

Andhra Pradesh (Telangana Area) Atiyat Enquiries Act, 1952

ANDHRA PRADESH

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Act 10 of 1952

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Andhra Pradesh (Telangana Area) Atiyat Enquiries Act, 1952(Act No. 10 of 1952)[14th March, 1952]Published in Andhra Pradesh Gazette, Extraordinary No. 21, dated 14.3.1952.An Act to amend and consolidate the law regarding Atiyat grants, in respect of Atiyat enquiries, 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 enquiries, enquiries 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 Andhra Pradesh (Telangana Area) Atiyat Enquiries Act, 1952.]
[Substituted for short title by Andhra Pradesh Act No. IX of 1961.](2)It extends to the whole of [the Telangana area of the State of Andhra Pradesh.] [Substituted for the Hyderabad area of the State of Andhra Pradesh' by Andhra Pradesh Act No. IX of 1961.](3)It shall come into force on such date as the Government may, by notification in the [Official Gazette] [Substituted for 'Jarida' by A.P.A.O. 1957.] 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 enquiries and enquiries as to claims to succession to any right, title or interest in Atiyat grants and matters ancillary thereto;(b) ["Atiyat grants" means] [Substituted by Act No. 28 of 1956.](i)in the case of jagirs abolished under [the Andhra Pradesh (Telangana Area) (Abolition of Jagirs) Regulation, 1358 F(LXIX of 1358 F] [Substituted for short title by Andhra Pradesh Act No. 9 of 1961.] the commutation sums payable in respect thereof under [the Andhra Pradesh (Telangana Area) Jagirs (Commutation) Regulations, 1359 F (25 of 1359

Fasli);] [Substituted for short title by Andhra Pradesh Act No. 9 of 1961.](ii)inams to which [the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (8 of 1955)] [Substituted for short title by Andhra Pradesh Act No. 9 of 1961.] is not applicable.(iii)in the case of inams abolished under [the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (8 of 1955)] [Substituted for short title by Andhra Pradesh Act No. 9 of 1961.] the compensation payable under that Act;(iv)cash grants to which the Hyderabad Abolition of Cash Grants Act, 1952 (33 of 1952) [is not applicable;] [This Act was repealed by Andhra Pradesh Act No. 14 of 1959.](v)[cash grants temporarily continued under the Hyderabad Abolition of Cash Grants Act, 1952 (33 of 1952)] [This Act was repealed by Andhra Pradesh Act No. 14 of 1959.];(vi)in the case of cash grants abolished under the Hyderabad Abolition of Cash Grants Act, 1952 (33 of 1952) [subject to payment of compensation, the compensation payable in respect thereof;] [This Act was repealed by Andhra Pradesh Act No. 14 of 1959.](c)"Muntakhabs and Vasikas" means documents issued by competent authorities as a result of inam or succession enquiries held under the Dastoor ul 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 Vasika or any order of a competent authority;(e)"holder of an Atiyat grant" means a person or institution actually holding the Atiyat grant;(f)[xxx] [Omitted by Act No. 28 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 meanings assigned to them in [the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F] [Substituted for short title by Andhra Pradesh Act No. 9 of 1961.]General Provisions as to Atiyat Grants[3. Continuance of Atiyat grants:. - All Atiyat grants shall, subject to the provisions of the Andhra Pradesh (Telangana Area) (Abolition of Jagirs) Regulation, 1358 F (LXIX of 1358F), the Hyderabad Abolition of Cash Grants Act, 1952 (VOCIII of 1952) and the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (VIII of 1955) continue to be held by the holders thereof subject to the conditions laid down in the Muntakhabs or Vasikas, 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 enquiries and enquiries as to any right, title or interest therein shall, notwithstanding anything contained in the Andhra Pradesh (Telangana Area) (Abolition of Jagirs) Regulations, 1358 F (LXIX of 1358 F), be held in Atiyat Courts in accordance with the provisions of this Act, and in the course of such enquiries, Atiyat Courts shall also be competent to enquire 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 enquiries, enquiries as to claims 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] [Substituted by Act No. 28 of 1956.]

4. Enquiries as 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 of attachment by a 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 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) Nizam Atiyat; and (d) Board of Revenue: [Provided that the Government may, by notification in the Official Gazette, appoint the date on which the Court of Nizam 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.] [Inserted by Act No. 28 of 1956.]

9. Investure of powers:.

- Government may, by notification in the [Official Gazette,] [Substituted for 'Jarida' by the APAO 1957.] invest any officer [or authority] [Inserted by Act No. 28 of 1956.] with the powers of any Atiyat Court mentioned in [xxx] [The words 'Clauses (a), (b) or (c)' omitted by Act No. 28 of 1956.]

Section 8, specifying the area within which the powers may be exercised.

10. Jurisdiction and procedure of Atiyat Courts:.

- [(1)] [Section 10 re-numbered as sub-section (1) and sub-section (2) Inserted by Act No. 28 of 1956.] 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 Nizam Atiyat on the appointed date shall be transferred to the Court of the concerned Atiyat Collector, and all original cases pending on that 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.] [Section 10 re-numbered as sub-section (1) and sub-section (2) Inserted by Act No. 28 of 1956.][11. Appeals:.- (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 Nizam Atiyat before the appointed date, and as from that date to the Board of Revenue;(c)the Nizam Atiyat, an appeal shall lie to the Board of Revenue.(2)Before the date of the publication of the Hyderabad Atiyat Enquiries (Amendment) Act, 1956, in the Official Gazette, from the appellate decision of an Atiyat Collector, an appeal shall lie to the Nizam Atiyat and from an appellate decision of the Nizam 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 Nizam 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 Nizam 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.] [Substituted by Act No. 28 of 1956.]Miscellaneous

12. Decision of civil courts to prevail on questions of succession, legitimacy, etc:.

- [(1)] [Section 12 re-numbered as sub-section (1) and sub-section (2) inserted by Act No. 28 of 1956.] In so far as questions 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 bd.O; or after the decision of the

civil court.(2)[If in the course of any enquiry 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 the civil court, the Atiyat Court shall give effect to such decision.] [Inserted by Act No. 28 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 was passed and shall not be questioned in any court of law.[13A. Powers of Atiyat Courts when holding enquiries under this Act: - Every Atiyat Court shall, when holding an enquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 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 commissions for examination of witnesses;(d)such other matters as may be prescribed; and every enquiry or investigation by an Atiyat Court shall be deemed to be a judicial proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code, 1860 (45 of 1860)]

14. Rules:.

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

15. Repeal:.

- Dastur-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 [Andhra Pradesh (Telangana Area) (Abolition of.Tagirs) Regulations, 1358 F (LXIX of 1358 Fasli)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;] [Substituted by Act No. 28 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 purpose by the Government by a general or special order.[16. Savings:- 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 clause (b) 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] [Substituted by Act No. 28 of 1956.]Original Jurisdiction of Atiyat Courts

Atiyat Deputy Collector Atiyat Collector Nizam Atiyat

Sl. No.	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)	(7)
1.	Atiyat grants other than cash grant	Total annual land assessment up to Rs. 250/-	Total annual land assessment up to Rs. 5,000.	Beyond the power of Atiyat Dy. Collector up to an annual landassessment of Rs. 5,000.	Beyond the powers of Atiyat Dy. Collector without any limit.	Beyond the powers of Atiyat Collector without any limit.
2.	Cash grants	Up to Rs. 100 annually	Up to Rs. 1,000 annually	Beyond the powers of Atiyat Dy. Collector up to Rs. 1,000annually	Beyond the powers of Atiyat Dy. Collector without any limit.	Beyond the powers of Atiyat Collector without any limit

[Substituted by Act No. 28 of 1956.][Inserted by Act No. 28 of 1956.]