

Andhra Pradesh (Telangana Area) Atiyat Enquiries Rules, 1952.

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-TELANGANA-AREA-ATYAT-ENQUIRIES-RULES- of 1952

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Andhra Pradesh (Telangana Area) Atiyat Enquiries Rules, 1952. Published vide Notification Hyderabad Government Gazette Part 1-C Rules Revenue Department Notification No. 34/A4/269/52, dated 5-4-1954. In exercise of the powers conferred by Section 14 of the Andhra Pradesh (Telangana Area) Atiyat Enquiries Act, 1952 (X of 1952), the Rajpramukh is pleased to make the following Rules:

1.

These rules may be called "the Andhra Pradesh (Telangana Area) Atiyat Enquiries Rules, 1952", and shall come into force from the date of their publication in the Official Gazette.

2.

In these rules, unless there be something repugnant in the subject or context: (a) "the Act" means the Andhra Pradesh (Telangana Area) Atiyat Enquiries Act, 1952 (10 of 1952); (b) "Court" means an Atiyat Court; (c) "Form" means a Form appended to these rules; (d) "grant" means an atiyat grant; (e) "holder" means a holder of an atiyat grant; (f) "section" means a section of the Act; (g) Words and expressions used in these rules but not defined shall have the meanings assigned to them in the Act.

3.

On the death of the holder, the claimant for succession shall, within three months from the date on

which the holder died, submit an application accompanied by information in Form A in the competent court.

4.

If the grant held by the deceased holder is situated within the jurisdiction of more than one court, the claimant for succession may submit the application under rule 3, in any one of the Courts within whose jurisdiction any portion of the grant is situated.

5.

The Court in which the claim for succession is instituted under rule 4 shall thereupon give due intimation to other Court within whose jurisdiction the other portion or portions of the grant are situate and shall proceed to hold an enquiry in respect of the whole of the grant.

6.

(1) If several claimants apply for succession in different Courts, the Court in which the first among the several applications is submitted shall conduct the inquiry; Provided that in case of any dispute as to the court in which the inquiry should be conducted, it shall be decided by (a) the Collector, if the Courts wherein the claims have been instituted are situated in the same district; (b) the Nizam Atiyat, if the Courts are situated in different districts. (2) The orders of the Collector or the Nizam Atiyat shall be final.

7.

On receipt of the application under rule 3, the Court may require the applicant to deposit within a specified period the amount required for the publication under rule 8.

8.

On the amount mentioned in rule 7 being deposited, the Court shall cause a citation to be published:

1. in the Official Gazette;

2. by affixture of a copy thereof to the Notice Board in the concerned Tahsil Office; and

3. in such other manner as may be considered necessary;

inviting objections, if any, in respect of the applicant's claim, within six weeks from the date of such publication.

9.

On the expiry of the period specified under rule 8, the Court shall conduct an enquiry into the applicant's claim, treating the opponent's, if any, and the Government as Respondents :Provided that the Court may reject an application forthwith if it contravenes the provisions of rule 3 or 7.[9A. (1) (a) For confirming a grant as a jagir, the Atiyat Court may not call for any evidence regarding possession, if the claimant proves that he was actually in possession of the grant on the date of the commencement of the Andhra Pradesh (Telangana Area)(Abolition of Jagirs) Regulation, 1358 F,(b)In cases of grants for which Sanad is necessary, the Atiyat Court may not call for any evidence in respect thereof:(i)where the Sanad having been produced has been duly verified, or;(ii)where such verification is not possible, there are no reasons to disbelieve its authenticity.(2)(a)For continuing or confirming grants other than those mentioned in sub-rule (1) above, the Atiyat Court may not call for any evidence regarding possession or, in the case of cash grants, enjoyment, in the following cases:(b)Where the claimant proves from the village or Tahsil records that he was holding the grant other than cash grant as a grantee, that he was in actual enjoyment of the grant for a period of two years immediately preceding 15-8-1949, or in the case of cash grants, two years immediately preceding the Abolition of Cash Grants Act, 1952;(c)Where the grant other than the cash grant was on 15-8-1949 under Government supervision or, the enjoyment thereof remained under suspension, the claimant proves from the village or Tahsil records that he was holding the said grant or, in the case of cash grants, was in actual enjoyment thereof for a period of two years prior to the date on which the grant was taken under Government supervision or in the case of cash grants from the date on which such enjoyment was suspended.]

10.

The provisions of the Indian Evidence Act, 1872, and the Code of Civil Procedure, 1908, so far as may be applicable, shall apply to the inquiry under rule 9.

11.

If no person claims succession to a grant on the death of the holder within the period prescribed, or if the claim has after due enquiry been rejected by a competent court, the grant shall, subject to the provisions of these rules, cease to continue and shall be resumed by the Government.

12.

(1)A Court may for sufficient cause condone the delay in the submission of a claim.(2)The powers for such condonation shall be as follows:a. The Deputy Collector, upto 6 months.b. The Collector, up to one year.c. The Nizam Atiyat, up to 2 years.d. The Board of Revenue, up to 3 years.

13.

The Court shall in its order relating to succession specify the Annawari shares of each claimant whose claim has been recognised in the enquiry.

14.

(1) These rules shall apply mutatis mutandis to inquiries and confirmation in respect of grants in the erstwhile jagir areas or grants made by erstwhile Jagirdars, in accordance with the orders for the time being in force: Provided that in such cases the application under rule 3 shall be accompanied by information as in Form B, and that no fresh application shall be necessary in respect of such inam inquiries which are already pending in a competent court. (2) An application already rejected by a competent court shall not be entertained except on appeal or for confirmation as the case may be.

15.

(1) In connection with succession proceedings of such grants in which the Muntakhabs have been issued allowing continuance of grant with such indefinite terms, as have been mentioned in the Appendix annexed hereto, from which it is not clear whether the grant shall be continued in perpetuity or for a period or for a fixed number of generations, the court shall exercise the same powers as in the case of succession of other grants. (2) In cases where the terms of Muntakhabs are definite and there is no room for any doubt and where hereditary rights have not been granted expressly, the Court shall not take into consideration any question of fact prior to the issue of Muntakhabs, but where the Muntakhabs have been issued in indefinite terms the court may enquire into the inam decision on which the Muntakhab is based in order to ascertain the period for which the grant was in fact intended to be continued by the authorities empowered to continue the grant. It is only in cases where it is impossible to find out the real intention from the inam decision that the court may take into consideration the Sanad or Sanads on which the inam decision is based. (3) If from the inam decision or the Sanad or Sanads the real intent appears to be that the grant should be continued in perpetuity, an elucidation to that effect shall be made in the succession decision and the grant shall be continued accordingly; otherwise fifteen per cent of the entire grant shall be deducted at each succession in favour of Government so that the grant may terminate in seven generations: Provided, however, that such deductions shall not be made from a grant which is conditional upon religious service.

16.

The period allowed for the submission of appeals shall be as follows:

Days

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|---|----|
| (a) Appeal against the orders of the Atiyat Deputy Collectors | 60 |
| (b) Appeal against the orders of the Atiyat Collector | 60 |
| (c) Appeal against the orders of the Nazim Atiyat | 30 |

17.

The provisions of all previous Government orders, and circulars in so far as they are inconsistent with or a repetition of these rules shall be deemed to have been repealed provided that anything done or any action taken under the previous orders and circulars shall be deemed to have been done or taken under these rules. Form A (See rule 3)

1. Name of the deceased holder from whom succession is claimed and the relationship which the applicant claims with him.

2. Date of the death of the deceased holder.

3. Annual income from the grant or the amount which is drawn if it is a cash grant.

4. The personal share of the deceased holder.

5. The place or places where a grant or grants held by the deceased holder are situated (mention the Court within whose jurisdiction these places are situated).

6. Reference to the orders through which the grant was confirmed in the name of the deceased holder.

7. The number and date of the Muntakhab through which the grant was confirmed.

8. Whether at the time of his death, the deceased holder was actually enjoying the grant or not; and if not, the reason therefor.

9. If the grant was subject to the condition of performance of service

(a) Name of the object of the service and its situation. (b) Elucidation as to whether the service is being performed, if so, who is performing it and in what capacity.

10. What portion of the income of the grant has been specified for the service.

Note: The application for succession shall be accompanied by certified copies of documents mentioned in S. Nos. 6, 7 and 9. Form B (See Rule 14)

1. Name of the erstwhile Jagirdar within whose area the grant is connected.

2. Exact description of the nature, extent and situation of the grant.

Note: Survey Nos. of the plots and the area and assessment shall be given; the treasury and the office through which the amount of the grant was being received shall be mentioned in the case of cash grants.

3. Names of the original grantor and grantee, the date of the original grant and the manner in which it was made.

4. Whether the applicant held the grant immediately before the commencement of the Andhra Pradesh (Telangana Area) Atiyat Enquiries Act, 1952.

5. Total period for which the applicant and his ancestors have been holding the grant.

6. (i) The documents on which the claim is based.

(ii) Names of persons issuing each of the above documents and their position and status empowering them to issue the documents.

7. Names of sharers and Guzaradars, if any, and the amount or extent of each share.

8. Description of the service to be performed if the grant has been made subject to the performance of service and an elucidation as to whether the service is being performed.

Note: If an application concerns several grants, the Form shall be filled in separately for each grant. Appendix (See Rule 15)

1. Banam davedar bahal bashad. (To be continued in the name of claimant).

2. Bar davedar bahal. (Continued in favour of the claimant).

3. Hasbe hal bahal. (Continued as at present).

- 4. Hasbe Ijari hal bahal. (Continued for the time being)**
- 5. Bilfel bahal. (Continued for the time being).**
- 6. Bilfel bahal-wa-jari bashad. (Continued and issued for the time being).**
- 7. Hasbe hal jari bashad. (Be issued as at present).**
- 8. Badastur Bahal. (Be issued as being continued).**
- 9. Ijarai hal bahal. (Continued as at present).**
- 10. Badvedar hal bahal. (Continued in favour of the present claimant).**
- 11. Banam davedar bahal. (Continued in the name of claimant).**
- 12. Bilfel Jan bashad. (Be issued for the time being).**
- 13. Hasbe dastur sabik bahal. (Continued as per past practice).**
- 14. Bahal bashad. (Be continued).**

[Inserted by Revenue DePart Notification dated 25-10-1956.]