

Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Rules, 2006

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-AGRICULTURAL-LAND-CONVERSION-FOR-NON- of 2006

- Published on 19 October 2006
- Commenced on 19 October 2006
- [This is the version of this document from 19 October 2006.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Rules, 2006
Published vide Notification No. G.O. Ms. No. 1537, Revenue (Land Revenue), dated 19.10.2006
Last Updated 24th September, 2019
No. G.O. Ms. No. 1537. - In exercise of the powers conferred by sub-section (1) of Section 14 of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (A.P.Act No. 3 of 2006), the Government of Andhra Pradesh hereby makes the following rules, namely:-

1. Short title.

- These rules may be called the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Rules, 2006.

2. Definition.

- In these rules unless the context otherwise requires:-(a)'Act' means the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006;(b)'form' means the form appended to these rules;(c)'Basic Value' means the land value entered in the Basic Value Register notified by Government from time to time and maintained by the Sub-Registrar.

3. Procedure for Application for Conversion.

- (i) The application for conversion of the Agriculture land for Non-Agriculture purposes shall be made in the form at Annexure-'A'.(ii) Notices for payment of deficit conversion fee shall be in the form at Annexure-'B'.(iii) The permission for acceptance of application shall be in form at Annexure-'C'.

4. Procedure to Be followed by the Competent Authority.

- The Competent Authority i.e. Revenue Divisional Officer who receive the applications for conversion of Agricultural Land for Non-Agricultural purposes:- (a) may cause such enquiry as may be necessary to determine whether the conversion applied for is objectionable or not; (b) may invite objections in this regard, if necessary; (c) may inspect or cause inspection of the land in order to determine whether or not the proposed conversion is objectionable; (d) shall take cognizance of the Master Plan and such other land use restrictions in determining whether the proposed conversion is objectionable or not; (e) shall thereafter proceed to pass orders, ordering or rejecting the proposed conversion.

5. Powers of Collector/Revenue Divisional Officer/Mandal Revenue Officer.

- (i) The Competent authority or any other officer authorized by him, shall have power to enter upon, inspect, measure the land and do such other act or acts as are necessary for the determination of the area applied for conversion and fixation of conversion fee under the Act. (ii) The Mandal Revenue Officer is empowered to such act or acts as entrusted by the Collector/ Competent Authority under the Act. (iii) The Collector shall have appellate powers against the orders passed by the Competent Authority. (iv) The Collector may suo motu or on application call for the record, scrutinize to satisfy himself before or after the orders passed and to modify or annul any order or proceeding passed by the Competent Authority after giving notices and hearing the affected party.

6. Mode of payment for Conversion Fee.

- (i) For the purpose of calculation of conversion fee the basic value as notified by Government from time to time, for the land as on the date of application shall be taken into account. (ii) The applicant shall pay the conversion fee prescribed under Section 4 of the Act by way of Challan payable into the Government treasury as specified by the Government from time to time to the relevant head of account. (iii) Any person desires to ascertain the basic value, such person shall apply to the Competent Authority for furnishing of such basic value for such Survey No. Area etc., and the competent authority shall furnish such information within (15) days from the date of receipt of application. (iv) In case of deemed conversion, the date for the purpose of calculation of basic value shall be the date earliest of the following dates: (1) Date of detection of conversion by Competent Authority. (2) Date of entry in to Village accounts by Village Officer/ Panchayat Secretaries. (3) Date of application by Owner/ Occupiers.

7. Order of Permission.

- The competent authority shall issue necessary permission for conversion in the form at Annexure-'C'.

8. Penalty.

- (i) In case it has come to the notice of the competent authority that any Agricultural Land has been converted to Non-Agriculture purpose without obtaining any prior permission by any owner or occupant of such agricultural land, the same shall be deemed to have been converted into Non-Agriculture purpose and action shall be taken to levy such lands with such penalty as prescribed under Section 6 of the Act;(ii)The Competent Authority shall issue notices to the owner/occupier of Agriculture Land deemed to have been converted to Non-Agriculture use Under Section 6(1) calling upon him to pay 50% penalty over and above the Conversion fee in the form at Annexure-'D' giving him time of (30) days to remit into Government account through a challan as specified at sub-rule (ii) of Rule 6.Provided that a show cause notice shall be issued by the competent authority to the said owner or occupant of such agricultural land calling for explanation within fifteen (15) days as to why the penalty as provided under Section 6(2) shall not be imposed for conversion of Agricultural Land into Non-Agricultural purposes without obtaining prior permission. On receipt of such explanation, the competent authority has to decide the actual extent of land converted into Non-Agricultural purpose and issue proceedings in the form Annexure-E informing the total amount including the penalty and the land conversion fee payable within fifteen (15) days from the date of receipt of such demand notice.If, any fee and penalty remains un-paid, within the time specified by the competent authority such fee and penalty is liable to be recovered under the provisions of the Revenue Recovery Act, 1864.

9. Appeal.

- (i) Every Appeal lies to the Collector against the orders of the Competent Authority within (60) days from the date of receipt of the orders. The appeal shall be accompanied by an authentic copy of the order appealed against and such appeal shall be duly stamped with a court fee lable of Rs. 3/- and any other fee as may be notified by the Government.(ii)Collector shall observe the principles of natural justice in disposing off any appeal.Annexure-A(See Rule 3(i))ToThe Competent Authority andRevenue Divisional Officer, Division,District.....Sir,Sub:- Land Conversion Act-.....Village, Mandal, District-Sy.No. Ext.- Conversion of Agricultural land to Non-Agricultural Purpose-Request-Regarding.I.....S/o.....R/o.....Submit that I am the Pattadar of Agricultural lands in Survey.No. of Village.....Mandal.....District to an extent of Acs. Gts./Cts. 1 would like to convert Agricultural land specified in the Schedule into Non-Agricultural purpose.I request the Competent Authority to accord necessary permission for the conversion of the said agricultural lands to Non-Agriculture purpose in terms of Section 4 of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural purposes) Act, 2006 (A.P.Act No. 3 of 2006). I enclose herewith a copy of challan bearing No.....dated:.....for Rs.....(Rs.....only) paid to the Government Treasury of..... (V)/Town/ City @ 10% basic value of the land towards conversion fee.I hereby declare that the lands mentioned above are neither

covered by any litigation/ court cases/encroachment nor these lands are assigned lands/ULC Surplus land/ Agricultural Ceiling Surplus Land/Tank bed lands.Your's faithfullyAddress.()

Schedule

Sl.No.	Village, Mandal & District	Sy.No.	Total extent (Sy.No.wise)	Extent for which permission for Conversion Sought	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Annexure-B(See Rule 3(H))Office of the Competent Authority &R.D.O.: District.Notice File No. Dated:

Sub:-Ref:- Your application dated:Sri.....S/o.....R/o.....is hereby informed that as per your application- referred above, you have applied for conversion of Acs.....Gts./Cts.....You have paid conversion fees along with your application. Rs.....But, the basic value of the land as on the date Of application for conversion applied for is Rs.....The total conversion fee works out to Rs..... Hence, there is a deficit conversion fee amounting to Rs....Therefore, you are directed to remit the deficit amount of Rs. (Rs. only) towards conversion fee to Non-Agricultural purpose within fifteen (15) days form the date of receipt of this notice. If you fail to remit this deficit amount, your application shall not be processed further and will returned to you after thirty (30) days.Competent Authority & R.D.O:.....Divn.ToSri.....S/o.....R/o.Copy to the Mandal Revenue Officer, (M).....Divn.....Dist.Annexure-C(See Rule 7)Proceedings of the Competent Authority and R.D.O. Division.....District

Present: Dated:

Proedgs. No.Sub:Ref:Order:Sri.....S/o.....R/o.....has applied for conversion of agriculture land situated in Sy.No extent of (v) Mandal, District for the purpose of Non- Agriculture. The request of the applicant is found to be consistent with the provisions of the Act.Hence, the permission is hereby accorded for conversion of the Agricultural Land into Non-Agricultural purpose on the following terms and conditions:

- 1. The permission is issued on the request of the applicant and he is solely responsible for the contents made in the application;**
- 2. The grant of permission can not be construed that the contents of the application are ratified or confirmed by the authorities under the Act.**
- 3. The permission confirms that the conversion fee has been paid under the Act in respect of above Agricultural lands for the limited purpose of conversion into Non-Agricultural purpose.**

- 4. It does not confer any right, title or ownership to the applicant over the above Agricultural Lands.**
- 5. This permission does not preclude or restrict any authority or authorities or any person or persons or any individual or individuals Or others, collectively of severally; for initiating any action or proceedings under any law for the time being in force.**
- 6. The conversion fee paid will not be returned or adjusted otherwise under any circumstances;**
- 7. The authorities are not responsible for any incidental or consequential actions or any loss occurred to any body or caused otherwise due to or arising out of such permission granted on any false declaration, claim or deposition made by the applicant.**
- 8. The authorities reserves the right to cancel the permission if it is found that the permission is obtained by fraud, misrepresentation or by mistake of fact.**

Revenue Divisional Officer To Sri

Schedule 2

Sl.No.	Village Mandal & District	Sy.No.	Total extent (Sy.No. wise)	Extent for which permission granted.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Annexure-D Notice (See Rule 8) Government of Andhra Pradesh (Revenue Department)

Ref.No. Dated:

Office of the Competent Authority & RDO. Sub: Irregular Land Conversion from Agriculture to Non-Agriculture purpose - Levy of Penalty - Show Cause Notice-Issued. It is noticed that the agricultural land in Sy.No..... Exten..... situated in..... (V)..... (M)..... District has been put to Non-Agricultural purpose without obtaining any permission as required Under Section 3 of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006. As per Section 6(1) of the said Act, it shall be deemed that the above said lands have been converted into Non-Agriculture purpose and it is liable to be imposed a fine of 50% in addition to the regular conversion fee. The basic value of this land on the date of detection of conversion of land to Non-Agriculture use is Rs per acre. The conversion fee for Acs..... Gts./Cts..... is Rs The 50% penalty works out of Rs..... Therefore, Sri S/o Owner/Occupant is requested to show cause why the penalty along with the conversion fee as stated in Para (2) above should not be imposed within fifteen (15) days of

receipt of the notice failing which, it is deemed that he has no explanation to offer and the penalty and conversion fee will be levied as per the provisions of the said Act and the rules made there under. C.A. & R.D.O. To Sri Annexure-E (See Rule 8) Proceedings of the Competent Authority and R.D.O.

Division: District:

Present: Procdgs. No. Dated: Sub: Ref: ORDER It is noticed that the Agricultural land in Sy. No. Extent: situated in (V) .. (M) District has been converted to Non-Agricultural purpose without obtaining any permission as required Under Section 3 of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural purposes) Act 2006 (A.P. Act No. 3 of 2006). A Show Cause Notice has been issued to Sri. S/o. Owner/Occupant in the reference cited calling to show cause within fifteen (15) days from the date of receipt of the notice, why a penalty along with conversion fee should not be imposed upon for conversion of the above said agriculture land without obtaining permission under the said Act. (If explanation submitted) Sri S/o. has submitted explanation as called for and it has been considered and found to be valid/not valid for the reasons (to be specified in each and every case). (If explanation not submitted) Sri. S/o. has not submitted explanation as called for, and it is deemed that he has no explanation to offer and as such the matter has been decided on material available. The basic value of the land ascertained from the Sub-Registrar. (V) (M) District is Rs. per acre. The extent converted to non agriculture purpose is Acs. Gts./Cts. The total conversion fee computed is Rs. In the circumstances explained above, Penalty is imposed @ 50% on Conversion fee stipulated under Section (1) of the Act for converting the agricultural lands in Sy. No. Ext. Situated in (V) (M) District to Non-Agricultural purpose. Sri. S/o R/o. is hereby directed to pay Rs. i.e. Rs to wards conversion fee and Rs towards 50% of Penalty On Conversion fee. The total amount should be paid within fifteen (15) days in the concerned Government Treasury and produce the copy of challan to the under signed for regularization, failing which, the amount will be collected under the provisions of Revenue Recovery Act, 1864.