

# The Hyderabad Record of Rights in Land Regulation, 1358 Fasli

ANDHRA PRADESH

India

## The Hyderabad Record of Rights in Land Regulation, 1358 Fasli

### Act 58 of 1358

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The Hyderabad Record of Rights in Land Regulation, 1358 Fasli (No. 58 OF 1358 Fasli) Published in the Extraordinary Jarida No. 37, dated 2nd Mehir, 1358 F. Whereas it is expedient to amend the law relating to the preparation and maintenance of a record of rights in land in the Hyderabad State: Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf I hereby make the following Regulation:

#### 1. Short title, extent and commencement:

(1) This Regulation may be called the Hyderabad Record of Rights in Land Regulation 1358 Fasli. (2) It extends to the whole of the [Hyderabad Area of the State of Andhra Pradesh.] [Substituted by A.P.A.O., dated 21-3-1957 for the words 'Hyderabad State'] (3) In any village in which a record of rights is being prepared in pursuance of Section 3 of the Hyderabad Record of Rights in Land Act (No. 1 of 1346 F.) on the date on which this Regulation is published in the Jarida, or has been completed in pursuance thereof before the said date, this Regulation shall, subject to the provisions of Section 19, come into force on the said date. (4) In any other village this section and Section 19 (in so far as it repeals the Hyderabad Record of Rights in Land Act No. 1 of 1346 F) shall come into force on the date of the publication of this Regulation in the Jarida and the remaining provisions of this regulation shall come into force on the date on which Government, by notification directs the said provisions to apply to such village or to a local area including such village: Provided that Sections 11 and 13 shall not come into force in any village until the expiration of two years from the date of the issue in respect of that village of the notification referred to in sub-section (2) of Sec. 4.

## **2. Amendment of Section 2 of the Hyderabad Land Revenue Act:**

- In Section 2 of the Hyderabad Land Revenue Act-(1)For Clauses (6), (7) and (8) the following clauses shall be substituted, namely -(6)"to hold land" or be a "land-holder" or "holder of land" means to be lawfully in possession of land, whether such possession is actual or not;(7)"holding" means a portion of land held by a holder;(8)"superior holder" means a land-holder entitled to receive rent or land revenue from other land-holder (hereinafter called "inferior holders") whether he is accountable or not for such rent or land revenue, or any part thereof to Government;(8a)"occupation" means possession;(8b)"to occupy land" means to possess or to take possession of land;(8c)"occupant" means a holder in actual possession of unalienated land other than an asami shikmi provided that where the holder in actual possession is an asami shikmi, the superior holder shall be deemed to be the occupant;(8d)"occupancy" means a portion of land held by an occupant.(2)For Clause (13) the following shall be substituted, namely-(13)"asami shikmi" means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of an asami shikmi's rights with possession, but does not include a lessee holding directly under Government;(3)For Clause (14) the following shall be substituted, namely:(14)"village" includes a town or city and all the land belonging to a village, town or city;" and(4)After Clause (17) the following clause shall be inserted, namely:(18)"chavdi" includes in any village in which there is no chavdi, such place as the 'Collector'(Talukdar) may direct shall be deemed to be the chavdi for the purpose of this Act."

## **3. Definitions:**

- In this Regulation unless there is anything repugnant in the subject or context:(a)"Hyderabad Land Revenue Act" means the Land Revenue Act of His Exalted Highness the Nizam's Dominions (No.VIII of 1317F);(b)"landlord" means a lessor;(c)"Land records" means records maintained under the provisions of, or for the purposes of, this Regulation and the Hyderabad Land Revenue Act;(d)"certified copy" or "certified extract" means a copy or extract, as the case may be certified in the manner prescribed by Section (62 of the Hyderabad Evidence Act); [76 of the Indian Evidence Act, 1872 (Central Act I of 1872)] [Substituted by A.P.A.O., dated 21-3-1957, ];(e)"prescribed" means prescribed by rules made under this Regulation;(f)words and expressions used in this Regulation but not defined therein shall have the meaning assigned to them in the Hyderabad Land Revenue Act. The word "tenant" in this Regulation shall have the meaning assigned in that Act to the expression "Asami Shikmi".

## **4. Preparation and maintenance of record of rights:**

(1)As soon as may be after the issue of a notification under sub-section (4) of Section 1 directing the provisions of this Regulation to apply to a village or local area, there shall be prepared and thereafter maintained for that village, or as the case may be, for every village included in that local area, a record of rights in all lands belonging thereto; the said record of rights shall include the following particulars, namely:(a)the names of all persons who are holders, occupants, owners or mortgagees of land or assignees of the rent or revenue thereof;(b)the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching;(c)the rent or revenue (if

any) payable by or to any of such persons;(d)such other particulars as may be prescribed:Provided that notwithstanding anything contained in Clause (a) the names of tenants shall not be included in the record of rights unless their tenancies are perpetual tenancies or tenancies of any such other description as Government may, by notification specify in this behalf either generally or for the purposes of any specified village or of villages included in any specified area.(2)As soon as may be after the completion of the preparation of the record of rights referred to in sub-section (1) such completion shall be notified in the Jarida and published in such other manner, if any, as Government may direct.(3)Any person affected by an entry in such record may within a period of two years from the date of the notification referred to in sub-section (2) apply for rectification of such entry to such officer as Government may empower in this behalf.

## **5. Acquisition of rights to be reported:**

- Any person who, after the expiry of a period of six months from the date of a notification under sub-section (4) of Section 1 directing the provisions of this Regulation to apply to a village or local area, acquires by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise any right as holder, occupant, owner, mortgagee or landlord of land in the village or as the case may be, in a village included in the local area to which the notification relates, or as assignee of the rent or revenue of such land, shall report his acquisition of such right orally or in writing to the village Patwari within three months from the date of such acquisition, and the village Patwari shall at once give a written acknowledgment of the receipt of such report to the person making it:Provided that a requisition of rights as a tenant shall not be required to be reported unless the tenancy is a perpetual tenancy or a tenancy of a description which has been specified either generally or for the purposes of the village concerned or of a local area including that village in a notification under the proviso to sub-section (1) of Section 4:Provided further that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall make the report to a Village Patwari:Provided further that any person acquiring a right by virtue of a registered document shall not be required to report the acquisition.Explanation 1:- The rights referred to in this section include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in Section 88 of the Transfer of Property Act.Explanation 2:- A person in whose favour a mortgage is discharged or extinguished, or a lease is determined, acquires a right within the meaning of this section.

## **6. Register of Mutations and Register of disputed cases:**

(1)The Village Patwari shall enter in a register of mutations every report made to him under Section 5 and shall also make an entry therein respecting the acquisition of any right of a description to which Section 5 applies which he has reason to believe to have taken place and of which a report has not been made to him.(2)Whenever a Village Patwari makes an entry in the register of mutations, he shall, at the same time, post a complete copy of the entry in a conspicuous place in the chavdi and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.(3)If any objection to an entry under sub-section (1) in the register of

mutations is made either orally or in writing to the Village Patwari, it shall be the duty of the Village Patwari to enter the particulars of the objections in a register of disputed cases.(4)Orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officers and in such manner as may be prescribed.(5)Entries in the register of mutations shall be tested by a Revenue Officer of a rank not lower than that of a Tahsildar, who after making such corrections, if any, as he finds to be required shall certify the entries.(6)After certification in accordance with sub-section (5) entries in the register of mutations shall be transferred to the record of rights in such manner as may be prescribed.(7)Acquisition of rights in tenancies in respect of which acquisition of rights are, under the first proviso to Section 5 not required to be reported shall be entered in a register of tenancies in such manner and under such procedure as may be prescribed.

## **7. Obligation to furnish information:**

- Any person whose rights, interests or liabilities are required to be or have been entered in any record or register under this Regulation shall be bound, on the requisition of any Revenue Officer or Village Patwari engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power:Provided that no such requisition shall be made by a Village Patwari unless it has been previously countersigned by a Revenue Officer of a rank not lower than that of a Peshkar.(2)A Revenue Officer to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof.

## **8. Penalty for failing to furnish information:**

- Any person failing to make a report required by Section 5 or to furnish any information or to produce any document requisitioned under Section 7 within the time appointed in Section 5 or Section 7, as the case may be, shall be liable at the discretion of the "Collector" to a fine not exceeding twenty-five rupees which shall be leviable as an arrear of land revenue.

## **9. Division of survey numbers into sub-divisions:**

(1)Survey numbers may, from time to time, be divided into as many sub-divisions as may be required whether by reason of the acquisition of rights in land or otherwise.(2)The division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with rules made under this Regulation:Provided that the rate of the assessment per acre applicable to any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under Section 83 of the Hyderabad Land Revenue Act, unless such assessment is liable to alteration under Section 50 of the said Act.(3)The area and assessment of such sub-divisions shall be entered in such land records as may be prescribed.

## **10. Requisition of assistance in preparation of maps:**

- Subject to rules made under this Regulation:(a)any Revenue Officer or Village Patwari may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Regulation. exercise any of the powers of a Survey Officer under Section 78 of the Hyderabad Land Revenue Act;(b)any Revenue Officer of a rank not lower than that of a Second Collector or of a Survey Officer may assess the cost of the preparation or revision of such map or plan, including the cost of clerical labour and supervision, and all other contingent expenses on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand.

## **11. Certified copy of record to be annexed to plaint or application:**

(1)The plaintiff or applicant in every suit or application as hereinafter defined relating to land shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.(2)If the plaintiff or applicant fail to comply with sub-section (1) for any cause which the Court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court and if such certified copy is not so annexed or produced, the plaint or, application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter, with a certified copy annexed.(3)After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the "Collector" any error appearing in such entry and any alteration therein that may be required by reason of the decree or order and a copy of such communication shall be kept with the record. The "Collector" shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional Court, provided that, in the case of an appellate or revisional decree or order passed by the High Court, the communication shall be made by the Court from which the appeal lay or the record was called for.(4)In this section-(a)"suit" means a suit to which the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) apply:(b)"application" means an application-(1)for the execution of a decree or order in a suit;(2)for the filing of an agreement staling a case for the opinion of the Court under [the Code of Civil Procedure, 1908 (Central Act V of 1908)]. [Substituted by A.P.A.O., dated 21-3-1957. ](3)for the filing of an agreement to refer to arbitration under [Paragraph 17 of the Second Schedule to the said Code;] [Substituted by A.P.A.O., dated 21-3-1957. ](4)for the filing of an award under [Paragraph 20 of the said Schedule;] [Substituted by A.P.A.O., dated 21-3-1957. ](5)for obtaining possession, or removal of obstruction to existing possession under (Section 74 of the Hyderabad Land Revenue Act;) or [the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyderabad Act XXI of 1950) [Inserted by ibid. ];(6)of any other kind to which the Government may, by notification in the Jarida, direct that this section shall apply;(c)an application shall be deemed to relate to land if the decree or other matter with respect to which the application is made, relates to land;(d)a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent of tenancy of land.

## **12. Refusal of assistance under Section 72 of the Hyderabad Land Revenue Act:**

- Notwithstanding anything in Section 72 of the Hyderabad Land Revenue Act, or in any other orders for the time being in force, the Tahsildar shall refuse assistance to any superior holder, if his claim to such assistance is not supported by an entry or entries duly made in the record of rights, register of mutations or register of tenancies.

## **13. Presumption of correctness of entries in record of rights and register of mutations:**

- Any entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

## **14. Bar of suits:**

- No suit shall lie against the Government or any Officer of Government in respect of a claim to have an entry made in any record or register maintained under this Regulation, or to have any such entry omitted or amended.

## **15. Appeal:**

(1) Any person affected by an order made on an application for rectification under sub-section (3) of Section 4, or by an order made under sub-section (4) or an entry certified under sub-section (6) of Section 6 or by the division of a survey number into sub-divisions or the assessment of sub-divisions under sub-sections (1) and (2) of Section 9 may, within a period of one month from the date of communication to the party of such order, certification, division or assessment, appeal to such officer as may be empowered by Government in this behalf and the decision of such officer on such appeal shall be final. (2) The "Collector" may of his own motion or on the application of a party call for and examine any records made under Section 4 or Section 6 and pass such orders as he may think fit: Provided that no order which would adversely affect any person shall be passed except after hearing that person.

## **16. Inspection and copies:**

- Subject to such conditions and to the payment of such fees as may be prescribed the record of rights and the register of mutations shall be open to the inspection of the public at reasonable hours, and certified extracts therefrom or certified copies thereof shall be given to all persons applying for the same.

## **17. Modification of laws inconsistent with this Regulation:**

(1) In relation to any village in which the provisions of this Regulation are in force by virtue of the proviso to sub-section (1) of Section 19 or of a notification under sub-section (4) of Section 1, any provisions of the Hyderabad Land Revenue Act or of any other law for the time being in force which are inconsistent with the provisions of this Regulation shall have effect subject to such omissions or modifications as may be required for the removal of the inconsistency. (2) In particular and without prejudice to the generality of sub-section (1), Sections 103 and 141 of the Hyderabad Land Revenue Act shall have effect in relations to such village as if for the word "Pattadar" in each of the said section there were substituted the word 'occupant'.

## **18. Rules:**

(1) Government may, by notification, make rules not inconsistent with the provisions of this Regulation to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Regulation. (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made—(a) regulating the division of survey numbers into sub-division and the fixing of the assessment of sub-divisions under Section 9; (b) regulating the construction; laying out, maintenance and repair of boundary marks; (c) regulating the compilation, maintenance and revision of the record of rights and the register of mutations, disputed cases and tenancies, and providing for the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised; (d) regulating the exercise by officers appointed in this behalf and by Revenue Officers of the powers of Survey Officer and the assessment of costs and expenses under Section 10; (e) providing for the mode, form and manner in which appeals under this Regulation shall be drawn up and presented; (f) regulating the records, registers, accounts, maps and plans to be maintained for the purposes of this Regulation and the manner and forms in which they shall be prepared and maintained; (g) providing for any matter which is to be or may be prescribed. (3) In making a rule under this section Government may direct that a breach of the same shall, without prejudice to any other consequences of such breach, be punishable with fine not exceeding five hundred rupees. (4) The power to make rules under this section shall be subject to the condition of previous publication.

## **19. Repeal and savings:**

(1) The Hyderabad Record of Rights in Land Act (NO.1 of 1346 F.) hereinafter in this section referred to as the repealed Act, is hereby repealed: Provided that in respect of any village in which a record of rights is being prepared in pursuance of Section 3 of the repealed Act on the date on which this Regulation comes into force, or has been completed in pursuance thereof before the said date, the provisions of this Regulation shall as from the said date have effect as if anything done under the repealed Act had been done under the corresponding provision of this Regulation and in particular as if the record of rights was being prepared in pursuance of a notification issued under sub-section (4) of Section 1 of this Regulation, or, as the case may be, as if the record of rights had been prepared in pursuance of such notification and as if its completion had been notified under sub-section (2) of

Section 4.(2) For the purpose of the proviso to sub-section (1) of this section the notification under sub-section (1) of Section 3 or sub-section (2) of Section 4 in respect of such village shall be deemed to have issued on the date of which the preparation of a record of rights therein was commenced or, as the case may be, completed and if any question arises as regards the date of such commencement or completion the question shall be referred to Government whose decision shall be final. Appendix - B Instructions in Regard to the Enforcement of the Provisions of the A.P. Record of Rights in Land and Pattadar Pass Books Act 1971 as Amended By Act 11 of 1980 and Act 1 of 1989 I.

Introduction:- 1.1 Executive Instructions were previously issued in G.O.Ms.No.2077 dated 29.12.1978 for implementing the A.P. Record of Rights in Land Act, 1971. The following instructions are now issued in supersession of the same: 1.2 The scheme of statutory preparation and maintenance of Record of Rights in the Telengana area was governed by the A.P.(Telengana Area) Record of Rights Regulation, 1358 Fasli. There was no such scheme of statutory preparation in Andhra Area and maintenance of Record of Rights was governed only by executive orders contained in the B.S.Os. With a view to having a uniform statutory scheme of Record of Rights for the entire State and to consolidate and amend the Law relating to the Record of Rights in Land in the State the A.P. Record of Rights in Land Act, 1971 (Act 26 of 1971) was enacted. With its enactment the A.P. (T.A.) Record of Rights Regulation 1358 Fasli and all standing orders and any other provision of law relating to Record of Rights in Land, in force in the State have been repealed. Therefore in the entire State, the provisions of the A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971 as amended by Acts 11 of 1980 and 1 of 1989 prevail for transfer of registry and preparation of Record of Rights. 1.3 The Record of Rights in Land Act, 1971 came into force from 15.8.1978 and was enforced in the States in four phases from 1978 onwards as follows:

**1st. Phase: The Government in G.O.Ms.No.1356, Revenue (F) Department dated 5-8-1978 had issued orders enforcing the Record of Rights in Land Act, 1971 in 100 Taluks in 21 Districts in the State, w.e.f. 15.8.1978.**

**2nd. Phase: In G.O.Ms.No.752, Revenue (F) Department dated 4.6.1979, Government have issued orders enforcing the Act in 3 Taluks in Chittoor District with effect from 1.4.1979.**

**3rd. Phase: In G.O.Ms.No.937, Revenue (F) Department dated 24.7.79 the Government have issued orders enforcing the Act in 46 Taluks in 20 Districts w.e.f. 1.8.1979.**

**4th. Phase: In G.O.Ms.No.3829, Revenue (N) Department dated 19.8.80, the Government have ordered the enforcement of A.P.R.O.R.in Land Act, 1971 in 59 Taluks of 21 Districts w.e.f. 1.7.80.**

1.4 The Act is yet to be implemented in the following areas:

Alamur Taluk                      E.G. District.



Vallabhanagar Taluk R.R. District.

Musheerabad Taluk Hyderabad District.

Golconda Taluk Hyderabad District.

Charminar Taluk

Secunderabad Taluk

1.5The A.P. Record of Rights in Land Act, 1971 was amended by Act 11 of 1980 and Act 1 of 1989. Act of 1989 provides for updating of Record of Rights U/s. 3(1) of the Act and for regularisation of unregistered transfers and alienations under Section 5-A of the Act. Because of these amendments the A.P. Record of Rights in Land and Pattadar Pass Books Rules, 1989 were issued in supersession of the A.P. Record of Rights in Land Rules 1978.1.6The main features of the amended Act and the new rules are:(a)a new format for the pattadar pass book in 4 parts. 2 parts will be printed on white paper, one part will be printed on pink paper and the 4th will be printed on green paper;(b)every pattadar, owner, tenant, mortgagee will get a pass book with his photo affixed on the pass book and attested by the M.R.O. concerned;(c)credit agencies should take cognizance of the entries in the pattadar pass book and advance loans without insisting for copies of village revenue accounts such as Adangal, Pahani, 10(1) Account/Chowfasla etc.:(d)all loans sanctioned and their repayments will be entered by the credit agencies in the pass book(e)the land revenue payable, paid and the balance will also be noted in the pass book;(f)unregistered alienation and transfers can be validated by following the procedure prescribed in section 5A of the Act and Rule 22 of the Rules.1.7Since in respect of the taluks in which the Act was implemented earlier, village wise details of implementation are not available, in Commissioner's D.O.Lr.No. 161/89, dated3.3.1989 the Collectors were requested to identify the villages in each Mandal for whom notice in Form IV was published in A.P. Gazette. In those villages for which notice in Form IV was published, updating of Record of Rights will have to be taken up now u/S. 3(1) of the Act\_ In those villages for which notice in Form IV was not published in the past, de novo preparation of Record of Rights will have to be taken up now, again u/S. 3(1) of the Act.2.1Land is defined in the Act as land which is used or is capable of being used for purposes of agriculture including horticulture but does not include land used exclusively for non-agricultural purposes vide Section 2(4).2.2The said Act shall not apply to the lands belonging to the State Government or Central Government vide Section 12.2.3Record of Rights is, therefore, to be prepared or updated and maintained for all lands excluding lands belonging to Central or State Government, and lands which are used exclusively for non-agricultural purposes.2.4The Recording Authority who will be such Officer of the Revenue Department not below the rank of the Revenue Inspector as may be notified by the Collector is entrusted with the function of preparing or updating the Record of Rights.2.5The Government have given an assurance to the Legislative Assembly that the Pattadar Pass Books in the new format will be distributed before the 31st of December, 1989. The Chief Minister in his D.O.Letter No.33488/DO (A&R)/89 dated18.5.1989 addressed to the District Collectors stated that:"It is a matter of great challenge and prestige for the administration to achieve this goal. I want you as the District Head mobilise all efforts from every quarter of the district administration and see that the issue of pattadar pass books is completed by 31st December, 1989 positively. While shortfall in any district will be viewed with great displeasure, good work done by the Collectors in this regard will be appreciated and placed on record. I am confident that you will rise to my expectations and successfully complete the task assigned to you."2.6The emphasis in the above D.O.letter is on the mobilisation of all efforts from

every quarter of the district administration. Various estimates have been given for the time required by a person to complete the two stage enquiry in a village and to prepare the draft and confirmed R.O.R.Register. The estimates vary from twenty days to two months. On the other hand, the staff given is only one R.I. per mandal and a team of one D.T. and one R.I. for a group of 4 Mandals. If the work is done by notifying the special R.I. alone as the Recording Authority, for an average Mandal of 30 villages the time required will be 600 days to 60 months. However, the time available is only six months. Therefore, it becomes imperative to notify as many persons as possible as recording authority for a Mandal.

2.7 Collectors can consider-(i) notifying the Special Deputy Tahsildar (ROR) as the recording authority for the three/four/five Mandals for which he is appointed;(ii) notifying the Senior Assistant attached to the Special Deputy Tahsildar (ROR), as the Recording Authority for the Mandals for which the Special Deputy Tahsildar is notified;(iii) notifying the Special U.D.R.I.(ROR) as Recording Authority for the Mandal for which he is appointed;(iv) notifying the Mandal Revenue Inspector as Recording Authority for his Mandal;(v) notifying the M.R.O., as Recording Authority for his Mandal or any combination of the above. While all the five Officers will have concurrent jurisdiction over a mandal, the District Collectors should earmark villages in a mandal to each of the five officers so that as far as a village is concerned, only one person will deal with it from the commencement of the work till the completion of the work. Legal advice has been obtained to the effect that this earmarking of villages to the several officers can be done administratively; that is the names of the villages need not be mentioned in the notification issued o/ S. 2(10); the allotment of villages to different Recording Authorities can be done by the District Collector through a proceedings. Further legal advice has been obtained that an officer can be nominated as a Recording Authority by giving his designation without giving his name so that if transfers take place while the Act is under implementation, the need to issue notification appointing the new incumbent as Recording Authority may not arise.

2.8 If a mandal has 20 or 30 villages on an average, the earmarking of villages among the several Recording Authorities may be as follows:-

	Mandal with 20 villages	Mandal with 30 villages
Spl.Dy.Tahsildar (ROR)	2 villages for Mandal.Total villages=2 x4 = 8.	3 villages for Mandal.Total villages=3 x4 = 12.
Senior Asst. (ROR)	-do-	-do-
Spl.R.I. (ROR)	10	12
Mandal Revenue Officer	3	6
Mandal Revenue Inspector	3	6
	20	30

In the above example, it will be noted that the Special Deputy Tahsildar (ROR) and Senior Assistant (ROR) will get villages from 4 mandals and so per mandal their load is only 2 or 3 villages. Secondly it will be noted that the load for Special Staff for R.O.R. is more than the load for M.R.O./M.R.I. This is done because the M.R.O./M.R.I. will have to attend to their normal work other than R.O.R. work. However the above example is only an illustration and Collectors are free to allot the villages as they think fit.

2.9 To sum up the District Collectors should use the available manpower and earmark villages to them so that the work is completed by 31.12.1989 as desired by the Government.

2.10 The

notification of the Recording Authority should be published in the District Gazette vide Section 2(10). It is not necessary to publish it in the A.P. Gazette. This is a change brought about by Act 1 of 1989 and may be noted.

3.1 The purposes of Act 26 of 1971 are mainly: (a) preparation or updating of Record of Rights; (b) rectification of Record of Rights prepared under 'a' above; (c) amendment and maintenance of Record of Rights.

3.2 Sub-section 1 of Section 3 of the Act deals with the preparation of the Record of Rights for the first time and its updating at periodical intervals. Sub-section 3 of Section 3 deals with the rectification of the Record of Rights prepared under sub-section 1 of Section 3. Section 5 of the Act deals with amendments to the Record of Rights and its maintenance between two consecutive operations under sub-section 1 of Section 3. The procedure prescribed for the de novo preparation of Record of Rights under sub-section 1 of Section 3 or for the intensive updating of Record of Rights under sub-section 1 of Section 3 is the same. The procedure prescribed for amendments to Record of Rights under Section 5 of the Act is different when compared with the procedure prescribed for operations under sub-section 1 of Sec. 3.

II. Procedure for Preparation or Updating of Record of Rights under Sub-Section I of Section 3.

4.1 The Record of Rights shall be prepared or updated and thereafter maintained in Form-I, as prescribed under Rule 3 of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Book Rules, 1989.

4.2 Rule 4(ii) of the said rules provides that intensive updating of Record of Rights can be taken up under sub-section 1 of Section 3 only after the Commissioner issues a notification to make the Record of Rights upto date for the entire area or a part of it. On the other hand, for the de novo preparation of Record of Rights no such enabling notification by the Commissioner is necessary. Therefore, in the erstwhile taluks of Alamur in East Godavari District, Vallabhanagar in Rangareddy District, Musheerabad, Golconda, Charminar and Secunderabad in Hyderabad District, the preparation of Record of Rights can be taken up by the Recording Authority without waiting for a notification by the Commissioner. In respect of the remaining areas of the State villages will have to be classified as per para above and the Recording Authority can take action to update Record of Rights in those villages for which Form-IV notice was published in the past only after a notification has been issued by the Commissioner under Rule 4(ii); in respect of the villages for which Form-IV notice was not published in the past, de novo preparation of Record of Rights can commence at once.

Rule 4(ii) has been introduced in the 1989 rules and it was not existing in the 1978 rules.

4.3 Rule 5(1) of the rules which provides for the procedure for preparation or updating of Record of Rights should be studied and followed by all the concerned Officers of the Revenue Department entrusted with the responsibilities of preparing and updating the Record of Rights.

4.4 Rule 5(2) of the said rules requires that the notice in Form-II shall be published in the District Gazette and also in the following manner, namely:-(a) by affixture in the Chavidi or if there is no Chavidi any other conspicuous place of the village; (b) by affixture on the notice boards of the Panchayat Office, Primary Co-operative Agricultural Credit Society or School, if any, in the village; (c) by beat of tom-tom in the village; (d) by affixture on the notice board of the Office of the Mandal Revenue Officer having jurisdiction over the village; and (e) by affixture on the notice board of the office of the Mandal Praja Parishad in which the village is situated.

4.5 The printing of the District Gazette shall be done locally by the District Collector as per G.O.Rt.No.673 Revenue (DOLR) Department, dated 12.5.1989.

4.6 The notice referred to in para 4.4 above shall declare the intention of the Recording Authority to prepare a Record of rights in lands in the village or to update the Record of Rights in lands in the village, call upon all persons claiming any interest in such lands to furnish a statement in writing in Form-IA showing the particulars of the lands and the nature of interest on or before a

date specified in the notice, not being earlier than 15 days from the date of publication of the notice, and declare also his intention to hold an enquiry in respect of the above matter in the village on a date specified in the notice not being earlier than 22 days from the date of publication of the notice and call upon all persons interested to appear before him at the said enquiry on the date specified.4.7The A.P.Record of Rights in Land and Pattadar Pass Books Rules, 1989 will be issued on 9.6.1989. The notification by the Commissioner, Survey Settlements and Land Records under Rule 4(ii) of the rule will be issued on 10.6.1989, the Form-II notices for all the villages can be issued with the date 11.6.1989 or 12.6.1989. This presupposes that the Collectors will complete the notifications of the Recording Authority by 9.6.1989. In Form-II notices a date should be given for the filing of the claims. If Form-II notice is dated 12.6.1989 then any date from 28.6.1989 to 3.7.1989 can be mentioned in Form-II notice for filing the claims. For the sake of uniformity, the date 30.6.1989 may be adopted by all. However, the first enquiry in any village can commence only on or after 5.7.1989 if Form-II notice is dated 12.6.1989. Depending on the number of villages allotted to a Recording Authority the first date of enquiry for each village can be indicated in Form-II notices as per the table given below;

Sl. No.	Village	Date of 1st visit to village for enquiry if P.A.has	12 Vges.	10 Vges.	8 Vges.	6 Vges.	4 Vges.	3 Vges.
1	1	5.7.89	5.7.89	5.7.89	5.7.89	5.7.89	5.7.89	5.7.89
2	2	6.7.89	6.7.89	6.7.89	6.7.89	6.7.89	6.7.89	6.7.89
3	3	7.7.89	7.7.89	7.7.89	7.7.89	7.7.89	7.7.89	7.7.89
4	4	8.7.89	8.7.89	8.7.89	8.7.89	8.7.89	-	-
5	5	9.7.89	9.7.89	9.7.89	9.7.89	-	-	-
6	6	10.7.89	10.7.89	10.7.89	10.7.89	-	-	-
7	7	11.7.89	11.7.89	11.7.89	-	-	-	-
8	8	12.7.89	12.7.89	12.7.89	-	-	-	-
9	9	13.7.89	13.7.89	-	-	-	-	-
10	10	14.7.89	14.7.89	-	-	-	-	-
11	11	15.7.89	-	-	-	-	-	-
12	12	16.7.89	-	-	-	-	-	-

Note: - In the above table, holidays have not been excluded because of the target date of 31.12.1989. After the first day of enquiry in a village, it can be adjourned to another date keeping in view the dates already given for the first visit to the other villages. Dates for the 2nd and subsequent visits to a village must be given in such a manner that there is no day without any enquiry. It should be the aim to complete the enquiry in a village in as short a time as possible. The R.D.Os/Joint Collector should closely monitor the enquiry work and guides the Recording Authority at every stage. For the speedy and effective completion of the enquiry work, it is necessary for the Recording Authorities to have a clear idea of the villages in their jurisdiction, their distances, location etc. A time bound programme should be chalked out to visit the villages and complete the enquiry, such that no day is spent without conducting an enquiry in a village or two. The Revenue Divisional Officers should convene a meeting of all the Recording Authorities and decide whether one or two villages should be visited each day and fix a date wise programme for each village and ensure

adherence to it.4.8The object of the enquiry is to(1)update land registry,(2)split joint pattas and(3)collect information to prepare Record of Rights in Form-I.After the enquiry, names of dead persons should not figure in the R.O.R. in any column.4.9All claims in Form-IA should be acknowledged on the duplicate or triplicate copy of the claim.4.10Categorisation of a person as a small farmer or as a marginal farmer should be with reference to his total holding and not with reference to his holding in a village.4.11A farmer should file his claims separately for each village, as village is the unit for issue of Pass Books. However the address of the farmer to be recorded on the Pass Books for each village will be the same, namely, his actual place of permanent residence. This place of permanent residence should be ascertained during enquiry. The farmers can be asked to give their permanent address on their claim forms. A provision for writing the permanent address may be made in Form-IA while printing it.4.12There is no bar to receive any statements of claims in writing which a claimant may like to submit even on the date of enquiry. No Court fee stamps need be affixed to statements of claims.4.13The Recording Authority may entertain even oral representations made in respect of any claim that the claimant may like to submit to him at the time of holding the enquiry. In respect of all such oral representations, he shall make a summary record of the representations and obtain signatures or thumb impressions on them.4.14In addition to the above, the Recording Authority should examine the relevant Registers, Records and accounts maintained in respect of the lands in the village for the purposes of collection of land revenue or otherwise.4.15For the purpose of holding an enquiry into the claims, the Recording Authority may, if considered expedient, summon the attendance of any person for the purpose of examining him or require any person to produce any document believed to be in his possession, and enter upon, inspect and measure or cause to be measured any land.4.16After completion of the enquiry, the Recording Authority shall pass orders in respect of : (1) all cases requiring changes of registry necessitated by the death of a registered holder; (2) all cases requiring change of registry necessitated by sale, gift, etc., through registered documents; (3) all cases requiring splitting of joint pattas. However care should be taken to see that these orders do not contravene the several laws listed in Rule 9(1)(a)(iv). Similarly, after completion of the enquiry the Recording Authority shall also pass orders for registering the names of claimants as tenants or mortgages, provided that such orders do not contravene the laws mentioned in Rule 9(1) (b)(ii). All orders passed must be in writing and should concisely set forth reasons therefor. However there is no need to serve individual orders on the claimants. Claimants may like to regularise there claims in violation of the laws referred to in the rules. Utmost vigil is required regarding this aspect. All the disputed cases of registry, splitting of joint pattas, registering names of tenants and mortgagees shall be submitted by the recording authority to the Mandal Revenue Officer for a decision. However to avoid holding up of the preparation of the draft R.O.R. or confirmation of the R.O.R. referring of all such cases by the recording authority to the M.R.O. shall be done after the Recording Authority confirms the R.O.R. for the village. In other words in disputed cases, the Recording Authority will not order any changes, but shall keep them back for a decision by the M.R.O., after the confirmation of the R.O.R. is over. After the M.R.O. passes orders on them those changes can be incorporated in the Record of Rights under Section 3(3) of the Act.4.17Section 13 of the A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971 repeals the A.P.Telangana Area Record of Rights in Land Regulation 1358 Fasli and all standing orders and any other provision of law relating to the Record of Rights of Land as in force in the State. Therefore, the A.P. Telangana Area Land Revenue Rules and the Board's Standing Orders in so far as they relate to transfer of registry of holdings are no longer applicable. All orders

on transfer of registry should be passed with reference to the provisions of Rule 9 of the Record of Rights in Land and Pattadar Pass Books Rules, 1989. After passing the orders on transfer of registry, splitting of Joint pattas etc., the recording authority shall prepare a draft of Rights in Land for the village in Form-I.4.18The draft Record of Rights shall be prepared in duplicate using carbon paper. The carbon copy shall be kept in the custody of the Village Assistant for the perusal of the Villagers to enable them to file claims and objections. The original shall be kept with Recording Authority. After orders are passed under Rule 13, confirming the Record of Rights the changes can be carried out in the original copy kept with the Recording Authority. Since the confirmed Record of Rights is to be prepared in triplicate, the same can be: prepared using carbon paper with reference to the original with the Recording Authority/duly corrected. However if there is a problem of time and if xerox/plain paper copier facilities are available, 3 xerox copies can be taken of the original with the Recording Authority. However the cost implications of both the alternatives namely taking two/three xerox copies of the original or making 3 fresh copies using carbon paper through manual writing will have to be analysed and the cheaper method will have to be adopted. If xeroxing is cheaper, it also saves time and that can be followed universally. However if xeroxing or using a plain paper copier is expensive, then it should be used only when there is race against time for a few villages. This is a point on which the Collectors should compile local cost data and submit a report to the Commissioner before taking a decision.4.19Rule 10(2) requires that a notice in Form-III shall be published in the following manner namely:-(a)by affixture in the Chavidi or if there is no Chavidi in any other conspicuous place of the Village;(b)by affixture on the notice boards of the Panchayat Office, Primary Co-operative Agricultural Credit Society or School, if any, in the village;(c)by beat of tom-tom in the village;(d)by affixture on the notice board of the office of the Mandal Revenue Officer having jurisdiction over the village; and(e)by affixture on the notice board of the office of the Mandal Praja Parishad in which the village is situated.4.20It may be noted that a notice in Form-III need not be published in the District Gazette whereas a notice in Form-II is to be published in the District Gazette.4.21The notice referred to in para 4-19 above shall declare that the draft Record of Rights or the draft Record of Rights made up to date has been prepared and kept in the custody of the Village Assistant of the village for inspection at all reasonable times for any person claiming any interest in the lands in the village and call upon all persons claiming to rectify any omission or error in the said record to furnish a statement in writing relating to their claims on or before a date specified in the notice, not being later than 15 days from the date of publication of the notice and declare also his intention in hold a Gram Sabha in the village on a date specified in the notice, not being later than 22 days from the date of publication of the notice to read out the draft R.O.R. or draft R.O.R. made up to date and to receive the claims and objections that may be made at the Grama Sabha and further declare his intention to hold an enquiry in the Village in respect of the objections received in writing and the objections received at the Grama Sabha on a date specified in the notice, not being later than 40 days from the date of publication and call upon all persons interested to appear before him at the said enquiry on the date specified.4.22With a view to follow the statutory requirements enunciated in the Rule 10, it is necessary that a detailed programme should be chalked out with care by the Recording Authorities under the close supervision of the R.D.O. The R.D.O. should take stock of the claims received for the 1st stage of enquiry, the number of days taken for 1st stage of enquiry, and fix programme for 2nd stage of enquiry. The Recording Authorities should not deviate from the notified programme except for extraordinary reasons and with the permission of the R.D.O. the R.D.O. must ensure that the programme prescribed for the

Recording Authority is scrupulously followed.4.23The Recording Authority must receive the statements of claims submitted in response to the notice in Form-III and thereafter proceed to the village to hold a Grama Sabha on the specified day. Any written objections submitted at the Grama Sabha should also be received by the Recording Authority. In addition any oral claims and objections received at the Grama Sabha shall be reduced to writing by the Recording Authority and the same shall be considered at the proposed enquiry.4.24After receiving the claims in response to notice in Form -III and the claims at the-Grama Sabha, the Recording Authority should consider the need for sub-division work to be taken up immediately in any particular case before the date specified for enquiry. If sub-division work becomes necessary he should get the same done before the date specified for the enquiry. In all other cases the sub-division work can be taken up after the Record of Rights is confirmed.4.25On the date specified for the enquiry, the Recording Authority shall proceed to the village to hold the enquiry. There is no bar to receive any further statements of claim in writing which a claimant may like to submit even on the day of enquiry. The Recording Authority may entertain even oral representations made in respect of any claim that the claimants may like to submit to him at the time of holding the enquiry. In respect of all such oral representations he shall make a summary record of representations and obtain signature/left thumb impression of the claimant on the record.4.26After the enquiry the Recording Authority should decide whether or not the draft Record of Rights requires to be altered in consequence of the claims received for rectification of an error or omission and make a summary order in respect of each claim. The Recording Authority should issue a notice to the persons whose names have been entered in the draft Record of Rights as having any interest in the land in respect of which the alteration is proposed, asking them to show cause why the alteration should not be effected. After a notice is given and the representation is received and considered, the summary order to alter the draft Record of Rights can be passed. However if any person after receiving the notice fails to submit a representation within the time to be stipulated, the summary order can be passed with reference to the material available on record. Where the Recording Authority is a R.I., he should obtain the orders of the M.R.O. or Special Deputy Tahsildar (ROR) before passing orders to change the entries in the draft Record of Rights.4.27Rule 12 lays down that, if, at any time before the completion of the enquiry referred to in Rule 11, the Recording Authority has reasons to believe that any entry made in the draft Record of Rights requires to be altered in any manner, he may make such alteration provided that no alteration shall be made without giving any person whose name is entered in the draft Record of Rights as having any interest in the land in respect of which the alteration is proposed of making a representation in that behalf.4.28After orders are passed under Rule 11 or 12, the draft R.O.R. for the village shall be confirmed after incorporating the orders passed under Rule 11 or 12.4.29The correctness of the entries in the draft R.O.R. and the confirmed R.O.R. should be tested by the Revenue hierarchy on a percentage basis. Entries in every village should be tested. If mistakes are found at the draft stage, the Recording Authority can correct them under Rule 12. If mistakes are found after the R.O.R. is confirmed, the correction has to be made under Rule 13.4.30Where mistakes are found under Rule 13(2), in the confirmed Record of Rights of a village, the same will be communicated to the M.R.O. The M.R.O. will issue a notice to the affected persons to make a representation against the proposed alteration. After receiving and considering the representation, the M.R.O. will pass orders regarding the alteration to be made. If no representation is received within the stipulated period, orders will be passed on the material, available. For villages for which the M.R.O. is the Recording Authority, the orders will be passed by the Revenue Divisional

Officer. For other villages the M.R.O. will pass orders under Rule 13(2).4.31 Only after the testing of the R.O.R. is done either at the draft stage or at the confirmed stage, the fact of preparation of R.O.R. for the village or the fact of its updating shall be notified in the district Gazette in Form-IV.4.32 The completion of the preparation of the Record of Rights shall be notified in the District Gazette in Form-IV. The notification shall also be published in the manner specified in Clauses A to E of sub-rule 2 of Rule 5. The publication of notice in Form IV shall constitute the completion of preparation of Record of Rights or updating of Record of Rights in a village.4.33 Within 15 days of the publications of the Form-IV notice, the Recording Authority shall hold a Grama Sabha at which the confirmed R.O.R. shall be read out for the information of the persons present.4.34 Soon after the publication of the notice in Form-IV, the Collector of the District shall take action to get the new sub-divisions as shown in the confirmed Record of Rights measured and copied in the concerned records as per the procedure laid down in the Survey and Boundaries Act and recover the fee for the same from the concerned ryots as arrears of land revenue. The extent noted in respect of each part of survey number or each sub-division in the Record of Rights Register shall be subject to correction wherever necessary after the completion of the measurement of the new sub-divisions.4.35 Within 7 days of the publication of the notification in Form-IV, the Mandal Revenue Officer shall arrange to recast Record of Rights information in Form-I and other information available in the Mandal Revenue Office and Registrar's Office in Form-II and authenticate the entries in respect of each person.4.36 After the preparation of the Register in Form I-B, the Mandal Revenue Officer shall arrange to get the Pattadar Pass Books prepared with reference to entries in Form I-B and deliver the same to the persons concerned.4.37 Rules 14 and 26 prescribe the procedure for writing the Pattadar Pass Books. The Pattadar Pass Book shall be prepared taking the Revenue Village as a Unit. However for the purposes of categorising a person as a Small or Marginal Farmer, all his holdings in the district shall be taken into account with reference to the claim filed by him under Clause (i) of Rule 5(1)(b). The format of Pattadar Pass Book is given in Form-XIV. Every entry made in the Pass Book shall be presumed to be correct and true unless the contrary is proved and it shall be the record of title. The entries in the Pass Book shall be treated as authentic document to grant loans etc.4.38 The Pattadar Pass Book will be printed in 4 parts and bound separately. Each part will be separate by itself. Owner pattadars who do not cultivate will get Parts I and IV, and owner pattadars who cultivate by themselves will get parts I and II. Tenants and Mortgagees will get part - III of the pass book. Part-I gives the details of Demand Collection and Balances of Loans granted or Land Revenue to be paid. Such details are found in Part-II and IV for the owner/pattadar whereas the details of loans are given in part-III for the tenants and mortgagees. Since the details of latest Demand Collection and Balance of Land Revenue and loans if any granted, outstanding or repaid are being furnished duly attested by the Competent authority the book is called a Pattadar Pass Book.4.39 On page 1 of each part of Pass Book the pass book number will be written as per column 14 of Form I-B.4.40 The details of land owned must necessarily be entered sub-division-wise or part of sub-division-wise if cultivated separately and individually, with clear indication of wet, dry and irrigated dry if the sub-division is classified and cultivated as such. These instructions are meant to be followed in a contingency where a survey number, sub-division number is owned and cultivated by more than one category. Thus if a survey number or sub-division number is owned by more than one person then the extent owned by the person will be shown in the Pass Book and not the total extent of the Survey number or sub-division. Similarly, if a survey number or sub-division is so large and is classified into more than one category, namely, wet, dry and irrigated



dry, then the area/extent under each classification or category should be shown separately in the column provided in the Pass Book. In the above type of cases, in column 2, the letter 'P' shall be written after the survey number or sub-division number to make it clear that the extent mentioned in column No. 3 is not the full extent of the survey number/ sub-division but only a part owned and held by the pattadar or a part separately categorised. 4.41 The following example should make the above explanation clearer in filling part 1 of the Pass Books: Suppose sub-division 100/1 measuring 2 acres classified as dry is owned by X and Y. X has 1.2 Ac. and Y has 0.8 Ac. Similarly suppose sub-division 150/2 is 5.00 Ac. of which 1 Ac. is categorised as wet, 2.2 Ac. as I.D. and 1.8 as Dry. Suppose X owns 0.6 Ac. wet and 1.2 Ac. I.D. and Y owns 0.4 Ac. wet and 1.0 Ac. I.D. and the entire 1.8 Ac. dry. Then in the Pass Book the entries should be made as follows:

Sl. No. and sub-division No.	Extent	Classification
Pass Book of X		
100/1 P	1.2	Dry
150/2 P	0.6	Wet
150/2 P	1.2	I.D.
Pass Book of Y		
100/1 P	0.8	Dry
150/2 P	1.8	Dry
150/2 P	0.4	Wet
150/2 P	1.0	I.D.

For filling part-I of the Pass Book the above entries should be re-arranged as follows:

Pass Book of X		
150/2 P	0.6	Wet
150/2 P	1.2	I.D.
100/1 P	1.2	Dry
Pass Book of Y		
150/2 P	0.4	Wet
150/2 P	1.0	I.D.
100/1 P	0.8	Dry
150/2 P	1.8	Dry

**4.**

**42.**

: While writing the lands owned, the Survey number/sub-division etc., should be written in column 2 in the order of one below the other and not one adjacent to the other. There may be more than one

entry for a Survey number/sub-division number, but even then each entry should be written one below the other and not one adjacent to the other. Thus in the Pass Book there will be a row of entries for a Survey number or a sub-division or for a part of survey number/Sub-division number, a person may own more than one survey number/sub-division number or part of a survey/sub-division number. Suppose a person has 5 Sy. numbers/sub-division numbers/ parts of Sy.number/sub-division number. Then there should be 5 rows of entries, one for each Sy.number/sub-division or part thereof. The M.R.O./Sub-Registrar should not make one signature for all these 5 entries put together. But they must attest the entries for each row and in the above example they must make 5 signatures for the 5 rows of entries. Columns 12 and 13 of Form I-B should be filled by the recording authority with reference to the information collected from the Sub-Registrar. Column 8 and 9 of Part - I of the Pass Book should be filled in with reference to the Columns 12 and 13 of Form I-B. In the above example of 5 rows of entries for an individual, the M.R.O., will attest each row of entries in Column 7 and in Column 10 the Sub-Registrar will attest the entries made in Column 8 and 9 for the 5 rows separately. Thus even before the pattadar Pass Book is given to the pattadar for the 1st time, the attestation of the entries in the Pass Book row by row will have to be done by the M.R.O./Sub-Registrar.

**4.**

**43.**

: Regarding the sale transactions after the issue of Pass Book, when buyer and seller have pass books the sub-registrar will make additions and delegations in both the Pass Books of the buyer and seller. The entry in the sellers Pass Book should be rounded off/cancelled under dated signature of the sub-registrar and a reference to the sale, document number, date, buyer's name, his Pass Book number etc., could be recorded in the remarks column. A new entry should be made in the Pass Book of the buyer and information relating to the columns 2 to 6,8 and 9 will be copied from the Pass Book of the seller. In addition in the buyers Pass Book in the remarks column details of document number, date, seller's name his Pass Book number etc., should be recorded.

**4.**

**44.**

: Part-II of the Pass Book is meant for the owner who cultivates atleast some of his owned land by himself. Suppose a owner has five survey numbers/sub-division numbers, part of a Survey Number/Sub-division number in a village and for the sake of convenience he may cultivate 3 of them himself, and give the remaining on tenancy or mortgage. To have more income, he might have taken lands belonging to others for cultivated by him as tenant. Suppose he has taken 3 Survey number/sub-division numbers as tenant In such a case all the 8 numbers should figure in column 2 one below the other. First the 5 numbers owned by him could be written and then the 3 numbers taken on lease can be written. But in column 6 against 3 numbers taken on lease the words tenant or mortgagee shall be written. In column 7 corresponding to these entries, the names of the owner (s)

and his/their pass book numbers can be written. Similarly regarding lands given on tenancy/ mortgage to others, in column 6 the words "owner" shall be written and in column 7 the names of the tenant or mortgagee to whom the lands are given and their pass book numbers etc., could be written. Thus part - II of the Pass Book will cover the following alternatives for owner cultivators:

**1. Owner who cultivate his total land;**

**2. Owner who cultivates part of his own land giving the balance on lease/mortgage to others;**

**3. Owner who cultivates his lands in part or full plus takes lands of others on lease/mortgage;**

**4. Any combination of 1, 2 & 3 above.**

**4.**

**45.**

: It must be ensured that Part - II of the Pass Book contains all the Lands cultivated whether as owner or tenant or mortgagee and own lands given on tenancy or mortgage. If an owner does not cultivate lands owned by him but he cultivates somebody else's lands on lease/mortgage, then he will get Part - I and Part - III of the Pass Book and not Part - I and Part - II of the Pass Book.

**4.**

**46.**

: The following example should make the filling of Part - II of the Pass Book clearer. A has 5 Sy.Nos./sub-division numbers. He has given 2 of them on lease to B. He has taken 3 Sy. Nos./sub-divisions from C on lease. The entries will be as follows:

Sl.	Sy.No. Sub-divn.	Classification	Extent	Assessment	Nature of enjoyment	Nature of tenant on land
1	2	3	4	5	6	7
1.	10	Wet	2 Ac.	10.00	Owner	-
2.	12/2	Wet	1 Ac.	30.00	Owner	-
3.	15/1	I.D.	2 Ac.	30.00	Owner	-
4.	100/1	Dry	2 Ac.	10.00	Owner-----leased	(B) PassBookNo. _____
5.	102/3	Dry	2 Ac.	10.00	Owner-----leased	

(B) Pass BookNo. \_\_\_\_\_

6. 8	Wet	1 Ac.	30.00	Tenant	(C)Pass Book No. _____
7. 11/2	I.D.	2 Ac.	30.00	Tenant	(C)Pass Book No. _____
8. 12/2	Dry	2 Ac.	10.00	Tenant (C)	Pass Book No. _____

### III. Rectification of Entries in Record of Rights

#### 5.

#### 1.

: Once the Record of Rights has been completed in the manner explained above, the entries of such a Record of Rights should not be altered without an order of the Competent Authority for rectifying such entries.

#### 5.

#### 2.

: Sub-section 3 of Section 3 of the Act provides that any person affected by an entry in such a Record of Rights may, within a period of one year from the date of notification referred to in Sub-section 2 apply for rectification of the entry to the Mandal Revenue Officer concerned.

#### 5.

#### 3.

: Rule 15 (3) provides that within a period of one year specified in Section 3 (3) the M.R.O., may of his own accord initiate proceedings for correction of any mistakes in the record of rights which he discovers himself or which is reported to him by any other Revenue Officer.

#### 5.

#### 4.

: The Mandal Revenue Officer concerned shall hold an enquiry after giving a notice in Form-V to all persons referred to in Rule 16 (1) of the said rules and should invariably serve the notice on those persons.

5.

5.

: The Mandal Revenue Officer concerned should follow the procedure laid down in Rules 16 and 17 for holding the enquiry into all such cases. IV. Amendment & Maintenance of Record of Rights up to Date

6.

1.

: The Officers of the Revenue Department entrusted with the work of Record of Rights are required to ensure that the Record of Rights are kept up-to-date and that all changes that may take place in ownership, possession, occupation or otherwise should be duly incorporated in the Record of Rights accurately and promptly.

6.

2.

: Rules 18, 19, 20 and 21 lay down the manner and mode of effecting the acquisition of rights that may be taking place in ownership, possession, occupation or otherwise subsequent to the completion of preparation or updating of Record of Rights and incorporating correct entries in the Record of Rights.

6.

3.

: Where a right accrues to a person, such person shall intimate the accrual of any such rights to the Recording Authority concerned. A right may accrue on account of succession survival ship, inheritance, partition, purchase, mortgage, gift, lease or otherwise. The accrual of such a right to a person may be as owner, pattadar, mortgagee, occupant or tenant of land. It is necessary that an intimation of any accrual of any right referred to above should be intimated to the Recording Authority within 90 days of accrual.

6.

**4.**

: The acquisition of right includes a mortgage whether with or without possession and it also includes discharges of any mortgage.

**6.**

**5.**

: The Recording Authority shall give an acknowledgement in token of receipt of intimation of acquisition of rights: Form VI-A for an intimation of acquisition of right and Form VI-C for acknowledgement of intimation. Both can be printed on the same sheet one below the other with perforation between the two so that the moment an intimation is received, the acknowledgement can be given forthwith by tearing of the perforated sheet.

**6.**

**6.**

: On receipt of any intimation of acquisition of rights the Recording Authority shall issue a notice in Form - VIII.

**6.**

**7.**

: Notice in Form - VIII with a copy of proposed amendment as per intimation submitted by persons acquiring a right shall be published in the following manner:-(a)by affixture in the Chavidi or if there is no Chavidi in any other conspicuous place of the village;(b)by affixture on the notice board of the Panchayat Office; Primary Co-operative Credit Society or School if any in the village;(c)by a beat of tom-tom in the village;(d)by affixture on the notice board of the office of the Mandal Revenue Officer having jurisdiction over the villages; and(e)by affixture on the notice board of the Office of the Mandal Praja Parishad in which the village is situated.

**6.**

**8.**

: The Recording Authority is authorised to summon the attendance of any person for purposes of examining him or for production of any document

6.

9.

: After completing the enquiry, the Recording Authority shall pass an appropriate order and communicate it to all the persons concerned.

6.

10.

: An appeal against every order or the Recording Authority either making an amendment in the Record of Rights or refusing to make such an amendment shall lie to the Revenue Divisional Officer of the Revenue Division in which the village is situated under sub-Section 5 of Section 5 of the Act and rule 21 (1) of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Rules, 1989 within a period of 60 days from the date of communication of the said order and the decision of the appellate authority thereon shall subject to the provisions of the Section 9 of the Act be final.

6.

11.

: Every appeal referred to above shall be in writing and shall set forth concisely the grounds thereof and shall be accompanied with a copy of the order appealed against and a payment of court fee stamp of Rs.5/-<sup>6.12</sup>The recording authority shall maintain for every village a separate register in Form-VIII.

**7. The Collector who is vested with revisional powers may either suo motu or an application made to him examine the Record of Rights prepared or maintained under Section 3 or any order passed or proceeding taken by any Recording Authority or an Appellate Authority to satisfy himself as to the regularity of such record, order or proceeding or the correctness,-legality or propriety of any decision passed or order made therein and if in any case it appears to the Collector that any such record, order or proceeding shall be amended, modified, annuled, referred or remitted for re-consideration pass orders accordingly after giving an opportunity to the party for making a representation.**

## 8. Regulation of Certain Alienations or Transfers of Lands.

8.1 Section 5-A provides for regularisation of alienation or transfer effected by an instrument otherwise than a registered document in respect of a person whose name is recorded as an occupant in the Record of Rights. In Rule 22 this provision has been enlarged to cover persons who are recorded as occupants in adangal/pahani patrika or in record of rights prepared earlier. 8.2 As the A.P.ROR in land and pattadar pass books rules 1989 are coming into force on 9.6.1989 the M.R.C. shall issue a general notification in Form-IX on 10.6.1989 calling the persons specified in rule 22(1) to file applications within 15 days for declaring the unregistered alienation or transfer as valid. 8.3 The above notification shall be published in the District Gazette and in the manner provided under sub-rule (1) of the Rule 22. 8.4 As prescribed by sub-rule (3) Rule 22 on receipt of application, the M.R.O. shall issue a notice to the alienor or transferor in Form XI specifying therein the place, date and the time at which he proposes to enquire into such application. He shall also issue a notice in Form XII to all the persons believed to be interested in the land. 8.5 On the day so appointed or any other day to which the enquiry may be adjourned with advance written intimation of adjournment, the M.R.O. shall after hearing the parties and on examining their documents and witness if any and after taking into account the evidence adduced and after taking further evidence as he may consider necessary to satisfy himself that the alienation or transfer is not in contravention of the provisions of various Acts referred to in Rule 22(4) complete the enquiry. After completion of enquiry and after full satisfaction that the transaction is not in contravention of any of the provisions laid down in the various enactments referred to at sub-rule (4) of Rule 22, the M.R.O. shall require the alienor or transferee to deposit through a challan in the treasury an amount equal to the registration fee and stamp duty that would have been payable had the alienation or transfer been effected by a registered document in accordance with the provisions of Indian Registration Act, 1908. The amount to be deposited shall be fixed basing on the report of the Registering Officer. The M.R.O., shall send the required information in Form XIII-A to the concerned Registering Officer. The concerned Registering Officer, should furnish the same to the M.R.O., fixing the land value within a month of the date of receipt of the M.R.O.'s order. 8.6 After receipt of reply from the Registering Authority, the M.R.O. should inform the alienee or transferee to deposit the registration fee and stamp duty through challan in the treasury and after the amount is deposited, the M.R.O. should issue a certificate or validation in Form XIII-B as required under sub-section 4 of Section 5-A. The M.R.O. should also communicate necessary information in Form XIII-C to the concerned Registrar about the fact of validation and the Registrar shall enter the certificate in the relevant registration record and index them properly. 8.7 The Recording Authority also should carry out necessary changes in the Record of Rights in response to the validation certificate on its production. The Recording Authority and M.R.O. should also make necessary entries in the Record of Rights in Land in Form-I and I-B under proper attestation, and then the M.R.O. shall issue a Pattadar Pass Book to the occupant in the category of owner/pattadar. 8.8 The Rules framed u/S. 5-A are self-contained. These should be followed scrupulously.

## 9. Custody and Inspection of the Record of Rights and Furnishing of Copies thereof and Extracts therefrom



9.1As prescribed by Rule 24, the Record of Rights in Form-I and I-B should be prepared in triplicate. The M.R.O. should keep one copy in his personal custody. The other copy should be kept in the Office records of the M.R.O. The 3rd should be kept in the custody of village Assistant of the village. Every application for certified copies or extracts should be made to the village Assistant concerned. The certified copies or extracts from the Record of Rights shall be attested by the M.R.O. On receipt of application for certified extract of Record of Rights, the Village Assistant shall submit it to the M.R.O. for issue of a certified copy. The Village Assistant or other higher officer, can deliver the copy to the applicant. The fee chargeable for Sy.No. or sub-division number is Rs.2/- and this should be collected in the shape of Court fee stamp affixed on the application.9.2Rule 24(2) prescribes that the R.O.R. shall be open for inspection to the public free of charge during office hours on all working days.

## 10. Miscellaneous:

10.1Under Rule 28, every recording authority, M.R.O., Appellate Authority and other Officer holding an enquiry under the Act are vested with the same powers, as are vested in a Civil Court under the Code of Civil Procedure Code, 1908.10.2Under Rule 29, the service of any notice, the intimation of any decision and the communication of any order under the Act or rules, should be effected by giving or tendering a copy of such notice, intimation or order to the person concerned or an adult member of his family. When the service on the person concerned or on adult member of his family is not practicable, the notice etc., should be sent under Certificate of Posting.10.3Gram Sabhas: The statutory rules prescribe some gram sabhas to be held. There is necessity to hold more gram sabhas. A minimum of six gram sabhas may be held for each village for the following purposes.(1)A gram sabha before 30.6.1989 to explain the Form-II notice.(2)A second gram sabha to hold the first stage enquiry.(3)A third gram sabha to read the draft ROR and to explain the Form III notice.(4)A fourth gram sabha to conduct the 2nd stage enquiry.(5)A fifth gram sabha to read the confirmed ROR.(6)A sixth gram sabha to distribute the pass books.10.4Enquiries: All enquiries should be in the village in the public, preferably in the locality where weaker sections live.10.5Clarifications: Clarifications on the points raised by Collectors of Kurnool and Rangareddy district are enclosed as annexures A & B. Annexure : A Office of the Commissioner Survey Settlements & Land Records: A.P.: Hyderabad. CSS & LR's Ref.No.ROR/A/444/89. dated 31.05.1989. Sri V. Ananda Rao, I.A.S., Commissioner, Survey Settlements & Land Records. Sub:- The Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Act 1971 - Certain clarification sought for - Issued. Ref:- From Collector, Kurnool, Lr.ROR/10858/85, dated 13.05.1989. The Collector, Kurnool, through his letter cited has sought for clarification on various points in connection with implementation of Record of Rights. The points raised by the Collector and clarifications thereon are issued as under.

### Points

(i) Whether in respect of "Fouthi" cases, registered documents are to be insisted upon for effecting transfer of registry.

### Clarifications

(i) The point raised by the Collector, Kurnool, is not understood. "Fouthi" is a persian word and corresponds to "Death" in English and in Telugu. In "Fouthi" cases transfer of Registry is to be ordered in accordance with rule 9 of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Rules,

(ii) The father and the sons are alive and they are separated. They are having ancestral and self acquired property of the father. They are enjoying the lands as per the mutually agreed unregistered partition deed and there is no dispute regarding their shares. I request to be clarified whether in such cases, the partition deed is to be get registered.

(iii) Similarly, in some cases the brothers will be enjoying the property un-evenly since the lands possessed by them are not equally fertile. There is no partition deed either registered or un-registered. Whether in such cases, the registered partition deed is required for effecting the transfer of registry.

(iv) In some cases, the extent recorded in village account viz., 10(1) Adangal and R.O.R. is different from the actual extent being enjoyed on ground. What is to be done in such cases.

(v) In cases of adverse possession of the land for over 12 years, whether the enjoyer's name can be changed in village accounts without court orders. Prior to the enactment of the R.O.R. Act, the Tahsildars used to effect changes in cases covered by adverse possession. What is to be done as per the amended R.O.R. Act in the above cases.

1989. There is no question of insisting upon for a registered document.

(ii) There is no need to register a partition deed. However the partition deed should be properly stamped as per Art 40, of Schedule 1.A, of the Indian Stamp Act. The recording authority should record statements from all concerned and keep a proper and complete record of enquiry regarding the partition including a copy of the partition deed.

(iii) No. However the recording authority should record statements from all concerned and keep a proper and complete record of enquiry regarding the partition, including reasons for unequal partition.

(iv) The actual extent under physical possession should be recorded in the Record of Rights after measurement.

(v) Transfer of registry should not be effected on the basis of adverse possession for more than 12 years. Sec. 13 of A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971 reads thus:

"The A.P. (Telangana Area Record of Rights in Land Regulation 1358 Fasli (Reg. No. LVIII of 1358 F.) and all standing orders and any other provisions of law relating to the record of rights in land as in force in the State are hereby repealed."

Now all changes in registry are governed by the Provisions of A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971, and rules issued thereunder.

The occupant's name should be recorded in Co 1.15 of R.O.R. as occupant and the details of interest or occupation should be recorded in Co 1.17. The names of persons having adverse possession irrespective of

the number of years of possession cannot be recorded as owner or pattadar.

(vi) 'A' sold away the land to 'B'. But 'A' is still enjoying the land. It may be due to mutual understanding or due to non-fulfilment of oral conditions mutually agreed upon by both the parties at the time of registration of document. In such cases, the 'A' has to be entered in the occupation column of the R.O.R. Register, notwithstanding the fact that 'B' purchased the land. I request to be clarified whether 'A' has to be treated as an illegal occupant. In such cases 'A' is not entitled for a Pass Book as he will come under category-2 i.e., illegal occupant of the lands of patedar.

(vi) It is not clear whether transfer of Registry has been effected in favour of 'B' on a result of the sale by 'A'. If transfer of registry was done, and 'B' is the pattadar, then 'B' will get Pass Book as pattadar and 'A' will not get Pass Book as occupant. If transfer of registry was not done 'A' continues to be Pattadar and he is eligible for Pass Book as Pattadar whether transfer of registry should be done in favour of 'B' now or while up-dating ROR should be decided as per rule 9 of the A.P.R.O.R. Rights in Land and Pattadar Pass Book Rules, 1989.

(vii) 'A' sold S.No.13 to 'B' but actually 'A' was the owner of S.No.33. By mistake of fact in good faith 'A' got registered S.No.13 to 'B' instead of S.No.33. Whether in such cases, fresh registration of S.No.33 has to be got done or whether the M.R.O. can effect changes as per the enjoyment

(vii) A rectification deed on plain paper should be got registered subject to the following conditions:-

(i) There is no change in boundaries of land.

(ii) The purchaser has given his consent. No stamp duty need be paid for the rectification deed. In other cases, i.e., where instead of a mistake in noting the S.No. the identity of the land changes with reference to boundaries, a new sale deed should be got registered. The M.R.O. can not effect changes in ownership with references to enjoyment. The enjoyer can be shown in the occupant's Column.

(viii) In the amended R.O.R. Act the Recording Authority has to arrange for the sub-division work wherever necessary. It may be clarified whether sub-division fees has to be collected from the Pattadar/Owner. In the Old R.O.R. Act, no sub-division fees was collected for effecting sub-division work.

(viii) This time provision has been made under Rule 14(4) for recovery of the fees towards sub-division charges as arrears of Land Revenue.

(ix) Whether pattadar pass book for a particular person has to be given for each village taking the village as unit or whether it has to be issued for all the villages in which he

(ix) The Pattadar Pass Books has to be given taking the village as a unit, as envisaged in Rule 26(1) of R.O.R. Rules, 1989. However while categorising a person as a small or marginal farmer, all his holdings

ispossessing the land. According to the old R.O.R.Act, pattadarpass book was issued taking the village as a unit.

(x) In many cases of Registered sale deed, the name of Venderis not found either in 10(1) or in R.O.R. Register. As a testcheck, I have got verified 1033 transfer of registry cases(Registered sale deeds) received from the Sub-Registrar in respect of the Gonegandla Mandal. On verification it was found that in 198 cases i.e., 19% the name of Vender is one and the same in 10(1). In respect of 337 cases (i.e., 33%) the name of the Vendor is tallied with the R.O.R. register in the column of enjoyer's is not tallied with 10(1) and R.O.R. From the above it is seen that in majority of the cases, the names of the Vendors do not find place either in 10(1) or in R.O.R.-Register. The procedure to be followed in respect of the above category of cases may please be informed.

(xi) 'A' sold away the land to 'B' through a registered sale deed. 'B' sold away the same land to 'C' through an un-registered document. 'C' sold away the same to 'D' through a registered sale deed. As there is no continuity in the Registered sale deeds, it is very difficult to find out the name of the owner. What action to be taken in such cases?

(xii) Apart from the above, details, clear instructions may kindly be given for preparation of the pattadar pass books i.e., I to IV paras as to what categories of persons come under a particular para.

Annexure- B Office of the Commissioner of Survey, Settlements & Land Records, A.P., Hyderabad. CSS & LR'S Ref.No. ROR(A)/225/89. dated 1.6.1989 SRI V. ANANDARAO, I.A.S., Commissioner of Survey Settlements & Land Records. Sub:- The Andhra Pradesh Record of Rights in Land & Pattadar Pass Books Act, 1971 - Certain clarifications sought for by the Collector, R.R.District - Issued. Ref:- From Collector, R.R.District No.B1/ 3207/89 dated 17.03.1989. The Collector, Ranga Reddy District through his letter cited has sought for clarifications by various points in connection with implementation of Record of Rights. The points raised by the Collector and clarifications thereon are issued as under:

in the District will be taken into consideration with reference to the claim filed by him under Clause (1) of the Rule 5(1)(b).

(x) As per provisions laid down under Rule 9 of the A.P. Record of Rights in Land and Pattadar Pass Books Rules 1989, the recording authority shall pass orders for the transfer of registry in all cases requiring change of registry necessitated by sale, gift etc., through registered document, if there is no dispute. In all cases of absolute transfer of title, the registry of a holding should be altered to correspond with the transfer of its ownership. Where the Registered holder is not a party to a registered transaction, the registered holder should be enquired. The parties involved in a transfer should be connected by a complete chain of registered documents. Unregistered documents are not admissible as evidence in this enquiry to prove the ownership or title of the property. Where the chain is not complete, no transfer of registry shall be done.

(xi) Since sale from 'A' to 'B' is through registered deed, transfer of registry in favour of 'B' can be done after recording statements from A and B. Since sale from 'B' to 'C' is through unregistered sale, it should be regularised under Section 5-A of the A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971 and transfer of registry made in favour of 'C'. Thereafter transfer of registry can be made in favour of 'D'.

(xii) Please see Rule 26 of A.P. Record of Rights in Land and Pattadar Pass Books Rules, 1989.

## Points

## Clarifications

1. In one survey number different persons are in possession and occupation over the Land as per mets and bunds, but there are no sub-divisions to the village accounts and ROR Register and their respective shares are only being noted in the ROR Register and sub-division numbers are to be made in the Survey No. as per occupations and enjoyment both in Record of Rights and Settlement Records. These land relate to ancestral or joint property.

1. Column 24 of the R.O.R. in Form -I provides for number of sub-divisions to be created in such cases. Sub-rule 4 of Rule 14 of Draft Record of Rights rules, 1989 provides as below:—

(4) The new sub-division, as shown in the confirmed Record of Rights shall be measured and mapped in the concerned records as per the procedure laid down and the fee shall be recoverable from the concerned ryots as arrears of land revenue. The extent noted in respect of each part of survey number or each sub-division on the Record of Rights Register, shall be subject to correction, where ever necessary after the completion of measurement of the new sub-divisions.

For the new sub-divisions to be created, the recording authority may adopt alphabets and after the survey department completes the sub-division work, they will replace the alphabets by numbers.

2. During the discussions it was brought to the notice of the Commissioner that the rural areas kith and kin are possession and enjoyment over the lands by mets and builds as per their final settlement since a long period and their names are appearing only in the Column No.9 of R.O.R. as occupant and requested to get their names recorded as owner of the land in Column No.4 of R.O.R. as per their enjoyment unlike in the Land Records announced at the time of preparation in Khasra Phalli 1954-55, so as to facilitate them to get the loans for development of the lands under their occupation. It is however felt that the Shikamidars though enjoying the lands have no statutory rights in order to avail quick facilities and also to avail the legitimate right over the lands held by them.

2. Without sanction of succession, the names of persons in physical possession of the land cannot be recorded in Column 4 of old R.O.R. corresponding to Column 7 and 8 of new R.O.R. Form-I. According to Section 3(1) of R.O.R. Act read with Rule 9(1) of R.O.R. Rules 1989 the recording authority can effect changes in respect of undisputed cases and record the names of successors as Pattadar owner in Column 7 & 8 of Form -I. In disputed cases of succession, the recording authority has to refer the cases to the M.R.O. for disposal in due course after confirmation of the R.O.R.

3. It is also represented that the father has to give share to their kith and kin under a written or oral partition and requested to record the ownership of the family members as per the partition during the life of the father so as to develop the lands by them.

3. This has to be decided keeping in view the personal law which governs the individual.

If the kith and kin have a right or claim on the property under law, then only its partition arises. Otherwise the so-called partition will become gift or conveyance. While partition need not be registered the partition deed, if any should be on stamp paper (Art 40, Schedule 1A of Stamp Act). Conveyance or gift deeds should be on stamp paper and registered. Transfer of registry should be done as per Rule 9 of R.O.R. Rules.

4. It is also represented that in some cases after death of a pattadar the legal heirs partitioned the lands by metes and bounds without equal shares and requested to affect the changes as per their family settlement without going through registration, so it amounts to succession. The practice hitherto is that the land was equally being distributed in each number on paper and mutation affected, but on the grounds the share of each in terms of area if absolutely differs. It is suggested that there is no bar in case uneven distribution is agreed to among the shareholders as it is being ancestral property and that such agreement need not be validated by way of registration and does not attract the proposed amendment of Section 5(a).

4. The Recording Authority should record statements from all concerned and order transfer of registry as per rule 9 of R.O.R. Rules. The shares in succession can be unequal. Unequal shares need not be validated under Section 5(A) of the R.O.R. Act.

5. It has been represented that though there are instructions from the Government for grant of ownership right to the person holding possession for more than 12 years who are paying Land Revenue to the Government under Rule 10 of Land Revenue, 1951 and the Divisional Officers are granting such ownership rights of the cases referred by the Recording Authorities, but the Dist. Revenue Officer in appeals filed by the pattadars u/S. 158 of A.P.(T.A.) L.R. Act, 1317-F has cancelled the ownership rights granted by the Divisional Officers on the ground that as per instructions of the former Board of Revenue No. 582/F7, dated 6.6.1956 the rules 3 to 15

5. As per Section 13 of R.O.R. in Land and Pattadar Pass Books Act, 1971, the provision of A.P.(T.A.) R.O.R. in Land Regulation 1358 Fasli and all standing orders and any other provisions of law relating to the R.O.R. of land as in force in the state have been repealed. Even as per rule 3 of Land Revenue Rules, 1951, the provisions of Rules relating to transfer of registry of holding shall apply to those areas where the R.O.R. had not been introduced under the R.O.R. in Land Regulation 1358 F. In areas where the R.O.R. has been introduced under the said

have become inoperative due to enforcement of A.P.(T.A.) Record of Rights in Land Regulations 1358 Fasli as such the ownership rights cannot be granted under Rule 10 of the Land Revenue Rules, 1951 by way of adverse possession for more than 12 years though there are clear instructions from the Government for grant of such ownership rights by way of adverse possession. It may be clarified whether the cases pending with Divisional Officers for granting of ownership rights under Rule 10 of Land Revenue Rules, 1951 can be processed or negatived.

6. There are several cases where exchange of lands have been made by mets and builds long back more than 12 years but pattadars name is still continued in Revenue Records which requires rectification of entries in Column No.4 of Record of Rights by recording the name of the actual enjoyer over the land as a owner of the land.

7. There are certain sale transactions noticed by the Commissioner, Survey, Settlements Sr Land Records (ROR) during the visit to Moinabad Mandal that the share holders executed a sale deed but his name does not find place in Column No.4 of R.O.R. and Column No.12 of Pahani as Pattadar and owner, whether this also can be affected in the R.O.R. in the absence of relinquishment of rights by the

Regulation, transfer of registry of holding shall be governed by the provision of that regulation and of the rules made there under. The question of implementing Rule 10 of Land Revenue Rules, 1951 therefore does not arise. These rules have been repealed. There is no necessity to ask the R.D.O.'s for granting ownership under Rule 10 of Land Revenue Rules.

#### 6. 5-A regularisation:

According to Sec. 118 of Transfer of Property Act, a transfer of property in completion of an exchange can be made only in the manner provided for the transfer of such property by sale.

According to Registration Act, Sec.17(12)(b), "other non-testamentary instrument which purport of operate to create, declare, assign limit or extinguish, whether at present or in future, any right, title or interest, whether vested or contingent of the value of Rs.100/- and upwards", Registration is compulsory.

The Recording authority/M.R.O., has to take into consideration only the registered documents in respect of exchange of lands. In respect of unregistered exchanges, validation under Section 5-A should be done.

7. Where because of the practice in vogue, the eldest brother was recorded as the pattadar and the other brothers were shown as occupants, the share of the brother occupants being clearly demarcated on ground and enjoyed by brother occupant exclusively, if the brother occupants sell their shares to a 3rd party in

owner who is a nominal owner/pattadar on the record. part or in full, the buyer can be registered as owner/pattadar after recording statements from the original pattadar, brother occupants and villagers having local knowledge.

8. Whether the D. Form Pattas (Assessment of Land for agriculture) granted on Govt. lands and surplus lands can be directly brought to the amendment Register or it should be routed through Faisal Patti during the Jamabandi. Similarly the Ryotwari Patta Certificates issued under the provisions of Inam Abolition Act and Section 38E of Tenancy Act, can also be directly carried out to amendment Register without Jamabandi.

8. U/s. 13 of R.O.R. in Land and Pattadar Pass Books Act, 1971, as amended by Act I of 1989, the provisions of A.P.R.O.R. in land Regulation 1358 F. and all Standing Orders have been repealed. Hence, there is no question of routing the cases of transfer of registry etc., through mutations.

According to R.O.R. Rules, 1989, owner includes D. Form Pattadar. Please see Section 10-A and Rule 30. Entries in R.O.R. will precede entries in Village records.

9. Whether the relinquishment of patta lands, surplus lands and agriculture Land and Ceiling Act and Urban Land Ceiling Act can be directly carried out in amendment Register without proposing changes in Jamabandi, through Faisal Patti?

9. yes.

10. Whether, notional sub-divisions can be given to the part of the lands purchased under registered sale deeds?

10. Yes. In alphabets see reply to can be given to the part of the item No. 1.

11. In cases where the land was purchased jointly by several persons of a family but the sale deed is registered in the name of elderly person and whose name is recorded as occupant in pahan but the land so purchased is being enjoyed individually all persons of sale.

11. No. The name of the person in whose name the registration was done should alone find place in Column No. 4 of old R.O.R. corresponding to Column 7 & 8 of new ROR. The names of the other occupants shall be recorded in occupants column.

(i) Whether the names of all the purchasers can be recorded as owners in Column No. 4 of R.O.R.

12. Whether Iqbal Decrees can be implemented, without revalidation u/S. 41-A of the Indian Stamp Act, as there are instructions from the Director, General Inspector General, Registration and Stamps not to implement such court decrees unless stamp duty is paid in cases where this decree is not subject to the provisions of ceiling land on agricultural lands and Urban lands.

12. Sub-rule 4 of Rule 27 of Draft R.O.R. rules, 1989 read thus:



"Whenever decrees regarding, agricultural lands are received from the Court or filed by the party, the M.R.O. shall collect registration fee and stamp duty on the sale price of the land or the market value of the land whichever is higher, and then only enter the details in the Pattadar Pass Book."

13. There are several cases incorrect settlement of records which are prepared as per Wasool Baghi submitted by the Jagirdars by showing the Benami Pattadars, instead of actual cultivators who are enjoying these lands by paying Land Revenue directly to the Government more than 15 years even before enforcement of tenancy 1950 and their names are being recorded as Cultivators in Column No.9 of R.O.R. As a matter of fact they should have been recorded as pattadars under circular No.2 and as well as rule 4 of pattadari rights in non-Khalsa villages and in Khasra Pahani 1954-55 and the names of these occupants are required to be recorded as pattadars in column No.4 of R.O.R. with a view to allow them all the family as pattadar.

13. There is no provision in the R.O.R. Act and Rules to record the names of occupants as owner and pattadar in the R.O.R. except as contemplated u/S.5-A.

14. There are certain cases where the protected tenants are still continuing as the occupants more than 45 years and they are not eligible for ownership rights under Section 38-E of the Tenancy Act and they should be declared as the owners of the land by fixing a nominal compensation to the pattadar whose names remained as pattadar on paper.

14. There is no such provision in the R.O.R. to record the names of the 38-E protected tenants as owner in the absence of ownership certificate and also there is no provision to declare them as owner by fixing a nominal compensation to the pattadar.

15. The names of all the tenants/ mortgagee/ Lessees on ground should be variably recorded in R.O.R. Column No.6 and as well as Column No. 9 and nature of lease/tenancy should also be recorded so as to facilitate tenants/ lease holders to get pattadar passbooks.

15. Yes, there should have been no doubt. The names of the Pattadar and owners have to be recorded in Column 7 & 8 of Form -I, the name of the tenant in Col.II, the name of the occupants have to be recorded in Col.15, the name of the mortgagor in Col.18 and the name of the mortgage in Col.No.19 etc.

16. There are many Inam lands remained under possession of occupants, and due to ignorance of law, these occupants, have not applied for, grant of occupancy rights under the provisions of A.P.(T.A.) Inams Abolition Act 1955 for grant of ownership rights and these occupants have been deprived of ownership benefits. Therefore, *suo motu*

16. It is for the occupants to get a patta under the Inam Abolition Act. Collectors may, take action to complete the work under the Inam Abolition Act so that occupants can get, patters and Pass Books.

action is required for grant of ownership rights to the occupants of inam lands and the Dy. Tahsildar to be appointed empowered him to collect the applications and conduct preliminary enquiries and forward the same to the Divl. Officer for grant of ownership to the occupants.