

Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-LAND-GRABBING-PROHIBITION-RULES-1988 of 1988

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Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988Published vide G.O.Ms. No. 396, Revenue (L), dated 30.5.1988, R.S. to Part-I (Extraordinary) A.P. Gazette, dated 9.6.1988Last Updated 13th September, 2019In exercise of the powers conferred by sub-section (1) of Section 16 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (Act 12 of 1982 and in supersession of the rules issued in G.O. Ms. No. 967, Revenue (L) Department, dated the 5th July, 1982 and published at pages 1-9 of Part I Extraordinary of the Andhra Pradesh Gazette, dated the 5th July, 1982, the Governor of Andhra Pradesh hereby makes the following rules:Rules

1. Short title and commencement.

- These rules may be called the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988.

2. Definition.

- In these rules, unless the context otherwise requires,-(a)"Act" means Andhra Pradesh Land Grabbing (Prohibition) Act, 1982;(b)"Court" means, the Special Court constituted under Section 7 of the Act and includes the Special Tribunal as defined under Clause (i-b) of section 2 of the Act;(c)"Form" means, a form appended to these rules;(d)"Mandal Revenue Officer" means a Mandal Revenue Officer holding the charge of a Revenue Mandal;(e)"Revenue Inspector" means, Revenue Inspector holding the charge of a Revenue Inspector's post in a Revenue Mandal, and includes a Special Revenue Inspector appointed by the District Collector for purpose of these rules;(f)"Revenue Divisional Officer" means a Deputy collector, Sub-Collector or an Assistant Collector, Incharge or a Revenue Division;(g)"Registrar" means Registrar of the Special Court;(h)"Village" means Revenue Village ;(i)"Tribunal" means the Special Tribunal as defined in Section 2(ib) of the Act.

3. Procedure for making application.

(1) Every application to be made before the Special Court under sub-section (1) of Section 8 or before the Special Tribunal under sub-section (1) of Section (7-A) of the Act, shall be in Form-I and shall be signed and verified by the applicant. (2) Every application under sub-rule (1) shall be made in respect of the lands specified in sub-section (3) of section 1 or in respect of lands situated in other areas notified under sub-section (38-A) thereof. (3) Every such application under sub-section shall be presented in person or by an authorised agent or an advocate to such officer or the Court as may be authorised in this behalf by the Chairman of the Special Court or the Presiding Officer of the Special Tribunal. (4) Every such applicant shall contain a statement in a concise form of the material facts of the claim made therein and shall be accompanied by true copies of all the documents duly attested on which the applicant proposes or is likely to rely. The Petitioner shall file copies in the Court to be verified by the Mandal Revenue Officer or by the Officer authorised by the Court in this behalf and as many copies as are required for service on all the respondents. [4. Courts Fee. - Every application filed before the Special Court or the Special Tribunal and also Appeals and Reviews filed before the Special Court shall be accompanied by a Court fee specified below] [Substituted by G.O. Ms. No. 141, Revenue (A & R), dated 27-3-2002. Published in A.P. Gazette RS to Part 1 Extraordinary dated 3-4-2002.]:-

Sl. No.	L.G.C. Application valuation	Court fee (in Rupees)
1.	From Rs. 1/- upto Rs. 1,00,000/-	Rs. 1,000/-
2.	From Rs. 1,00,001/- to Rs. 5,00,000/-	Rs. 3,000/-
3.	From Rs. 5,00,001/- to Rs. 10,00,000/-	Rs. 5,000/-
4.	From Rs. 10,00,001/- to Rs. 5,00,000/-	Rs. 10,000/-
5.	From Rs. 50,00,001/- and above	Rs. 15,000/-

5. Procedure of Suo motu Action.

- Where a Chairman or any member of the Special Court desires that any case should be taken cognizance of suo motu, he may record a statement of facts within his knowledge and place it before the special Court.

6. Verification of Application.

(1) Every application filed under sub-section (1) of Section 8 of the Act or every case taken cognizance of suo motu by the Special Court or an application filed under sub-section (1) of Section 7-A of the Act, before the Special Tribunal, may be referred for local inspection or verification or both by the Mandal Revenue Officer having jurisdiction over the area or by any other Officer of the Government authorised by the Court in this behalf. (2) The Mandal Revenue Officer or the other Officer to whom the application has been referred under sub-rule (1) shall make or cause to be made an inspection or verification or both, as soon as may be practicable and shall submit a full and complete report within two weeks from the date of receipt of order with reference to Revenue Records and facts on ground as to the following, -(i) the correctness of the statements made in the

application [x x x] [The expression 'with regard to columns 1 to 15 and 19 in Form-I' omitted by G.O. Ms. No. 1350, Revenue (A&R) Department, dated 10.11.2010.];(ii)the facts relating to ownerships, actual possession and use of the land concerned ; and(iii)such other particulars and information as would be useful to the Court to arrive at a correct decision on the claims made in the application.[Provided that the said report is not required to be submitted in respect of the application filed by the Mandal Revenue Officer.] [Proviso Added by G.O.Ms. No. 1076, Revenue (A&R), dated. 29.11.1991.](3)The Mandal Revenue Officer or the other Officer to whom the application has been referred under sub-rule (1) shall also furnish copies of the extracts of the Government records to show the survey number and sub-division number and proof of possession, ownership and use of the land and the payment of dues to the Government.(4)A copy of the report referred to in sub-rule (2) may be furnished to the applicant, to the respondents and other persons, if any having interest in the land on payment of copying charges.[7. Notice of taking cognizance of a case. - (1) The Special Court shall after taking taking cognizance of the case under the Act give notice in Form II-A by publishing it in the Andhra Pradesh Gazette.(2)The Special Tribunal shall after taking cognizance of the case under the Act give notice in Form II-B by publishing it in the Andhra Pradesh Gazette.] [Substituted by G.O. Ms. No. 803, Revenue, dated. 30.11.1988.]

8. Notice to persons interested in land.

(1)The Special Court shall give notice in Form III-A to the persons known or believed to be interested in the land.(2)The Tribunal shall give a notice in Form III-B to the persons known or believed to be interested in the land.[9. Notice to the Land Grabbers. - (1) The Special Court shall, before passing an order under sub-section (7) of Section 8 of the Act, and the Special Tribunal shall before passing an order under sub-section (5) of Section 7A of the Act, give notice to the land grabber in Form IV-A.] [Substituted by G.O. Ms. No. 916, Revenue (A&R), dated 12.9.1994, Published in A.P. Gazette R.S. Part I (Extraordinary) No. 20.9.1994.](2)The Special Tribunal shall, before passing an order under sub-section (5) of Section 7-A of the Act, give notice to the land grabber in Form IVB.

10. Serving of Notice.

- All notices under the Act and the rules made thereunder shall be served by registered post with acknowledgement due. Within three days after the order of the Court the petitioner or appellant shall file before the Registrar/Superintendent or as the case may be, the required number of covers correctly addressed and bearing the required stamps and accompanied by postal acknowledgement forms. The postal acknowledgement purporting to bear the signature of the respondent or adult member of the family shall be sufficient service of the notice. The Court may declare that an endorsement of refusal made by the postman shall be deemed to be sufficient service. If the covers returned with an endorsement that the addressee is not residing at the address or left the place without instructions, the Court may direct substituted service by publication in any Newspaper in the local language having circulation in the area in which the respondent is known to have last resided.

11. Filing of Counter.

- The respondent of interested party may, and if so directed by the Court shall, file Counter within a period of fourteen days or such extended time as the Court may grant.

12. Withdrawal of the case from the Special Tribunal.

- An application for withdrawal of a case pending before any Special Tribunal shall be made to the Court in the form of original petition accompanied by an affidavit stating the reasons for the withdrawal of the application. Notice of the withdrawal shall be served on the other side before presentation of the petition.

13. Application of the Code of Civil Procedure, 1908.

- The Special Court shall have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) when trying an application 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 material objects;(c)issuing Commission for examination of witnesses ;(d)every enquiry or investigation by the Court shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of Indian Penal Code, 1860 (45 of 1860).

14. Transfer of criminal cases to other Benches.

- If any bench of the Special Court trying a case of land grabbing on an application under Section 8 of the Act, considers that the criminal liability should also be determined simultaneously, it shall place the papers before the Chairman for entrustment of criminal trial to another bench. The judgment in the criminal case shall not however be delivered until the proceedings on the rights over property involved are settled.

15. Procedure for taking possession.

- [(1) The Court/Tribunal shall communicate its final decision or order in respect of the Government land to the affected parties and also to the Revenue Divisional Officer to give effect to its decisions. In respect of other lands the final decision/ order shall be communicated to the affected parties who shall take action to give effect to the decision in accordance with the provisions of the code of Civil Procedure, 1908.] [Substituted by Notification No. G.O.Ms. No. 396, dated 25.8.2012 (w.e.f. 9.6.1988).](2)The Revenue Divisional Officer shall on receipt of the order of the Court issue or arrange to issue a direction in Form V deputing any Officer not lower in rank than a Revenue Inspector to take possession of the grabbed land on behalf of the Court and deliver possession of the land to the person ordered by the Court.(3)A copy of the authorisation issued by the Revenue Divisional Officer shall be served or arranged to be served on the person in possession or occupation of the land, as the case may be.(4)Where the person in possession or occupation of the grabbed land delivers possession thereof voluntarily, the officer so deputed by the Revenue Divisional Officer

under sub-rule (2) shall record a statement of the person to that effect and also record a certificate in Form VI and send the same to the Revenue Divisional Officer concerned and the Court.(5)Where the person in possession or occupation of the grabbed land fails to deliver possession of that land voluntarily the officer, so deputed under sub-rule (2) may enter on the land and take possession thereof on behalf of the Revenue Divisional Officer after removing any obstruction or unauthorised occupant, if any, on such land, by taking such Police assistance as may be necessary and record a certificate in Form VII duly attested by two witnesses.(6)The certificate in Form VII shall be prepared in triplicate and one copy each shall be sent to the Special Court/Revenue Divisional Officer/Mandal Revenue Officer.(7)Where the Revenue Divisional Officer directs the Officer so deputed to deliver possession to the person ordered by the Court, the Officer shall accordingly deliver possession and record a certificate to that effect.(8)Where the Revenue Divisional Officer has been directed that the land taken possession of shall be kept under his control and management, the officer so deputed under sub-rule (2) shall, take possession of the land and report the same to the Revenue Divisional Officer and seek his directions.(9)An order granting compensation and also profits and cost of redelivery passed in favour of a owner other than the Government, may be executed by the Court through the Tribunal in accordance with the provision of the Code of Civil Procedure, 1908.(10)The Tribunal shall execute its order granting compensation and also profits and costs of redelivery passed in favour of a owner other than the Government in accordance with the provisions of the Code of Civil Procedure, 1908.

16. Appeals.

(1)An appeal under sub-section (3) of Section 7A of the Act shall be preferred in the form of a Memorandum in Form VIII signed by the appellant or his advocate and presented to the Registrar. The Memorandum shall set forth concisely and under distinct heads, the grounds of objection to the order appealed against and the precise relief sought for.(2)The Memorandum of appeal presented shall be accompanied by as many authenticated copies on plain paper, of the Memo, of appeal, and order of the Tribunal as there are respondents to be served and four such copies in addition for Court record, besides the certified copy of the order as required to be filed under Order XLI, Rule I of the Code of Civil Procedure, 1908 (Central Act V of 1908).(3)When appeal is presented after the expiry of the period prescribed by the Act, it shall be accompanied by an application supported by an affidavit stating the facts of which the appellant relies to satisfy the Court that he had sufficient cause for not preferring an appeal within the period specified. If the Special Court sees no reason to reject the application, without issue of notice to the respondents, notice shall be issued to the respondents and the matter shall be finally decided by the Special Court before it proceeds to deal with the appeal.(4)Where on the day fixed or any other day to which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.Explanation:- Nothing in this sub-rule shall be construed as empowering the Court to dismiss the appeal on merits.(5)Where the appellant appears and the respondent does not appear, the appeal shall be heard ex-parte.

17. Procedure of Hearing Applications/Appeals.

- The Code of Civil Procedure shall mutatis mutandis apply to the hearing of applications/appeals before the Special Court so far as they are not inconsistent with the provisions of the Act and the rules made thereunder.

18. Review.

(1)An application for the review of the order passed by the Court shall be preferred within thirty days from the date of the order of which the review is sought.(2)Review application shall be decided ordinarily by the same members who have passed the order or judgment under review. If however the member ceases to hold office, the Chairman shall nominate any other member in his place to hear the review petition. In cases where the Chairman who happened to be the member of the Bench ceases to hold office, his successor shall hear the review petition.

19. Seal and Emblem.

- The Official Seal and Emblem of the Special Court/ Special Tribunal shall be such as may be specified by the Government.[Form I] [substituted by G.O.Ms. No. 1350, Revenue (A&R) Department, dated 10.11.2010.][See Rule 3]Application under sub-section (1) of Section 7-A and under sub-section (1) of Section 8 of Andhra Pradesh Land Grabbing (Prohibition) Act, 1982ToThe Special Tribunal (District Judge/Chief Judge, City Civil Court, Hyderabad)The ChairmanSpecial Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, Hyderabad.

1. Between

and: Applicants: Respondents

2. Description of the Applicant:

3. Description of the Respondents:

4. Concise Statement/brief facts of the case:

5. Cause of Action:

6. Jurisdiction:

7. Value of the Land:

Whether there are any Houses or structures on the land, to whom they belong, how they were acquired; Market value of the Land.

8. A Co-relation statement between the Survey and Sub-Division of the last Re-survey done and the previous survey:

9. Court Fee:

10. Prayer:

Counsel for the ApplicantApplicantVerificationI, the above named applicant do hereby declare that the contents of the application are true and correct to the best of my knowledge, belief and information.Hence verified on this the_____day of month_____20____.Applicant

of Property

1. Name of the Village/Municipality/Corporation:

2. Name of the Mandal:

3. Name of the District:

4. Classification of the Land:

5. Survey Number and Sub-division:

6. Extent:

7. Boundaries of Survey Number of adjacent lands:

North : East :South : West :List of Documents

Sl. No. Date of Document Description

Counsel for applicant]Form II-A[See Rule 7 (1)]NoticeThe Special Court has taken cognizance of the case filed by Sri..... Son ofIt is alleged that the land belonging to.....as specified in the Schedule below is grabbed by Sri Son of.....Notice is hereby given to whomsoever it may concern including the custodian of evacuee property concerned as required under the first proviso to sub-section (6) of Section 8 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (A.P. Act 12 of 1982). If any person intends to object he may submit his objection if any before the Special Court on or before theday of.....19for its consideration.If no objections are received by the Special Court within the stipulated time it will be presumed that there are no objections for proceeding further and the case will be proceeding accordingly.Signature :Designation :The

Schedule

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	Sl. No. sub-division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
1	2	3	4	5	6	7

Form II-B[See Rule 7 (2)]The Special Tribunal (District) has taken cognizance of the case filed by Sri Son of Sri It is alleged that the land belonging toas specified in the schedule below is grabbed by Sri Son of SriNotice is hereby given to whomsoever it may concern including the custodian of evacuee property as required under the first proviso to sub-section (4) of Section 7-A of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (A.P. Act 12 of 1982). If any person intends to object he may submit his objections if any to this Special Tribunal District on or before the day (Month) (Year) for its consideration.If no objections are received by the said Special Tribunal within the stipulated period, it will be presumed that there were no objections for proceeding further and the case will be proceeded accordingly.Signature :Designation :The Schedule

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S. No. subdivision No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
1	2	3	4	5	6	7

Special Tribunal :Form III-A[See Rule 8 (1)]NoticeThe Special Court has taken cognizance of the case filed by Sri Son of it is alleged that the land belonging to Sri as specified in the Schedule below is grabbed by Sri Son of Notice is therefore given to Sri Son of as required under the third proviso to sub-section (6) of Section 8 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (A.P. Act 12 of 1982). If he has any objection he may submit his objections if any before the Special Court on or before the day of (month) (year) for consideration.If no objections are received by the Special Court within the stipulated time it will be presumed that he has no objection to proceed further and the case will be proceeded accordingly.Signature :Designation :The Schedule

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S. No. subdivision No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
1	2	3	4	5	6	7

Signature :Designation :Form III-B[See Rule 8 (1)]NoticeThe Special Tribunal has taken cognizance of the case filed by Sri Son of it is alleged that the land belonging to Sri as specified in the Schedule below is grabbed by Sri Son ofNotice is therefore given to Sri Son of as required under the third proviso to sub-section (4) of Section 7-A of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (A.P. Act 12 of 1982). If he has any objection he may submit his objection if any before the Special Tribunal on or before the day of (Month) (Year) for its consideration.If no objections are received by the Special Tribunal within the stipulated time, it will be presumed that he has no objection to proceed

further and the case will be proceeded accordingly. Signature : Designation : The Schedule

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S. No. subdivision No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
1	2	3	4	5	6	7

[Form IV] [substituted for the forms IV-A & Form IV-B, by G.O. Ms. No. 916, Revenue (A&R) dated 12.9.1994, Published in A.P. Gazette R.S. to Part I (Extraordinary) No. 47, dated 20.9.1994.][See Rule 9]In the Special Court/Tribunal under Andhra Pradesh Land Grabbing (Prohibition)

Act L.G.C.No. 19 Between..... Applicant/sand..... Respondent/sThe Special Court/Tribunal has taken cognizance of the case filed by the above named applicant under Section 8 (1) 7A (1) of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 and directed to issue notice under Section 8 (6), 7A (4) of the said Act. You are hereby required to appear in person or by Advocate duly instructed on the day of 19 at 10-30 A.M. to answer all material questions relating to the above case. You are also hereby given an opportunity under Section 8(7)/7-A(5) of the said Act to file written statement and adduce evidence if any in this regard. Also take notice that in default of your appearance on the aforesaid day, the application will be heard and determined in your absence. Given under my hand and seal of this Court, this the day of 19 Officer's Signature : Designation : Special Court/Tribunal : Form V [See Rule 15 (2)] Office of Direction to take and deliver possession. The Special Court/Special Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (Act 12 of 1982) by its order number..... dated has decided that the ownership of the land grabbed mentioned in the schedule below, belongs to the Government/local authority/religious or charitable institution or endowments or wakf/person (by name) You are hereby deputed to take possession of the land grabbed on behalf of the Government from Sri Son of resident of Village in Mandal of District who is in possession of occupation of the said land and deliver the possession to the said owners, within a week from the date of receipt of this authorisation. The fact of delivering the land to the rightful owner may be reported immediately. Officer Designation : The Schedule

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	S. No. subdivision No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
1	2	3	4	5	6	7

Form VI [See Rule 15 (4)] Certificate This is to certify that the Land mentioned in the schedule below which is in my possession/occupation and I have voluntarily delivered possession of the said land to Sri Son of Government/Religious or Charitable Institution/Endowment including Wakf/local authority. Signature : Designation : Witnesses :

1.

2.

The Schedule

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	Sl. No. subdivision No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
1	2	3	4	5	6	7

Form VII[See Rule 15 (5) & (6)]CertificateThis is to certify that Sri Son of who is in possession of occupation of the land shown in the schedule below having failed to deliver possession of the said land/voluntarily in pursuance of the orders of the Special Court/Tribunal. I have entered the said land and have taken possession thereof after removing the obstruction and unauthorised occupation on the said land on this day the day of (Month) (Year).Officer authorised to take possessionWitnesses :

1.**2.**

The Schedule

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	Sl. No. subdivision No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
1	2	3	4	5	6	7

Form VIII[See Rule 16(1)]Form of cause title of the AppealIn the Special Court under the Land Grabbing (Prohibition) Act HyderabadAppeal No. of 19Between :

1.2. A.B.C.D.(Petitioners) Appellants

and

1.2. E.F.G.H Respondents

On appeal from the Court of the Special Tribunal (District Judge) of in O.P. No. of 19The appellant above named appeals to the Special Court under A.P. Land Grabbing (Prohibition) Act at Hyderabad from the orders of the Special Tribunal in O.P. No. of 19 dated the day of 19 and sets forth the following grounds of objection to the order, appealed from namely:-l.

2.

3.