

Andhra Pradesh (Andhra Area) Tenancy Rules, 1980

ANDHRA PRADESH

India

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Rule

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Andhra Pradesh (Andhra Area) Tenancy Rules, 1980Published vide Notification Andhra Pradesh Gazette R.S. to Part 2, Extraordinary, dated 27-6-1980.(G.O.Ms. No. 2792, Revenue (F) Department, dated 27-6-1980)In exercise of the powers conferred by Section 19 of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (Act 18 of 1956) and in supersession of the Andhra Tenancy Rules, 1957, published at page 13, Part I, Extraordinary, of the Andhra Pradesh Gazette, dated 23rd January, 1957, the Governor of Andhra Pradesh hereby makes the following rules namely:Rules

1. Short title and commencement:.

(1)These Rules may be called the Andhra Pradesh (Andhra Area) Tenancy Rules, 1980.(2)They shall come into force with effect on and from the 1st July, 1980.

2. Definitions:.

(1)In these rules unless the context otherwise requires:(i)'Act' means the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (Act 18 of 1956);(ii)'Form' means a form appended to these rules;(iii)'Schedule' means the schedule appended to these rules;(iv)'Section' means a section of the Act.(2)Words used in these rules but not defined shall have the same meaning as is assigned to them in the Act.

3. Application for adjudication of disputes:.

- Every application for adjudication of disputes under the provisions of the Act shall bear a court fee label of Rs. 2/- and shall be in Form-I and shall in addition bear the appropriate court fee label or

labels towards process fee as specified in the Schedule.(2)Every such application shall be accompanied by sufficient spare copy/copies for service on the respondent(s).

4. Procedure for enquiry:.

(1)On receipt of an application under Rule 3, the Special Officer shall fix the date on which and the place and time at which the enquiry, in respect of the application will be held and shall issue notice thereof to the applicant or applicants and to the respondent or respondents mentioned in the application:Provided that no such notice need be issued to the applicant or applicants if the place, date and time fixed for enquiry has been intimated to the applicant or applicants or to the agent employed by him or them at the time of presentation of the application.(2)The notice referred to in sub-rule (1) shall be served in Form II by delivering or tendering it to the party or to his agent, or to any adult member of his family, or where none of the above course is practicable by affixing it at his last known place of residence, or by sending it to his last known place of residence by registered post-acknowledgement due and in the case of the respondent, it shall be accompanied by a copy of the application.(3)The respondent shall be entitled to file a counter to the application within a period of ten days from the date of service of the notice referred to in sub-rule (5) or within such further times as the Special Officer may for sufficient reasons allow.(4)On the date fixed for the enquiry under sub-rule (1) or on such further date or dates to which the inquiry may be adjourned, the Special Officer shall give a reasonable opportunity to the parties to state their case and to adduce such evidence, both oral and documentary, as may be necessary in support thereof, and shall thereupon pass such orders as he deems fit.(5)In making an inquiry under the Act, the Special Officer shall have power:(a)to summon witnesses and call for the production of documents;(b)to examine parties and witnesses on oath and affirmation and reduce into writing the statements made by the persons so examined;(c)to enter upon and inspect any land and do any other act which in his opinion may be necessary for carrying out the provisions of the Act and these Rules;(6)Every order passed by the Special Officer shall be pronounced in open court:(a)on the date to which the proceedings may have been adjourned or if that be not practicable;(b)on the date in respect of which notice has been given to the parties.(7)The order referred to in sub-rule (6) shall be in writing and shall be served on the party in person, or on his agent or legal practitioner or shall he sent to him by registered post acknowledgement due.(8)The summons issued to a witness either to appear in person or to produce documents shall be in Form-III.

5. Resumption:.

(1)The land holder requiring the land leased out to a cultivating tenant for his personal cultivation under sub-section (2) of Section 12 shall file in Form IV an application to the Special Officer in whose jurisdiction the land is situated.(2)The application referred to in sub-rule (1) shall be accompanied by a certified extract from the village records showing the location and extent of the entire holding held by the land-holder and the cultivating tenant.(3)The Special Officer shall, on receipt of an application under sub-rule (1), conduct an enquiry to determine whether the land holder can resume the land for his personal cultivation.(4)The Special Officer shall cause a copy of the application of the land holder referred to in sub-rule (1) to be served on the cultivating tenant and shall call upon him to show cause within fifteen days from the date of such service or within

such further period as the Special Officer may allow why the application should not be complied with.(5)After the expiry of the period mentioned in sub-rule (4), the Special Officer shall under intimation to the land holder and the cultivating tenant to fix the time, date and place for conducting enquiries into the application for resumption.(6)On the date so appointed or on any other date or dates to which the enquiry may be adjourned by him, the Special Officer shall, after hearing the parties and the witnesses and after examining the documents, if any, and after taking such further evidence as he may consider necessary, pass such orders as he deems fit.

6. Restoration:.

(1)An application for restoration of possession of land under sub-section (3) of Section 12 by the cultivating tenant shall be made to the special Officer in Form-V.(2)On receipt of an application under sub-rule (1), the Special Officer shall send a copy of such application to the land holder and shall call upon him to file in writing on or before the date specified therein or within such further period as the Special Officer may allow for sufficient reasons to be recorded in writing a statement showing the grounds, if any, as to why the application for restoration of possession should not be complied with.(3)The Special Officer shall on receipt of the statement presented under sub-rule (2), or if no statement is presented within the period allowed he shall after the expiry of such period, issue notices to both the parties intimating the time, date and place at which he proposes to enquire into such an application. On the date so appointed or on any other date to which the enquiry may be adjourned by him, the Special Officer shall after hearing the parties and their witnesses, if any, present and after examining the documents, if any, filed by either party and after taking such further evidence as he may consider necessary pass such orders as he deems fit.

7. Notice:.

(1)The notice required to be given by the land holder under sub-section (1) of Section 15 of the Act, to the cultivating tenant shall be in Form-VI.(2)The cultivating tenant shall exercise his option to purchase the land within thirty days from the date of receipt of such notice.(3)When an application under sub-section (3) of Section 15 of the Act for determination of the reasonable price of land is received by the Special Officer, he shall determine the reasonable price of the land in the manner prescribed in the proviso to sub-section (3) of Section 15.(4)The Special Officer shall fix the dates on which and the person to whom the reasonable price determined in sub-rule (3) shall be paid in ten equal annual instalments by the cultivating tenant under sub-section (4) of Section 15.

8. Appeal:.

(1)Every appeal under sub-section (2) of Section 19 shall be in writing and shall set forth concisely the grounds thereof and shall be presented in person or by agent or be sent by registered post to the District Judge or in his absence to the Head Ministerial Officer of his Office.(2)Every such appeal shall bear a Court fee label of Rs. 3/- and shall, in addition bear also a Court fee label or labels of the value calculated in accordance with the scale prescribed in the Schedule towards the process fee for service of notice on the respondent or respondents and shall be accompanied by an authenticated copy of the order of the Special Officer appealed against.(3)Every such appeal shall also be

accompanied by a spare copy or a sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.(4)In computing the period of thirty days specified in sub-section (2) of Section 16 the time taken for obtaining a copy of the order of the Special Officer shall be excluded.

9.

(1)On receipt of an appeal under Rule 8 the District Judge shall fix the date on which and the time and the place at which, the appeal shall be heard and shall issue notice thereof to the appellant or the appellants and to the respondent or the respondents mentioned in the appeal:Provided that no such notice need be issued to the appellant if particulars of the place, date and time fixed for the hearing of the appeal are intimated to the appellant or to his agent at the time of presentation of the appeal.(2)The notice referred to in sub-rule (1) shall be in Form VII and shall in the case of a notice to the respondent be accompanied by a copy of the appeal.(3)The notice referred to in sub-rule (1) shall be served in the same manner as the notice referred to in sub-rule (2) of Rule 4.(4)The respondent shall be entitled to file a counter to the appeal within a period of one month from the date of service of the notice referred to in sub-rule (1) or within such further period as the District Judge may for sufficient reasons allow.(5)On the date fixed for the hearing of the appeal under sub-rule (1) or on any other date or dates to which the hearing may be adjourned, the District Judge shall give a reasonable opportunity to the parties to state their case and adduce their arguments and shall thereupon pass such orders as he deems fit.(6)Every order passed by the District Judge shall be pronounced in open court.(a)on the date to which the proceedings may have been adjourned or if that be not practicable;(b)on any date in respect of which notice has been given to the parties.(7)The order referred to in sub-rule (6) shall be in writing and shall be served in the same manner as the order referred to in sub-rule (6) of Rule 4.(8)The District Judge may, pending disposal, of the appeal stay the orders of the Special Officer appealed against.

10. Determination of Fair rent:.

(1)In determination of fair rent under Section 6, the Special Officer shall have regard to the following factors besides those specified in Clauses (a) to (f) of sub-section (2) of Section 6:(a)the amount of special land tax, if any, payable by the landlord in respect of the land under the Andhra Pradesh Irrigation Projects (Special Land Tax) Act, 1976 (Act No. 35 of 1976);(b)the water cess, if any, payable by the landlord in respect of the land under the Andhra Pradesh (Andhra Area) Irrigation Cess Act, 1865 (Act VII of 1865);(c)the water cess, if any, payable by the landlord in respect of land under the Andhra Pradesh (Andhra Area) Irrigation Works (Levy of Compulsory Water Cess) Act, 1955; (Act 24 of 1955);(d)any other tax or cess levied under any other law for the time being in force in respect of the land, or in respect of the crop grown thereon.

11. Rents:.

(1)The deposit of rents under Section 7 of the Act, shall be made in the following manner:(a)if the rent is payable in cash, it shall be deposited in the treasury:(b)If the rent is payable in kind, the tenant shall give advance intimation of such deposit to the Special Officer and shall deposit the rent

with the headman of the village in which the land is situate or such officer as may be specified by the Special Officer in this behalf. The tenant shall thereupon be entitled to a receipt for the rent, so deposited.(2)The receipt for the rent deposited, whether the rent be in cash or in kind shall be filed before the Special Officer as soon as practicable after such deposit.(3)The Village Headman or the officer specified by the Special Officer under sub-rule (1) with whom the rent in kind has been deposited shall take all such steps as may be necessary for the safe and proper custody of the produce so deposited and shall keep the Special Officer informed, from time to time, of the condition of the produce. The Special Officer may, at any time, having regard to the condition of the produce and the facilities available for its custody, order that the produce be sold at the market rate prevailing in the locality and the proceeds of such sale shall thereupon be deposited in treasury and the amount so deposited shall thereafter be deemed to be rent deposited.

12. Notice to deposit balance of rent:.

(1)The Special Officer requiring a cultivating tenant to deposit the balance of rent due under Section 7 shall issue a notice to him in Form VIII. Such notice shall be served on the cultivating tenant or on his agent or shall be sent to him by registered post acknowledgement due.(2)On the deposit of such balance, the Special Officer shall pass an order for its payment to the landlord.

13. Remission of rent:.

- A copy of every application for remission of rent under Section 8 shall be served on the landlord in person or by sending it to him by registered post acknowledgement due.

14. Period of lease:.

(1)Every lease under Section 10, shall besides the particulars specified in the said section, contain particulars relating to the restrictions, if any, in regard to growing of any crops on the holding. The period of tenancy and the date of commencement thereof, and the date on or before which the rent is payable:Provided that nothing in this rule shall apply to a lease entered into before the publication of these rules.(2)Every cultivating tenant who makes payment on account of rent shall be entitled to obtain a receipt for the amount paid, duly signed by the landlord or his authorised agent.

15. Notice by landlord:.

- The Notice referred to in Section 12 shall be given to the Special Officer and the cultivating tenant in person or sending it to them by registered post acknowledgement due.

16. Notice of termination of tenancy by cultivating tenant:.

- The notice referred to in sub-section (1) of Section 14 shall be given to the Special Officer and the landlord in person or sending it to them by registered post acknowledgement due.

17. Execution of decision and order:.

- Every decision or order of the Special Officer or the District Judge under the Act, shall be executed by an officer authorised by the Special Officer or the District Judge, as the case may be.

18. Nature of proceedings:.

(1)All proceedings before the Special Officer or the District Judge under the Act shall be summary and shall be governed, as far as may be, by the provisions of the Code of Civil Procedure, 1908.(2)Any party shall, in any proceeding before the Special Officer or the District Judge, be entitled to be represented by his agent or legal practitioner:Provided that the Special Officer or the District Judge, as the case may be, may, at any stage of the proceeding require the party to appear in person.

19. Adjudication:.

- In any proceeding before the Special Officer or the District Judge, the Special Officer or the District Judge, as the case may be, may:(i)appoint a receiver for the management of the land in respect of which the application or appeal, as the case may be, has been filed;(ii)issue suitable injunction; and(iii)issue order of attachment.

20. Court Fees:.

- Every person applying for the issue of any process under the Act shall pay process fees calculated in accordance with the scale prescribed in the Schedule and the fees shall be payable in the form of Court fee labels affixed to the application for the issue of the process.

21. Mode of service:.

(1)In any proceeding before the Special Officer or the District Judge, the Special Officer or the District Judge as the case may be, may:(a)in cases where process has not been duly served or has not been served sufficiently in advance owing to the default or the neglect of the party applying for the process, order fresh process to be issued and order such party to pay the process fees within a specified time:(b)at any stage at the proceedings, order for issue of any notice, or summons which in his opinion is necessary and order either party to pay the process fees.

22. Levy of Additional Fees:.

- Where the service of any process is likely to involve the incurring of conveyance charges by the person serving the process, the Special Officer or the District Judge, as the case may be, may in addition to the process fees prescribed in the Schedule, levy an additional fee not exceeding the charges likely to be so incurred. The fee thus levied shall be paid in the form of Court fee labels.

23. Payment of Travelling and Subsistence Allowance:.

(1) Every person summoned under the Act to give evidence shall, upon attendance be entitled to travelling and subsistence allowances as hereinafter provided. (2) The travelling allowance payable shall be the minimum fare for the to and from journeys by a convenient public conveyance. (3) The subsistence allowances shall be such as may be determined by the Officer issuing the summons, being not more than Rs. 5/- for every day, on which the attendance of the person is required.

24. Deposit of T.A. :.

- The party at whose instance the summons is to be issued, shall deposit in advance with the Special Officer or the District Judge, as the case may be, an amount equal to the travelling and subsistence allowances, payable under Rule 23 and no summons shall be issued until the amount has been so deposited.

Schedule

[See Rule 8(1) and 8(2)] Rates of process fee

Nature of process	Amount payable
	Rs. Ps.
	(a) Summons for each defendant, respondent or witness served by an officer of the Court
	1

(b) On every additional defendant-respondent or witness residing in the village, if process is applied for at the same time. 0-50

(c) Every other process including process for delivery of possession 1

FORM - I Application for adjudication of disputes under the provisions of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 [See Rule 3(a)(1)]

1.	Names and addresses of the parties to the dispute	:
2.	Location	:
3.	Description and the extent of the holding in respect of the disputed land	:
4.	The period of tenancy and the date of its commencement	:
5.	The agreed rent payable	:
6.	Relief prayed for and the grounds adduced in support thereof.	:

Signature of the Applicant

Form - II Notice [See Rule 4(2)] To..... Whereas an application has been filed under sub-section (1) of Section 16 of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (Act XVIII of 1956) as amended for the adjudication of dispute, and whereas you are mentioned as a party to the dispute. Take notice that it is proposed to hold an inquiry into the said dispute..... (place) on.... date.... at.... (time) and that you may appear at the said inquiry and give such evidence as may be necessary in support of your case, failing which the inquiry will be held and the dispute decided ex parte. A copy of the application is enclosed. You may file a counter within a period of ten days from the date of this notice. (to be scored out wherever unnecessary) Special Officer. Form - III Form of Summons [See Rule 4(8)] In the Office of the District Judge or Special Officer No..... At..... Between Applicant/Appellant and Respondents

1.

2.

To..... Whereas your attendance is required to give evidence to produce the following documents on behalf of the..... in the above application/appeal, you are hereby required to appear in person before this office on the..... day..... of..... 200.... O'clock at.... (place of enquiry) has to be noted and to bring with you the said documents..... (particulars of the documents)..... Given under my hand and the seal of the office of the District Judge/Special Officer..... this..... day of..... District Judge/Special Officer. Note: - If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this office on the day and hour aforesaid. If the document you are summoned to produce is an entry in a letter, book or a shop book or other account in current use and you are desirous of receiving back the document, you may furnish along with the document a copy of the entry. Form - IV Application for Resumption of Land [See Rule 5(1)]

1. Applicant's name and address

2. Particulars of the total holding held by the applicants

Name of the village		S. No.	Extent	Wet or Dry
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3. Area under personal cultivation

Dry	Ac	Wet	Ac
-----	----	-----	----

4. Area leased out to a tenant

Dry	Ac	Wet	Ac
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5. Particular of land to be resumed

Village	S. No.	Extent	Wet or Dry
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6. Particulars of land which will be left with the cultivating tenant

7. Name and address of the Cultivating tenant

Signature of the Applicant Form - V Application for Restoration of Possession [See Rule 6(1)] To The Special Officer.....

1. Name of the applicant

2. Father's Name

3. Village

Sir, I was a cultivating tenant entitled to restoration of possession of the agricultural land noted below.

Sl. No.	Name of the pattadar	Extent	Assessment
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(1)	(2)	(3)	(4)
-----	-----	-----	-----

I have been a cultivating tenant in respect of the lands noted above from the year....to....and the person named below was the land holder who resumed possession of the land under Section 12 of the Act for personal cultivation but failed to cultivate the land as prescribed in sub-section (3) of Section 12.

1. Name of the land-holder

2. Father's name

My witnesses are :

Name	Father's name	Address
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1.

2.

3.

I file herewith the following documents on my behalf, I request that an enquiry may be held and orders passed to restore the possession of the land to me. Your's faithfully (Signature) Form - VI Notice to be given by the Land-holder under Section 15(1) of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 [See Rule 7(1)] Date..... To Sri..... Whereas I..... being the landlord owning the lands, details of which are given below intend to sell the land leased to you, being the cultivating tenant. I hereby give you notice as required under Section 15(1) of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956, to exercise your option to purchase the said land. Your option in this regard should reach me within thirty days from the date of receipt of this notice. Details (1) Village in which land is situated (2) Details of the land held by the cultivating tenant (a) Survey Number : (b) Name of the field, if any : (c) Extent : (d) Assessment : Signature of the Landlord Form - VII Notice [See Rule 9(2)] To..... Whereas an appeal has been filed under sub-section (2) of Section 16 of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (Act XVIII of 1956) against the order of the Special Officer in..... dated..... and whereas you are mentioned as a party to the said appeal. Take notice that it is proposed to hear the appeal at..... (Place) on date)..... at..... (time) and that you may appear at the said hearing, failing which the appeal will

be heard and decided ex parte. A copy of the appeal is enclosed. You may file a counter within a period of one month from the date of service of this notice. District Judge. Form - VIIINotice[See Rule 12(1)]Whereas on an application filed under Section 6 of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (Act XVIII of 1956) as amended by Andhra Pradesh (Andhra Area) Tenancy Act, 1974 (Act 39 of 1974) for the determination of fair rent, the fair rent has been determined as Rs.and you have under Section 7 of the aforesaid Act deposited rent equal to.....and whereas consequently a balance of Rs.is due from you, you are hereby required to deposit the said balance within a period of fifteen days from the date of receipt of this notice:Special Officer