

Andhra Pradesh (Telangana Area) Alienation of State Lands and Land Revenue Rules, 1975

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-TELANGANA-AREA-ALIENATION-OF-STATE-LANDS-AND-REVENUE-RULES-1975

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Andhra Pradesh (Telangana Area) Alienation of State Lands and Land Revenue Rules, 1975 Last Updated 7th June, 2019 Whereas there are at present, no rules governing the alienation of State lands lying in the Telangana area of the State of Andhra Pradesh and land revenue for public purposes as in the case of State lands situated in the Andhra area of the State. And whereas it is found expedient and necessary in the interests of public administration to have such rules for implementing expeditiously the provisions of Section 25 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli. Now, therefore, in exercise of the powers conferred under Section 172 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (Act VIII of 1317 Fasli) the Governor of Andhra Pradesh hereby makes the following rules :-

1. Short title of the Rules, extent and application.

- (i) These rules may be called the Andhra Pradesh (Telangana Area) Alienation of State Lands and Land Revenue Rules, 1975. (ii) These rules extend to the whole of Telangana area of the State of Andhra Pradesh. (iii) These rules shall come into force on the date of their publication in the Andhra Pradesh Gazette.

2. Definitions.

- In these rules unless the context otherwise requires, (a) Act means the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli. (b) Alienation of Land means placing land at the disposal of for a public purpose [or for any specified purpose]. (c) Alienation of land Revenue means

grant of exemption from payment annually of the land revenue.(d)Capitalised value of land Revenue means the lump sum amount of land revenue equal to 25 years purchase of the annual land Revenue on the land.(e)Form means a form appended to these rules.(f)Land means land belongings to the State Government of Andhra Pradesh and situate in the Telangana area of the State of Andhra Pradesh.(g)Land Revenue means the land revenue payable under the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli or any other law in force in that area, together with the special assessment payable under the Andhra Pradesh (Telangana Area) Land (Special Assessment) Act, 1952 (vide) definition of the term given in Section 2(f)(2) of the Andhra Pradesh Land Revenue (Enhancement) Act, 1967.(Act 8 of 1967).(h)The terms "Local Body" "Local Authority" and "Local Fund" wherever they occur in these rules, include Gram Panchayats under the Andhra Pradesh Gram Panchayats Act, 1961 and also "Panchayat Samithis" under the Andhra Pradesh Zilla Parishads and Panchayat Samithies Act, 1959.(i)Public Purpose means a purpose which confers or is conducive to the good of a considerable section of the community at large or of the locality or region, like the construction of schools, temples, churches, mosques, choultries, roads, hospitals and office buildings of a local body or local authority proper but not any purpose which is but ancillary to a public purpose.(k)Section means a section of the Act.

3. General Principles.

(a)Alienation of State land to a local body or local authority for unremunerative public purposes will ordinarily be allowed or made free of any initial charge for occupancy right (i.e.) free of the market value of or the value of the occupancy right in the land. Where, however, the land to be alienated has been previously acquired at the expense of the Government and in the case of alienation of land to local bodies or local authorities for remunerative public purposes and of alienation to a company, private individual or institution for any public purpose the question of collecting the market value of the land from the alienance will be considered.(b)No application for alienation of land under these Rules to a company, association, society, institution or any other corporate body should be considered unless such company, association, society institution or other corporate body has been registered under the Indian Companies Act VII of 1913.(c)Applications for alienation of lands for educational purposes whether from local bodies or local authorities (including Gram Panchayat) or from private associations or individuals should be addressed to the District Collector through the District Educational Officer in the case of institutions for boys and through the Inspectors of Girls Schools in the case of institutions for girls.

4. Powers of alienation of land.

- (c) Every case of alienation of land other than those falling under the provisions of Clauses (i) to (iii) of sub rule (a) and of Clauses (i) and (ii) of sub rule (b) of this rule either in favour of local bodies or local authorities or companies or private associations, societies, institutions or other private corporate bodies or private individuals, whether subject to or free of charge for land revenue requires the sanction of the State Government for which an application should be made in Form in Appendix I.(d)Notwithstanding anything contained in Clauses (i) to (iii) of sub rule (a) and Clause (i) and (ii) of sub rule (b) of this rule, every case of alienation of land for denominations purposes (i.e.) constructions of temples, mosques, churches, chatrams, etc., requires the sanction of the

Government.(e)No land should be alienated to an alienee without the orders of the State Government.(f)Where the market value of the land to be alienated is such that the sanction of the State Government of Board of Revenue would be required, the previous sanction of that authority should be applied for through the concerned District Collector and the Board of Revenue and through the concerned District Collector respectively.(g)Notwithstanding anything contained in the foregoing rules the Government hereby reserve to themselves the ownership of all Sandalwood trees existing on any land at the time of its alienation and also that of those trees that they grow subsequently.(h)In case of alienation of land to local bodies when the local bodies do not like to take over trees standing on the alienated to them on payment of the value and the Collector considers that it is desirable to keep all or some of the trees on the land as a public amenity the trees shall be handed over to the local bodies subject to suitable conditions to maintain the ownership of the Government in the trees. Examples of conditions; (1) No live trees should be cut without the permission of the Collector, (2) The sale proceeds of withered and wind fallen trees and of trees cut with Collector permission should be credited to Government.

5.

(a)For every alienation of land requiring the sanction of the Board of Revenue or the State Government there shall be made an application by the Collector in the prescribed in Appendix I to these rules.(b)If it is proposed to alienate land together with Land Revenue due thereon there shall be another separate application made in addition to the one under Rule 5(a) by the Collector for the alienation of Revenue in the form prescribed in Appendix II.

6. Appointment of [Collector.] [Substituted for the word 'Taluqdar' by the A.P Adaptation of Laws Order, 1957.].

- The Government shall appoint in each district a [Collector] [Substituted for the word 'Taluqdar' by the A.P Adaptation of Laws Order, 1957.] who shall be subordinate to the [Board of Revenue] [Substituted for the words 'Subedar-i-Mutalliga' (concerned Subedar) by the A.P Adaptation of Laws Order, 1957.] and shall exercise all the powers and discharge the duties conferred or imposed on a [Collector] [Substituted for the word 'Taluqdar' by the A.P Adaptation of Laws Order, 1957.] under this Act, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of the Government.The Government may, if necessary, appoint in any district an [Additional Collector] [Substituted for the words 'Zaid Talukdar' Additional Collector by the A.P Adaptation of Laws Order, 1957.] who shall discharge such duties of a [Collector] [Substituted for the word 'Taluqdar' by the A.P Adaptation of Laws Order, 1957.] as may, from time to time, be deter- mined by the Government.

6A. [Additional Collector or Additional [Taluqdar] to have had always the same powers and duties as the Collector or [Taluqdar]. [Substituted by Act No.IX of 1952.]

- Subject to any special orders of Government in force at the relevant time,-(a)an Additional Collector shall have and shall be deemed always to have had the powers and duties of a Collector; and(b)an Additional [Taluqdar] shall be deemed always to have had the powers and duties of a [Taluqdar] [Substituted for the word 'Taluqdar' by the A.P Adaptation of Laws Order, 1957.] within their respective districts, whether under this Act or under any other law for the time being in force read with [the Telangana District Officers (Change of Designation and Construction of References) Act, 1950] [Adapted in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.]].

6b. Conditions in respect of acquired lands.

- (b) In the case of lands acquired at the cost of private Institutions or Associations under the provision of Land Acquisition Act for educational or other public purposes and alienated to those Institutions or Associations conditions (1) to (7) under Rule 6(a) above shall be replaced by the following conditions : (1)The land shall be used for and for no other purpose. (2)The Government may resume the land wholly or in part, with any buildings thereon if, in their opinion, the land is required for a public purpose or for conducting mining operations. In the event of such resumption, the compensation payable for the land and trees, shall be the amount paid for them by the alienee at the time of the acquisition, including the 15 per cent solatium, or the value at the time of resumption together with 15 per cent thereof whichever may be less. If there are buildings on the land the Government shall pay compensation for them in accordance with the provisions of condition (3). (3)In the event of the resumption of the land under condition (2), the compensation payable for the buildings and other improvements shall be the amount paid for them by the alienee at the time of the acquisition including the 15 per cent solatium or their value at the time of resumption by the Government together with 15 per cent thereof, whichever may be less, together with the initial cost or the value at the time of resumption, whichever may be less, of any buildings exceed and other improvements effected on the land by the alienee in accordance with the terms of the alienation, plus 15 per cent of such cost or value. (4)In the event of the infringement of any other condition of the alienation or in the event of the voluntary relinquishment of the land by the alienee, the Government may resume the land if it is required for a public purpose or if the Government consider that it should be returned to the original owner. If the Government decide not to exercise this power and inform the alienee accordingly, the latter may dispose of the land in any manner he likes, subject to his repaying to the Government the amount of any grant made by them towards the cost of the lands and of the buildings or other improvements. In the event of the resumption of the land under this condition, the compensation payable to the alienee shall be the value of the land at the time of acquisition (less the 15 per cent awarded for compulsory acquisition) or its value at the time of resumption, which ever may be less, together with the value of buildings and other improvements, at the time of resumption. If there are buildings on the land which the Government do not required, the alienee shall remove them at his cost, the event of the grantee refusing to remove the buildings, the Government may remove them and realise the cost of the removal by the sale of the materials.

7.

(b) The Board shall also have power to grant extension of time to the alienee for carrying out the purposes of alienation even in cases in which alienation of land was originally made by the Government. (c) The Collectors shall have power to sanction the resumption of land and Land Revenue in cases in which the original alienation was sanctioned by them provided no payment of compensation is involved therein.

8.

(a) Lands such as Roads, the sites of Hospitals, dispensaries and the like, which yield no return to local bodies or other owners thereof and which are devoted to public purpose shall be exempt from demand: Provided that such exemption shall last for such time only as the conditions on which such exemption was granted or fulfilled. Provided further that land appropriated for markets, cart stands and similar object on which an income is derived shall be liable to the payment of Land Revenue to the State Government. (b) The above benefit of exemption of Land Revenue shall be available in respect of land alienated by the State as occupied land acquired by the local body. (c) In all cases in which Land Revenue is exempted from payment, it shall be lawful for the Government to impose the following additional condition : In addition to the provision for resumption of the alienation of land for infringement of conditions of alienations, full assessment or ground rent shall be leviable by the Government from the alienee from the date of such infringement or from the date from which any net income is derived by the alienee on the land.

9.

(a) The Board shall have power subject to the condition mentioned in Rule (8) above to sanction alienation of Land Revenue in favour of Private Bodies, Institutions or individuals for public purposes provided the capitalised value of Land Revenue does not exceed Rs.1,000 in each case. (b) In the case of Land Revenue on roads and appurtenances thereto the Board shall have power to sanction alienation upto capitalisation value limit of Rs.15,000. (c) The Board shall have power to sanction alienation of Land Revenue in favour of local bodies upto a Capitalisation value limit of Rs.10,000 in each case subject to the conditions mentioned in sub rule (b) of this rule. (d) Collector shall have powers to sanction alienation of Land Revenue in favour of local bodies upto a capitalisation value limit of Rs.5,000 in each case, in respect of roads and appurtenances thereto such as gravel depots, stores sheds and the like, and upto a capitalisation value limit of Rs.500 in respect of other cases: Provided that in case of doubt whether the purpose for which the land is required of alienation is a public one the Collector should obtain the orders of the Board.

10.

Notwithstanding anything contained in the foregoing rules, the Government may, if it desires to sell or otherwise alienate any of its lands or other property in telangana area, it may do so by following any reasonable procedure including public auction, where such alienation/sale is deemed

necessary.]Appendix I[See Rule 4(c) and Rule 5(a)]Application for the alienation of land in which the proprietary right belongs to the StateDistrict(1)Description and area S. No. of village in taluk measuring acres.(2)Market value.(3)Alienees and purpose of alienation.(4)Collector remarks.Appendix II[See Rule 5(b)]Application for the alienation of land revenue payable to GovernmentDistrict(1)Description and area S.No. measuring acres in village taluk.(2)(a)Annual assessment or ground rent.(b)Capitalized value (25) times assessment or ground rent.(3)Alienees and purpose of alienation.(4)Collector remarks.