rights prepared and now being maintained under the provisions of the Telangana Record of Rights in Land and Pattadar Pass Books Act, 1971 in electronic form shall be deemed to have been prepared and maintained under sub-sections (1) and (2).

### **4. Protection to the State and Central Government Lands etc.,**

(1)Nothing in this Act shall apply to lands belonging to the State Government or the Central Government.(2)Notwithstanding any judgment, decree, order, proceeding of court or any other authority, save the authority prescribed under the Telangana (Abolition of Jagirs) Regulation, 1358 F., and rules thereof, all the Jagir lands including Paigah, Samsthans part of Jagir, Maktha, Village Agrahar, Umli and Mukasa, etc., within the meaning of Telangana (Abolition of Jagirs) Regulation, 1358 F., which stood vested in the State under the said Act, the title and ownership of such Jagir lands shall never be transferred or shall never be deemed to have been transferred to any person.(3)The Jagir lands defined under the Telangana (Abolition of Jagirs) Regulation, 1358 F., shall be recorded and maintained as Government lands in the revenue records.(4)Nothing in this Act shall apply to Non-Agricultural land.

### **5. Registration and effecting Change in Record of Rights when right over the land acquired by way of sale, gift, mortgage or exchange**

(1) Any person who intends to transfer or obtain an interest in land by way of sale, gift, mortgage or exchange under a registered document shall apply, through the website prescribed for this purpose, to the Registrar for allotting available date and time to present the document as per the convenience of the person. (2) The Registrar shall allot the date and time, intimate to the person and maintain such particulars in the register in prescribed format. (3) The Person mentioned in sub-section (1) shall submit the transfer document in prescribed form, along with affidavits in the prescribed forms and Pattadar Pass Book-cum-Title Deeds, on the date and time allotted to them, before the Registrar. (4) In every case where the pattadar and property particulars in the document are in consonance with the entries in the Record of Rights and on payment of Stamp Duty and Registration fee prescribed as per the Registration Act and the Indian Stamp Act respectively and mutation charges prescribed, the Registrar shall register the document and carry out the consequent amendment to the relevant entries in the Record of Rights instantly, duly deleting the land covered by the document from the account of the transferor and adding the same to the account of the transferee in case of sale, gift, and exchange. (5) In case of mortgage, the charge created shall be recorded in Dharani. (6) The Registrar shall issue a new Pattadar Pass Book-cum-Title Deed in case of a transferee who does not hold a Pattadar Pass Book-cum-Title Deed, or a duly updated existing Pattadar Pass Book-cum-Title Deed, as the case may be, to the transferee and transferor under the document, instantly after effecting the changes to the Record of Rights. The registrar shall also furnish extract of changes made as appear in Record of Rights to transferee as well as to the transferor. (7) The extract of the changes to the Record of Rights made under sub-section (4) shall be appended to and made Part and - parcel of the registered document.

## **6. Effecting Change in Record of Rights when acquired the right over the land through succession, survivorship, inheritance.**

(1) Any person or persons who acquire rights over land through succession, survivorship, inheritance and seeking to effect change in Record of Rights, after arriving at consensus among all the legal heirs on the manner of division of the land among themselves, shall make an application, enclosing the joint agreement specifying individual shares, to the Tahsildar through the website prescribed for this purpose, for allotting available date and time as per the convenience of the persons to appear before the Tahsildar. (2) When persons of a family seek change of Record of Rights, all the members of the family after arriving at consensus with regard to the manner of partition of the land among themselves shall make an application, enclosing the joint agreement specifying individual shares, to the Tahsildar through the website prescribed for this purpose, for allotting available date and time as per the convenience of the persons to appear before the Tahsildar. (3) The Tahsildar shall allot the date and time, intimate the persons and maintain such particulars in register in prescribed format. (4) The persons mentioned in sub-section (1) and (2), along with the existing Pattadar Pass Book-cum-Title Deed that are in the name of deceased person or in the name of such family member, as the case may be, on the date and time allotted to them shall attend the office of the Tahsildar. (5) The Tahsildar shall on the basis of joint agreement of all the legal heirs or all the family members, as the case may be, shall effect the changes accordingly in Record of Rights instantly, after payment of mutation charges as prescribed. (6) The Tahsildar shall issue a new Pattadar Pass Book-cum-Title Deed in case any of the successors or the family members, as the case may be, when they do not hold a Pattadar Pass Book-cum-Title Deed, or a duly updated in the existing Pattadar

Pass Book-cum-Title Deeds instantly. The Tahsildar shall also furnish extract of changes made in Record of Rights to all of them.(7)All the persons in possession of Pattadar Pass Book- cum-Title Deed shall furnish the details of family members in the manner prescribed to the Tahsildar. The Tahsildar shall make entries of the family members in Pattadar Pass Book-cum-Title Deeds.

## **7. Effecting Change in Record of Rights when acquired through court decree.**

(1)Any person who acquires right by decree of a court and seeks to change the entries in Record of Rights, shall apply, through the website prescribed for this purpose, to the Tahsildar for allotting available date and time to appear before the Tahsildar.(2)The Tahsildar shall allot the date and time, intimate to the person and maintain such particulars in register in prescribed format.(3)The person mentioned in sub-section (1) shall attendbefore the Tahsildar on the date and time allotted to him.(4)In every case where the pattadar and property particulars in the decree are in consonance with the entries in the Record of Rights and on payment of Stamp Duty and Registration fee prescribed as per the Registration Act and the Indian Stamp Act respectively, if not collected by the Court before issue of the Decree and mutation charges prescribed, the Tahsildar shall carry out the changes to the relevant entries in the Record of Rights instantly, duly deleting the land covered by the decree from the account of the judgement debtor and adding the same to the account of the decree holder.(5)The Tahsildar shall issue a new Pattadar Pass Book-cum-Title Deed to the person in case he does not hold a Pattadar Pass Book-cum-Title Deed, or duly updated entries in the existing Pattadar Pass Book-cum-Title Deed. The Tahsildar shall also furnish extract of changes made in Record of Rights to the person.(6)The Tahsildar shall then direct the Judgement Debtor to produce Pattadar Pass Book-cum-Title Deed on the date specified and effect due change in Pattadar Pass Book-cum-Title Deed.

## **8. Fraudulent issue of Pattadar Pass Book-cum-Title Deed for Government Lands.**

On complaint or otherwise as regards to issue of Pattadar Pass Book-cum-Title Deed fraudulently for Government land, the District Collector shall cancel the Pattadar Pass Book-cum-Title Deed and take action for dismissal of the Tahsildar concerned and to initiate Criminal Action, besides resuming the land under Law.

## **9. Bar of Suit.**

No suit shall lie against the Government or any officer of the Government who have made an entry, in respect of any land, made in or amended or omitted from the Record of Rights.

## **10. Issue of Pattadar Pass Book-cum-Title Deed in pending Cases.**

In cases where Pattadar Pass Book-cum-Title Deed is not so far issued due to any reason, the Tahsildar shall issue Pattadar Pass Book-cum-Title Deed duly following the procedure as in section 5 or 6 or 7.

## **11. Evidentiary value of Pattadar Pass Book-cum-Title Deed.**

The Pattadar Pass Book-cum-Title Deed issued under this Act shall be deemed to be the title deed and it shall have the same evidentiary value with regard to the title for the purpose of creation of equitable mortgage under the provisions of the Transfer of Property Act, 1882 as a document registered in accordance with the provisions of the Registration Act, 1908 has, under the law.

## **12. Grant of Loans and Encumbrance.**

(1) Any Credit Agency shall grant loan on the basis of Record of Rights maintained electronically without insisting on Pattadar Pass Book and copy of Pahani. The Agency shall not keep the Pattadar Pass Book-cum-Title Deed in case of crop loans as per the existing guidelines. (2) The credit agency shall record in the Record of Rights every loan disbursed to him and every repayment of such loan.

## **13. Powers under Code of Civil Procedure, 1908.**

The Government or any Authority authorized by the Government while holding enquiry under this Act shall have the powers as are vested in Civil Court under the Code of Civil Procedure, 1908.

## **14. Punishment for contravention.**

(1) Every Officer acting under or in pursuance of the provisions of this Act or under the rules made there under shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. (2) Whoever being a public servant tampers with record of rights or passes an order which is fraudulent, shall be liable for the penalty of removal or dismissal from service besides criminal proceedings under any other applicable laws.

## **15. Repeal.**

The Telangana Rights in Land and Pattadar Pass Books Act, 1971 in force is hereby repealed from the date of commencement of this Act.

## **16. Constitution of Special Tribunals.**

(1) On such repeal all the pending Appeals and Revision cases under the provisions of Telangana Rights in Land and Pattadar Pass Books Act, 1971 shall stand transferred to the Special Tribunals. (2) On disposal of appeal or revision by the Tribunal, the order of the Tribunal shall be final and shall be implemented under the provisions of this Act.

## **17. Power to make Rules.**

The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

## **18. Power to remove difficulties.**

If any difficulty arises in giving effect to any provision of this Act, the Government may, by notification, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the purpose of removing the difficulty.