

Andhra Pradesh (Telangana Area) Abolition Of Inams Rules, 1975

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-TELANGANA-AREA-ABOLITION-OF-INAMS-RULES of 1975

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Andhra Pradesh (Telangana Area) Abolition Of Inams Rules, 1975Published vide in Andhra Pradesh Gazette Part 2 (Extraordinary No. 27), dated 28.6.1975.(G.O. Ms.No.870, Revenue (G), 27th June, 1975)In exercise of the powers conferred by sub-section (1) of Section 35 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (Act VIII of 1955), the Governor of Andhra Pradesh, hereby makes the following rules:Rules

1. Short title, extent and commencement:.

(1)These rules may be called the Andhra Pradesh (Telangana Area) Abolition of Inams Rules, 1975.(2)They extend to the whole of Telangana area of the State of Andhra Pradesh.(3)They shall be deemed to have come into force with effect from the 1st November, 1973.

2. Definitions:.

- In these rules, unless there is anything repugnant in the subject or context:(a)'Act' means the Andhra Pradesh (Telangana Area) Abolition of barns Act, 1954;(b)'section' means a section of the Act;(c)'form' means a form appended to these rules.

3. Preparation of a register by the Collector of each district or other authorised officer showing the nature of inams in each village, and the revenue collected thereon:.

- Immediately after publication of these rules in the Official Gazette the Collector of each district or any other officer not below the rank of a Deputy Collector who may be authorised by the Government by a notification in the Official Gazette to discharge the functions of the Collector under the Act shall prepare and maintain a register showing the nature of the inam in each village and the land revenue which is being collected under clause (c) of sub-section (1) of Section 3 of the Act.

4. Exercise of right of resumption by the inamdar:.

- No inamdar shall resume the land under sub-section (4) of Section 4 to make up the deficiency to the extent of 3 family holdings under the provisions of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, unless he has, [within a period of nine months] [Amendment by G.O.Ms. No. 176 Reference, dated 11.2.1976.] from the date of publication of these rules in the Official Gazette, filed with the Deputy Collector in the manner prescribed in the Hyderabad Resumption of Land for Personal Cultivation Rules, 1955 a statement of reservation demarcating the lands which he reserves for the exercise of the right of resumption.[5. Application, enquiry by the Collector, for the purpose of registration of inamdar and the like: - Any enquiry for the registration of an inamdar, kabiz-e-kadim, permanent tenant, protected tenant and non-protected tenant or his successors in interest, as an occupant under Sections 4, 5, 6, 7 and 8 of the Act in respect of inam land, which was in his possession on the date of vesting, shall be made by the Collector, either suo motu at any time or on an application is made by an inamdar, kabiz-e-kadim etc. Where an application is made, it shall be in Form 1 and shall be signed by the applicant. Where an application is made by a person other than the inamdar, such inamdar shall be made a party to the application. In respect of inams, for which no application has been filed, the Collector shall take up suo motu enquiry. No person shall be given a certificate of registration as an occupant in respect of communal lands, uncultivated lands, waste lands, pasture lands, grazing lands, forests, mines and minerals, quarries, rivers and streams, tanks, tank beds and irrigation works, fisheries and ferries and land set apart for the village community which vested absolutely in the State free from all encumbrances:Provided that in respect of inams held by or for the benefit of charitable and religious institutions (wakfs, temples, charitable and religious endowments etc.), the application for the purpose of registration shall be made by the trustee, managing committee, executive officer or other person in charge of the management of such charitable and religious institutions.] [Rule 5 Substituted by G.O.Ms. No. 1020 Revenue (J.A.), dated 15.10.1994. (R.S. to Part II, (Extraordinary) Andhra Pradesh Gazette dated 10.10.1994. (2).]

6. Registration of non-protected tenant as occupant:.

(1)On receipt of an application [under Rule 5 or in a suo motu enquiry], the Collector shall issue a notice in Form II to every [person claiming or having interest] [Substituted by G.O.Ms. No. 1020 Revenue (J.A.), dated 15.10.1994. (R.S. to Part II, (Extraordinary) Andhra Pradesh Gazette dated 10.10.1994. (2).] in the land specified in such notice, fixing a date on which an enquiry is to be held and calling for objections, if any, within a period of fifteen days from the date of publication of such notice.(2)On the date fixed under sub-rule (1) or any subsequent date to which 4, the enquiry may be adjourned, the Collector shall give to the parties interested, a reasonable opportunity of being heard and to adduce such evidence, both oral and documentary, as may be necessary and shall, also

examine such other person or persons and documents, if any, as he considers necessary to ascertain in the area of the land held by the applicant and pass an order under Section 10 and determine: (a) [the extent of inam land to which the inamdar, kabiz-e-kadim etc., is entitled to be regarded as an occupant;] [Substituted by G.O.Ms. No. 1020, Revenue, (J.A.), dated 15.10.1994.] (b) the amount of premium payable by the occupant to the Government, for the land to be registered and the number of instalments in which the premium is payable; and (c) the extent of the inam land that has to be taken over from the applicant [inamdar, kabiz-e-kadim etc.] [Substituted by G.O.Ms. No. 1020, Revenue, (J.A.), dated 15.10.1994.] in excess of the limits specified in the Act. (3) [(a) A certificate of registration of inamdar, kabiz-e-kadim etc. as an occupant of the extent determined under clause (a) of sub-rule (2) of Rule 6 shall be issued in Form III. (b) A certificate of registration of occupants in Form III, in respect of inams attached to charitable and religious institutions (wakfs, temples, charitable and religious endowments etc) shall be issued only in favour of such institutions and not in favour of individuals managing them for performing service to them]

7. Determination of compensation:.

- The Collector shall determine the compensation in the manner provided in Sections 13 and 14 and shall prepare a statement showing the amount of compensation payable for each category of the inam land mentioned in Section 12 of the Act. The amount payable shall be indicated in figures and words, and shall be in the handwriting of the Collector who shall affix his signature against each entry.

8. Mode of payment of compensation:.

(1) It shall be calculated on the amount of compensation fixed under the preceding rule from 1.11.1973, to date of making payment. (2) From the amount so arrived at, the amount of premium determined under Rule 6(2)(b) shall be deducted, and (3) If the resultant amount does not exceed Rs. 5,000 it shall be paid in cash in full, and in case where it exceeds Rs. 5,000 the amount upto Rs. 5,000 shall be paid in cash and the remaining amount in excess of Rs. 5,000 shall be paid in annual instalments, not exceeding ten, as specified in sub-section (2) of Section 15.

9. Payment of interest along with instalment:.

- Where an instalment of compensation becomes payable the amount which has accrued by way of interest as specified in sub-section (1) of Section 15, on the entire amount of compensation remaining due and payable in instalments shall be paid along with that instalment. Note: - In determining the amount of compensation payable under the Act, fractions of rupee less than 50 paise shall be disregarded and fractions of rupee equal to or exceeding 50 paise shall be regarded as one rupee.

10. Interim Payment:.

(1) An application for payment of interim compensation under Section 16 shall be made to the

Collector in Form IV.(2)Any application filed under sub-rule (1) shall be duly verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, 1908.

11. Interim Compensation to be deducted from the amount of compensation:.

- Any amount paid on account of interim compensation shall be deducted from the amount of the total compensation.

12. Interim Compensation to be paid in cash:.

- The interim compensation shall be paid in cash.

13. Execution of bond to repay excess amount of Compensation:.

- The person in whose favour an order of payment of interim compensation has been made shall, if so required, by the Collector, execute a bond undertaking to repay the amount in excess of the amount determined as compensation.

14. Making of an application under sub-section (2) of Section 17:.

- An application under sub-section (2) of Section 17 for a copy of the data on the basis of which the Collector proposes to determine the total compensation shall be made by the inamdar or other person interested within ninety days, from the date notified by the Collector in this behalf.

15. Publication of notice by the Collector under Section 18(1)(b):.

(1)After completion of the statement of compensation under Rule 7, the Collector shall cause a notice to be issued in the manner prescribed under clause (b) of sub-section (1) of Section 18.(2)Copies of the notices shall be affixed on the notice board in the office of the Collector of the district, divisional office, Taluk Office, village Chavidi and at a public place in the village in which the inam land is situated.(3)A copy of the notice together with an extract of the draft compensation assessment statement shall also be served on the inamdar or the other persons interested in the manner specified in the Code of Civil Procedure, 1908.

16. Assessment of the interests of the inamdar and others:.

- The value of several interests of the inamdar and other persons specified in Section 20 shall be ascertained in accordance with the following provisions:(1)(a)in the case of an inam which, immediately before the date of vesting, was the property of a joint Hindu family, the Collector shall determine the aggregate compensation payable to all the following persons considered as a single group.(i)the members of the Joint Hindu family who, immediately before the date of vesting were entitled to a share in the inam (hereinafter called 'sharers'); and(ii)other persons who, immediately before the date of vesting, were entitled to maintenance out of the inam and its income either under

the Hindu law or under any other personal law or decree or order of court, award or instrument or contract, in writing, which immediately before the date of vesting was binding on the inamdar (hereinafter called 'maintenance holders').(b)The Collector shall next determine which creditors if any, are lawfully entitled under Section 21 to have their debts paid from and out of the assets of the inam and the amount to which each of them is so entitled; and only the remainder of aggregate compensation shall be divisible among the sharers and maintenance-holders as hereinafter provided.(c)The Collector shall, in determining the amount of compensation payable to the maintenance-holders and apportioning the same among them have regard as far as possible, to the following considerations namely:(i)the compensation payable in respect of the inam;(ii)the number of persons to be maintained out of the inam;(iii)the nearness of relationship of the person claiming to be maintained(iv)the other sources of income of the claimant; and(v)the circumstances of the family or the claimant.(d)the balance of the aggregate compensation shall be divided among the sharers, as if they owned such balance as a joint Hindu Family and a partition thereof had been effected among them on the date of vesting.(2)(a)In the case of an inam other than that specified in sub-rule (1), the Collector shall determine the aggregate compensation payable to all the following persons considered as a single group.(i)the persons who, immediately before the date of vesting, owned the inam (hereinafter called 'owners');(ii)other persons who, immediately before the date of vesting were entitled to maintenance out of the inam and its income either under the law governing the parties or under any decree or order of a court, award or other instrument or contract in writing which immediately before the date of vesting was binding on the owners (hereinafter called 'maintenance-holders').(b)The Collector shall next determine which creditors, if any, are lawfully entitled under Section 21 to have their debts paid from and out of the assets of the inam and the amount to which each of them is so entitled and only the remainder of the aggregate compensation shall be divisible among the sharers and maintenance-holders as hereinafter provided(c)The Collector shall, in determining the amount of the compensation payable to the maintenance-holders and apportioning the same among them, have regard as far as possible, to the following considerations, namely:-(i)the compensation payable in respect of the inam;(ii)the number of persons to be maintained out of the inam;(iii)the nearness of relationship of the person claiming to be maintained;(iv)the other sources of income of the claimant; and(v)the circumstances of the family of the claimant.(d)the balance of the aggregate compensation shall be divided among the owners in proportion to their respective interests in the inam immediately before the date of vesting.

17. Proceedings of the Special Tribunal to be summary:.

- The proceedings of the Special Tribunal shall be summary and shall be governed, as far as practicable, by the provisions of the Code of Civil Procedure, 1908.

18. Authority under Section 24:.

(1)For the purpose of sub-section (1) of Section 24 the District Collector shall be the prescribed authority.(2)For the purpose of sub-section (2) of Section 24 the Special Tribunal shall be the prescribed authority.

19. Fee payable on an application and the like:.

- The fee payable on an application, petition or memorandum of appeal under the Act or the rules shall be as follows:(a)on every application or petition.....One rupee.(b)on every memorandum of appeal.....Three rupees.(c)on every VakalatnamaThree rupees.

20. Appeal to Board of Revenue and the like to be in triplicate:.

- Every appeal to the Board of Revenue, Special Tribunal, or High Court shall be in triplicate and shall be accompanied by a certified copy of the order appealed against and also three true copies of the said order.Form I[See sub-rule (2) of Rule 5]

1. Full name and address of the applicant... ..

2. (a) Whether he is an Inamdar or not... ..

(b)if he is not an inamdar, the nature of his interest in the inam land along with the detailed particulars in respect of claim.

3. Details of the inam lands which were in his possession as on 20th July, 1955:

(i)Village(ii)S.No.(iii)Area(iv)Assessment(v)Wet or Dry

4. Details of the other lands owned by the applicant and cultivated personally :

(i)Village(ii)S.No.(iii)Area(iv)Assessment(v)Wet or Dry

5. The amount of Lands Revenue, Judi or quitrent paid to the Government in respect of the inam lands.

I,.....son of.....declare that what is stated above is true to the best of my knowledge and belief.Place :Date :Signature of applicantToThe Collector of.....Form II[See sub-rule (1) of Rule 6]Whereas it is proposed to determine under Section 10 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 the person entitled to be registered as an occupant under Section.....in respect of Inam land specified below:-

S.No.	Village	Wet or Dry	Extent	Nature of Inam	Remarks
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(1)	(2)	(3)	(4)	(5)	(6)
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You are hereby required to appear before the undersigned on.....(date) at....(time) and....(place) and make such representation and adduce such evidence in support of your claim as may be

necessary failing which the matter will be decided on the basis of material available in record.(Sd.)Form III[See sub-rule (3) of Rule 6]In accordance with the provisions of Section 10 of the Andhra Pradesh (T.A.) Abolition of Inams Act, 1955, Sri/Smt.....son of/daughter of/wife of/Sri.....residing at.....village shall be registered as an occupant in respect of the land specified in the Schedule below and shall be liable to pay to Government an amount of Rs.....towards premium in(...) instalments commencing from.....He/she shall also be liable to pay the land revenue assessment in respect of the said land in accordance with the provisions of the Act in section.

Schedule

S.No. Village Extent Wet or Dry Remarks

1 2 3 4 5

(Sd)Form IV(See Rule 10)

1. Full name and address of the applicant

2. Details of the inam land for which the applicant claims interim compensation :

(i)Village S.No.(iii)Area(iv)Wet or Dry(v)Assessment(vi)The judi or quit-rent paid to the Government in respect of the inam land

3. Names and addresses of co-sharers and the share of the applicant.

Applicant.ToThe Collector of.....[Substituted by G.O.Ms. No. 1020, Revenue, (J.A), dated 15.10.1994.]