

The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Amendment Act, 1977

ANDHRA PRADESH

India

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Act 10 of 1977

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The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Amendment Act, 1977(Act No. 10 of 1977)The following Act of the Andhra Pradesh Legislature which was reserved by the Governor on the 15th April, 1977 for the consideration and assent of the President received the assent of the President on the 29th April, 1977 and the said assent is hereby first published on the 30th April, 1977 in the Andhra Pradesh Gazette Part IV-B, Extraordinary, for general information:-Be it enacted by the Legislature of the State of Andhra Pradesh in the twenty-eighth year of the Republic of India as follows:-

1. Short title and commencement:

(1)This Act may be called the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Amendment Act, 1977.(2)It shall be deemed to have come into force on the 1st day of January, 1975.[Sections 2 to 6: Amendments are incorporated out in the main Act of 1973.]

7. Special provisions for cases affected by the provisions of the Principal Act as amended by this Act :

- Notwithstanding anything in the Principal Act,-(1)Wherein any case to which the provisions of the principal Act as amended by this Act are applicable, the Tribunal has determined under Section 9 of the principal Act, the extent of land in excess of the ceiling area (hereafter in this section referred to as "the excess land") before the date on which the assent of the President to this Act is first published in the Andhra Pradesh Gazette (hereafter in this section referred to as the said date") but a proceeding in respect thereof under Section 10 of the principal Act is pending before the Tribunal on the said date the Tribunal may suo motu and shall, on an application made in this behalf by any person affected, determine the excess land under Section 9 of the principal Act afresh, or approve a

surrender of the excess land made by the person concerned afresh, or as the case may be, select the land to be surrendered, under Section 10 of the principal Act afresh, in accordance with the provisions of the principal Act as amended by this Act.(2)Where any proceeding which is affected by the provisions of the principal Act as amended by this Act is pending before the Appellate Tribunal of the High Court on the said date, the Appellate Tribunal or the High Court may, suo motu and shall, on an application made in this behalf by the person affected, remand the case relating to such proceeding to the Tribunal, for fresh determination of excess land; or for approval of fresh surrender of excess land, or as the case may be, for fresh selection of the land to be surrendered, in accordance with the provisions of the principal Act as amended by this Act;(3)In any case not provided in Clauses (1) and (2) of this section any person, to whom the provisions of the principal Act as amended by this Act are applicable, may within sixty days from the said date file an application before the Tribunal for fresh determination of the excess land under Section 9 of the principal Act or approval of the surrender of excess land under Section 10 of the Principal Act;(4)The provisions of the principal Act shall apply to every case falling under clause (1) or Clause (2) or Clause (3) of this section as if the fresh determination of excess land or approval of fresh surrender of excess land, or as the case may be, selection of the land to be surrendered, made thereunder, were made under Section 9, or as the case may be, under Section 10, of the principal Act;(5)Where, as a result of the fresh determination of excess land or approval of fresh surrender of excess land or selection of the land to be surrendered in accordance with the provisions of the principal Act as amended by this Act, any land vested in the Government under Section 11, or the principal Act is to be re-transferred to the person who surrendered such land, the land shall, subject to such rules as may be prescribed, be re-transferred to such person on repayment of the amount paid to him by the Government in respect of that land, and where such land was allotted or transferred to any person in accordance with the provisions of Section 14 of the principal Act prior to the date, it shall be lawful for the District Collector to resume the land from the person to whom the land is so allotted or transferred and in lieu thereof allot or transfer to the allottee or transferee any other land vesting in the Government, subject to the provisions of Section 14 aforesaid:Provided that where the District Collector considers that the resumption of such land is likely to cause undue hardship to the allottee or transferee thereof, he shall, subject to the approval of the Government, pay to the person, who is entitled to receive the amount in respect of the land under the principal Act, in lieu of re-transferring the land, a sum equal to the amount that would have been payable for such land as if a notification under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 had been issued for the acquisition of that land on the first day of January, 1975, after deducting the amount already paid to him in respect thereof.