The Andhra Pradesh Record of Rights in Land and Pattadar Pass Books (Amendment) Act, 1989

Act 1 of 1989

Keyword(s):
Owner, Landless Poor Person, Khatadar


DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.
THE ANDHRA PRADESH RECORD OF RIGHTS IN LAND (AMENDMENT) ACT, 1989*

ACT NO. 1 of 1989.

[4th May, 1989.]

An Act further to amend the Andhra Pradesh Record of Rights in Land Act, 1971.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fortieth Year of the Republic of India as follows:-

1. This Act may be called the Andhra Pradesh Record of Rights in Land (Amendment) Act, 1989.

*Received the assent of the Governor on the 27th February, 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part-IV A, Extraordinary, dated the 20th February, 1989 at pages 15 & 16. [1]
2. In the Andhra Pradesh Record of Right in Land Act, 1971 (hereinafter referred to as the principal Act), in the long title, for the words "Record of Rights in Land", the words "Record of Rights in Land and Pattadar Pass Books" shall be substituted.

3. In section 1 of the principal Act, in sub-section (1), for the words "Record of Rights in Land", the words "Record of Rights in Land and Pattadar Pass Books" shall be substituted.

4. In section 2 of the principal Act,—
   (a) for clause (2), the following clause shall be substituted, namely:

   "(2) 'Collector' means the Collector of a district and includes "Joint Collector;"

   (b) clause (2a) shall be renumbered as clause (2aa), and before clause (2aa) as so renumbered, the following clause shall be inserted, namely:

   "(2aa) 'Commissioner' means the Commissioner, Survey, Settlements and Land Records;"

   (c) after clause (4), the following clause shall be inserted, namely:

   "(4aa) 'Mandal Revenue Officer' means the Officer incharge of a Revenue Mandal and includes any officer of the Revenue Department authorised by the Commissioner to perform the functions of the Mandal Revenue Officer under this Act;"

   (d) in clause (5), after the words "Andhra Pradesh Gazette", the words "or the District Gazette" shall be inserted;

   (e) in clause (10), after the words "notified by the Collector", the words "or the Commissioner" shall be inserted;"
(I) after clause (10), the following clause shall be inserted, namely:

“(10a) ‘Revenue Divisional Officer’ means the Deputy Collector in charge of Revenue Division and includes a Sub-Collector or an Assistant Collector.”

5. In section 3 of the principal Act,—

(a) in sub-section (1), for the words “prepared by the Recording Authority”, the words “prepared and brought up-to-date, from time to time, by the Recording Authority” shall be substituted;

(b) in sub-section (2), after the words “the Andhra Pradesh Gazette”, the words “or the District Gazette” shall be inserted.

6. Section 4 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:

“(2) Notwithstanding anything contained in the Registration Act, 1908, every registering Officer Central Act 16 of 1908. appointed under that Act and registering a document relating to the transfer of land shall intimate the Mandal Revenue Officer of the Mandal in which the property is situate, of such transaction.”

7. In section 5 of the principal Act,—

(a) in sub-section (5) for the words “an appeal shall lie to such authority as may be prescribed”, the words “an appeal shall lie to the Revenue Divisional Officer or such authority as may be prescribed” shall be substituted.
(b) after sub-section (5), the following sub-section shall be inserted, namely:

“(6) The Recording Authority shall, after following the procedure specified in sub-sections (1) to (5), make the record of rights up to date, from time to time, in the manner prescribed. He shall also have the power to correct clerical errors, if any, in the pass book.”

(c) for the marginal heading, the following marginal heading shall be substituted, namely:

“Amendment and up-dating of record of rights.”

8. After section 5 of the principal Act, the following section shall be inserted, namely:

5-A. (1) Notwithstanding anything contained in this Act, the Transfer of Property Act, 1882, the Registration Act, 1908 or any other law for the time being in force, where the name of any person is recorded as an occupant in the Record of Rights by virtue of an alienation or transfer made or effected otherwise than by a registered document, the alienee or the transferee may, within such period as may be prescribed, apply to the Mandal Revenue Officer for a certificate declaring that such alienation or transfer is valid.

(2) On receipt of such application, the Mandal Revenue Officer shall, after making such enquiry as may be prescribed require the alienee or the transferee to deposit in the office of the Mandal Revenue Officer an amount equal to the registration fees and the stamp duty that would have been payable had the alienation or transfer been effected by a registered document in accordance with the provisions of the Registration Act.
1908 as fixed by the registering officer on a reference made to him by the Mandal Revenue Officer on the basis of the value of the property arrived at in such manner as may be prescribed:

Provided that the Mandal Revenue Officer shall not require the alienee or the transferee to deposit the amount under this sub-section unless he is satisfied that the alienation or transfer is not in contravention of the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, the Urban Land (Ceiling and Regulation) Act, 1976, the Andhra Pradesh Scheduled areas Land Transfer Regulation, 1959 and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

(3) Nothing contained in sub-section (1) and sub-section (2) shall be deemed to validate any alienation where such alienation is in contravention of the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, the Urban Land (Ceiling and Regulation) Act, 1976, the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

(4) The Mandal Revenue Officer on deposit of an amount specified in sub-section (2), shall issue a certificate to the alienee or the transferee declaring that the alienation or transfer is valid from the date of issue of certificate and such certificate shall, notwithstanding anything in the Registration Act, 1908, be evidence of such alienation or transfer as against the alienor or transferor or any person claiming interest under him.

(5) The recording authority, shall on the production of the certificate issued under sub-section (2) make any entry in the pass book to the effect that the person whose name has been recorded as an occupant is the owner of the property.

J. 1998/2
9. For section 6-A of the principal Act, the following section shall be substituted, namely:—

6-A. (1) Every Owner, Pattadar, mortgagee, occupant, or tenant of any land shall apply for the issue of a pass book to the Mandal Revenue Officer on payment of such fee as may be prescribed:

Provided that where no application is made under this sub-section the Mandal Revenue Officer may suo-moto issue a Pass Book after following the procedure prescribed under sub-section (2) and collect the fee prescribed therefor.

(2) On making such application, the Mandal Revenue Officer shall cause an enquiry to be made in such manner as may be prescribed and shall issue a Pass Book in accordance with the Record of Rights with such particulars and in such form as may be prescribed:

Provided that no such Pass Book shall be issued by the Mandal Revenue Officer unless the Record of Rights have been brought upto date.

(3) The entries in the Pass Book may be corrected either suo-moto or on an application made to the Mandal Revenue Officer in the manner prescribed.

(4) The Government may prescribe by rules the manner in which the pass books may be issued to all owners, pattadars, mortgagees or tenants and to such other person in accordance with the record of rights.

(5) The Pass Book issued under sub-section (1) and duly certified by the Mandal Revenue Officer or any other authority as may be prescribed shall be the record of the title in respect of an owner and the rights and interests in land in respect of others. Every entry
the Pass Book shall be presumed to be correct and true unless the contrary is proved.

10. In section 6-C of the principal Act,—

(i) for sub-section (1), the following subsection shall be substituted, namely:

"(1) Every loan granted by any credit agency, on the security of the land, every encumbrance of land for the grant of a loan and every repayment of such loan shall be recorded in the pass book by the concerned officer or authority under attestation by a competent officer of the credit agency, and also made an entry of the discharge after the repayment of the loan:

Provided that no loan shall be granted by any credit agency without the production of the pattadars Pass Book."

(ii) After sub-section (2), the following subsection shall be inserted, namely:

"(3) Every loan referred to in sub-section (1) shall be liable to be recovered as arrears of land revenue, in case of default by the borrower."

11. After section 6-C of the principal Act, the following section shall be inserted, namely:

6-D. (1) It shall be obligatory on the part of any person having interest or right in land to produce the pass book before the registering authority appointed, under the Registration Act, 1908 along with the documents he proposes to get registered and it shall be obligatory on the part of such registering authority to make entry of every transaction of sale, gift, purchase, mortgage, lease or exchange in such pass book at the appropriate place or places under his signature and official seal.
(2) Notwithstanding anything contained in the Registration Act, 1908, the registering authority shall not register any document relating to a transaction of the nature referred to in sub-section (1) without the production of the pass book by both the parties to the transaction:

Provided that in the case of landless persons including small and marginal farmers purchasing land for the first time, the registering authority after obtaining a declaration and collecting the prescribed cost may issue a pass book and arrange to send it to the concerned Mandal Revenue Officer for being certified and issued to the concerned purchaser in the manner prescribed.

12. In section 7 of the principal Act, for the words "shall be given to all persons", the words "shall be given to all persons including the credit agencies" shall be substituted.

After section 10 of the principal Act, the following section shall be inserted, namely:

10-A. After the final publication of record of rights in the manner prescribed the Mandal Revenue Officer shall take action to incorporate the said particulars in the Village Revenue Records, subject to such amendments as may be necessary on appeal or revision, as the case may be.

14. In section 11 of the principal Act, in sub-section (2), after clause (b) the following clause shall be inserted, namely:

"(bb) regulating the manner of preparation, issue, maintenance and renewal of pass books;"
THE ANDHRA PRADESH RECORDS OF RIGHTS IN LAND AND PATTADAR PASS BOOKS (AMENDMENT) ACT, 1989.

ACT NO. 24 OF 1989.*

[17th November, 1989].


Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fortieth Year of the Republic of India as follows:

1. (1) This Act may be called the short title Andhra Pradesh Record of Rights in Land and Pattadar Pass Books (Amendment) Act, 1989.

*Received the assent of the Governor on the 16th November 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Extraordinary, Part IV-A, dated the 8th September, 1989, at Page 4.
Amendment of 2. In the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Act, 1971 (hereinafter referred to as the principal Act), in section 2, —

(1) clause (6-a) shall be re-numbered as clause (6-b) and before the clause as so renumbered, the following clause shall be inserted, namely:—

'(6-a) "owner" means a person who has permanent and heritable rights of possession on the land which can be alienated and includes the holder of a patta issued to him as a landless poor person.';

(11) in clause (7), the words "or as occupant or khatadar" shall be omitted.

Amendment of 3. In section 5 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely:—

'(6) The Mandal Revenue Officer shall have the power to correct clerical errors, if any, in the Pass Books'.

Amendment of 4. In section 5A of the principal Act, in section 5 A, sub-section (1) for the words "Where the name of any person is recorded as an occupant in the Record of Rights", the words "Where a person is an occupant", shall be substituted.

Amendment of 5. In section 6A of the principal Act, in section 6 A, sub-section (1),—

(a) the word "occupant" shall be omitted;

(b) in the proviso, for the words "Provided that" the words "Provided further that" shall be
substituted and before the proviso, the following proviso shall be inserted, namely:—

"Provided that an occupant of an inam land is also eligible to apply for the issue of a pass book as an occupant."

6. In sub-section (1) of section 6C of the Amendment of principal Act,—

(i) for the words "on the security of the land," the words "on the security of land or crop," shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that after three months from the date of publication of the notification under sub-section (2) of section 3, in the Andhra Pradesh Gazette, no loan shall be granted by any credit agency unless the pattadar pass book is produced".

7. In sub-section (1) of section 6D of the Amendment of principal Act, for the proviso, the following proviso shall be substituted, namely:—

"Provided that in the case of a landless person including a tenant or a mortgagee who becomes owner of land for the first time by purchase of land through a registered sale deed, the registering authority shall obtain a declaration from him in the form prescribed and send the same to Mandal Revenue Officer to enable him to issue a pattadar pass book in the owner category to such purchaser in the manner prescribed".

J. 1998/17

ACT No. 9 OF 1994.

[8th March, 1994.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH RECORD OF RIGHTS IN LAND AND PATTADAR PASS BOOKS ACT, 1971.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Andhra Pradesh Record of Rights in Land title and Pattadar Pass Books (Amendment) Act, 1994 Commencement.

(2) It shall be deemed to have come into force on the 31st October, 1993.

*Received the assent of the Governor on the 2nd March, 1994. For Statement of objects and Reasons, Please see Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 22nd December, 1993 at Page 9.
Amendment of 2. In the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Act, 1971 (hereinafter referred to as the principal Act), in the long title, for the words "Record of Rights in Land", the words "Rights in Land" shall be substituted.

Amendment of 3. In sub-section (1) of section 1 of the principal Act, for the words "Record of Rights in Land", the words "Rights in Land" shall be substituted.

Amendment of 4. In section 2 of the principal Act:

(i) for sub-section (2-aa), the following section shall be substituted, namely:

"(2-aa) 'credit agency' means any Central Act banking company as defined in the Banking Act, 1949, the State Bank of India and its subsidiaries, a corresponding new Bank, a Regional Rural Bank, a Co-operative Bank or credit society by whatever name called, Agricultural Development Bank and includes any other agency or individual the main object of which is to lend money;";

(ii) for sub-section (6-b) the following shall be substituted, namely:

"(6-b) "title deed and pass book" means the title deed and pass book issued under section 6-A.".

Insertion of new section

5. After section 3 of the principal Act, the following section shall be inserted, namely:

"Modifica- 3-A (1) In relation to any 3-A tion of Land, village in which the provisions of this Act, are in force, the Act VIII of Act, 1317 Fasli or of any other law for time being in force which are inconsistent with the provisions of this Act
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) in relation to any village in which the provisions of this Act are in force, in Telangana Area, sections 103 and 141 of the Andhra Pradesh (Telangana Area) Land Act VIII Revenue Act, 1317 Fasli shall have effect 1317 F. in relation to such village as if the word "Pattadar" in each of the said sections were substituted by the word 'occupant'.

6. For section 4 of the principal Act, the following section shall be substituted, namely:

"Acquisition of rights to succession, survivalship, inheritance, partition, Government patta, decree of a court or otherwise any right as owner, pattadar, mortgagee, occupant or tenant of a land and any person acquiring any right as occupant of a land by any other method shall intimate in writing his acquisition of such right, to the Mandal Revenue Officer within ninety days from the date of such acquisition, and the said Mandal Revenue Officer shall give or send a written acknowledgement of the receipt of such intimation to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Mandal Revenue Officer.

(2) Notwithstanding anything contained Central Act in the Registration Act, 1908, every 16 of 1968 registering Officer appointed under the Act and registering a document relating
to a transaction in land, such as sale, mortgage, gift, lease or otherwise shall intimate the Mandal Revenue Officer of the Mandal in which the property is situate of such transaction.

Explanations

Explanation-I: The right mentioned above shall include a mortgage without possession and a right determined by civil court.

Explanation-II: 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.

Amendment of

section 5. In section 5 of the principal Act, for the words "recording authority", wherever they occur, the words "Mandal Revenue Officer" shall be substituted.

Insertion of

section 5-B. After section 5-A of the principal Act, the following section shall be inserted, namely:

Appeal: 5-B. An appeal shall lie against an order passed by the Mandal Revenue Officer under sub-section (4) of section 5-A, to the Revenue Divisional Officer within thirty days of the date of communication of the order and the Revenue Divisional Officer shall, after due enquiry pass such order on the appeal as he deems fit; and such order shall, subject to revision under section 9 be final.

Amendment of

section 6. To section 5 of the principal Act, the following shall be added at the end, namely:

"Any mortgage or charge created earlier to a mortgage or charge created in favour of a credit agency shall lose its priority if it is not entered in the pattadar pass book".
10. In section 6A of the principal Act,

(i) In sub-section (1), the following shall be added at the end, but before the proviso, namely:

"The owner-pattadar shall apply for the issue of a title deed in addition to a pass book";

(ii) In the first proviso to sub-section (1), for the words "pass book", the words "pass book and title deed" shall be substituted;

(iii) in sub-sections (2), (3) and (4) for the words "pass book", the words "Title deed and pass book" shall be substituted;

(iv) for sub-section (5), the following subsection shall be substituted, namely:

"(5) The title deed issued under sub-section (1) and duly certified by the Mandal Revenue Officer, or such other authority as may be prescribed, shall be the title deed in respect of an owner pattadar and it shall have the same evidentiary value with regard to the title for the purpose of creation of equitable mortgage under the provisions of the Transfer of Property Act, 1882 as a document registered in accordance with the provisions of the Registration Act, 1908 has, under the law".

11. For section 6B of the principal Act, the following section shall be substituted, namely:

"Pass book holder to have entries of alienation etc., recorded in pass book.

6B (1) Notwithstanding anything contained in the Registration Act, 1908, every pass book holder presenting a document of title deed before a registering officer appointed..."
under the said Act, on or after coming into force of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books (Amendment) Act, 1994 relating to a transaction in land, such as purchase or sale, mortgage, gift, lease or otherwise shall get the necessary entries in respect of such transaction recorded in the title deed and pass book by such registering officer.

(2) Every pass book holder acquiring a right by succession, survivorship, inheritance, partition, Government patta, court decree, or otherwise shall get necessary entries in respect of such right recorded in the title deed and in the pass book by the Mandal Revenue Officer".

Amendment of 12. In section 6C of the principal section 6C. Act:-

(1) in sub-section (1) for the proviso the following proviso shall be substituted, namely:--

"provided that after three months from the date of publication of the notification under sub-section (2) of section 3, in the Andhra Pradesh Gazette, no loan shall be granted by any credit agency to an owner pattadar without the production of the title deed and pass book and to others without the production of their pass books.";

(ii) in sub-section (2) for the words "Pass Book", in two places where they occur, the words "title deed and pass book" shall be substituted;

(iii) for sub-section (3) the following sub-section shall be substituted, namely:--

"(3) Every loan referred to in sub-section (1) shall be deemed to have been
secured by a charge on the land or interests of the borrower. If any loan referred to in sub-section (1) remains unrecovered, then the credit agency shall request the Collector to recover the loan. On receipt of such request from a credit agency by the Collector, every loan referred to in sub-section (1) shall be liable to be recovered as arrears of land revenue by the Revenue Department and the amount recovered shall be paid to the credit agency. The recovery under the Revenue Recovery Act shall be without prejudice to other modes of recovery available to a credit agency."

13. In section 6 D of the principal Amendment of Act, section 6D.

(i) in sub section (1), for the words "pass book", in two places where they occur, the words "title deed and pass book" shall be substituted;

(ii) in sub-section (2), for the words "pass book" in two places where they occur, the words "title deed and pass book" shall be substituted.

14. For section 9 of the principal Substitution Act, the following section shall be substituted, namely:

"Revision. 9. The Collector may either suo motu or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue officer or Revenue Divisional Officer under sections 3, 5, 5A or 5B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears, to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly;"
Provided that no such order adversely affecting any person shall be passed under this section unless he had an opportunity of making a representation."

Amendment of 15. Section 10 of the principal Act section 10 shall be renumbered as sub-section (1) of that section and after the sub-section as so re-numbered the following sub-section shall be inserted, namely:

"(2) The provisions of section 5 and Central Act sections 12 to 24 of the Limitation Act, 35 of 1963, shall apply for the purposes of extension and computation of the periods prescribed in sections 3(3), 4(1), 5(5), 5A and 5B of this Act.".

Amendment of 16. In section 11 of the principal section 11 Act, in sub-section (2) in clause (bb) for the words "Pass books", the words "title deeds and pass books" shall be substituted.


K. SATYANARAYANA MURTHY, Secretary to Government, Legislative Affairs, Law Department.
ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 20th April, 2001 and the said assent is hereby first published on the 23rd April, 2001 in the Andhra Pradesh Gazette for general information:


AN ACT FURTHER TO AMEND THE ANDHRA PRADESH RIGHTS IN LAND AND PATTADAR PASS BOOKS ACT, 1971.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-Second Year of the Republic of India as follows:

1. (1) This Act may be called the Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) Act, 2001.

2. It extends to the whole of the State of Andhra Pradesh.

3. It shall be deemed to have come into force on and from the 6th June, 1996.

4. In the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 in Section 6(C), in sub-section (1), in the proviso for the words "In the Andhra Pradesh Gazette" the words "in the Andhra Pradesh Gazette or in the District Gazette", shall be substituted.

K.G. SHANKAR,
Secretary to Government (FAC),
Legislative Affairs & Justice,
Law Department.
STATEMENT OF OBJECTS AND REASONS

According to sub-section (2) of section 3 of the Andhra Pradesh Rights in Land and Pattadar Pass Book Act, 1971 and sub-rule (1) of rule 14 of the Andhra Pradesh Rights in Land and Pattadar Pass Book Rules, 1989 it is necessary to publish notification of the fact of completion of the preparation of the records of rights in respect of any village in the Andhra Pradesh Gazette or the District Gazette. In the proviso to sub-section (1) of section 6-C of the said act, only Andhra Pradesh Gazette was specified instead of Andhra Pradesh Gazette or District Gazette and according to proviso to section 6-C of the said Act, no loan shall be granted by any credit agency unless the pattadar pass book is produced after the publication of the notification under sub-section (2) of Section 3 of the said Act either in Andhra Pradesh Gazette or in the District Gazette. The publication of the same in the District Gazette has not been specified in the proviso to sub-section (1) of section 6-C of the said Act. In order to overcome the said difficulty Government have issued instructions to Commissioner of Survey Settlements and Land Records and all the District Collectors in the State to publish the same in the District Gazette to avoid delay and subsequently government have decided to amend the proviso to sub-section (1) of section 6-C of the said Act suitable empowering to publish the same in the District Gazette also retrospectively from 6th June, 1996 the date on which the aforesaid instructions were issued.
Whereas a Bill in this regard, has already been introduced in the Legislative Assembly of the State as L.A. Bill No. 5 of 1999 and the same has lapsed due to dissolution of the Tenth Legislative Assembly.

This Bill seeks to give effect to the above decision.

P. ASHOK CAJAPATHI RAJU,
Minister for Revenue.
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY


ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 19th October, 2018 and the said assent is hereby first published on the 25th October, 2018 in the Andhra Pradesh Gazette for general information:–

ACT No. 30 of 2018

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH RIGHTS IN LAND AND PATTADAR PASS BOOKS ACT, 1971.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-ninth year of the Republic of India as follows:–

1. (1) This Act may be called the Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) Act, 2018.

(2) It shall be deemed to have come into force with effect from and from the 16th July, 2018.

2. In the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (herein after referred to as the Principal Act) in section 2, for clause (10), the following shall be substituted, namely:–

“(10) ‘Recording authority’ means such officer of the Revenue Department as may be notified by the Collector to be the recording authority for the purposes of this Act or such officer of the Registration Department as may be specified for the purpose of causing provisional mutation in Revenue records electronically;”.

[1]
3. In the principal Act, in section 5, in sub-section (1) after the proviso, the following provisos shall be added, namely,-

"Provided further that when the registration is approved by the Registering Officer, the name of the claimant shall be mutated in lieu of name of the executants on real time basis provisionally in electronically maintained data duly assigning notional subdivision number as may be prescribed pending enquiry by the Tahsildar:

Provided also that the provisional mutation shall be confirmed by the Tahsildar electronically by following due procedure under sub-section (3) within thirty days of the registration. The aggrieved person may file an appeal to the Revenue Divisional Officer within a period of fifteen days from the date of order of the Tahsildar and decision of the appellate authority thereon shall subject to the provisions of section 9 be, final."


DUPPALA VENKATARAMANA,
Secretary to Government,
Legal and Legislative Affairs and Justice,
Law Department.
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 8] AMARAVATI, MONDAY, 18th FEBRUARY, 2019.

ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the
18th February, 2019 and the said assent is hereby first published on the 18th February, 2019 in the Andhra
Pradesh Gazette for general information :-

ACT No. 8 of 2019.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
RIGHTS IN LAND AND PATTADAR PASS BOOKS ACT,
1971.

Be it enacted by the Legislature of the State of Andhra Pradesh
in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Rights in Land and

(2) It shall come into force on such date as the Government may,
by notification, appoint.

2. In the Andhra Pradesh Rights in Land and Pattadar Pass Books
Act, 1971 (herein after referred to as the Principal Act) in section 2,-

   (i) The existing clause (1) shall be renumbered as clause (1-f).

   (ii) Before the clause(1-f), as so renumbered, the following
clauses shall be inserted, namely,-

   Act No. 26 of 1971.
“(1). “Bhudhaar” means the unique identification number assigned to any parcel of land, as contained in the Record of Rights, in such manner as may be prescribed;

(1-a). “Bhudhaar Card” means a document prepared in such format as may be prescribed describing a parcel or parcels of land as contained in the Record of Rights, and specifying the Bhudhaar Number or Numbers assigned to such parcel or parcels, along with the stamp of date and time at which such card has been prepared, and, includes e-Bhudhaar Card and m-Bhudhaar Card;

(1-b). “e-Bhudhaar Card” means a Bhudhaar Card which is generated and maintained in an electronic form;

(1-c). “m-Bhudhaar Card” means a Bhudhaar Card which is generated and maintained in an electronic form and which can be downloaded and used on a mobile device;

(1-d). “Permanent Bhudhaar” means a Bhudhaar Number assigned from a distinct series to indicate that the Geo-referencing of the parcel of land or lands appurtenant to the property has been completed;

(1-e). “Temporary Bhudhaar” means a Bhudhaar Number assigned from a distinct series to indicate that the Geo-referencing of the parcel of land or lands appurtenant to the property has not been completed.”

3. In the Principal Act, after section 3, the following new section shall be added, namely,—

   “3-A. Bhudhaar shall be generated automatically as per the updated record of Rights under Section 3(1), Section 5 and Section 5-A and shall be automatically updated electronically.”

4. In the Principal Act, after section 6-D, the following new sections shall be added, namely,—

   “6-E. Every parcel of land to which the Act applies shall be assigned automatically a Bhudhaar, in such manner as may be prescribed:

Provided that the manner of the assigning permanent Bhudhaar defined under clause (1) shall take into consideration the geographical location of the parcel of the land, its shape determined by the coordinates of its corner points, ownership as per the Record of Rights.

Provided further that Bhudhaar Numbers both temporary and permanent from specially reserved series may be assigned to parcels of land belonging to Government, Central or State, Local Bodies, or Community, or land classified as Endowment or Wakf.
6-F. (1) Bhudhaar Cards both temporary and permanent shall be generated in respect of all the parcels of the land to which Bhudhaars have been assigned and shall be made accessible online to the Pattadars or owners of such land, in such manner as may be prescribed.

(2). Single Bhudhaar Card shall be issued for all the parcels of land held by the same pattadar or Owner taking the village as a unit for this purpose.

(3). The Bhudhaar Card, including e-Bhudhaar Card and m-Bhudhaar Card will have the same legal value and status as a Pattadar Pass Book-cum Title Deed would have in respect of such parcels of land, as at the time of its preparation.".

R. ARAVIND,
Secretary to Government (I/c),
Legal and Legislative Affairs & Justice,
Law Department.
ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 23rd December, 2021 and the said assent is hereby first published on the 4th January, 2022 in the Andhra Pradesh Gazette for general information:

ACT No. 33 of 2021.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH RIGHTS IN LAND AND PATTADAR PASSBOOKS ACT, 1971.

Be it enacted by the Legislature of the State of Andhra Pradesh in the seventy second year of the Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on and from the 29th July, 2021.

2. In the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (herein after referred to as the Principal Act), in section 2,-

(i) The existing clauses (1) and (1-a) shall be re-numbered as (1-a) and (1-aa) respectively.

(ii) Before the clause (1-a) as so re-numbered, the following clause shall be inserted namely,-

"(1). "Agricultural land" means land used for the purpose of agriculture including raising of crops, garden produce, orchards, horticulture, plantation, sericulture, pastures, hayricks, and such other uses as may be prescribed."
(iii) after clause (1-f), the following clause shall be inserted, namely,-

"(1-g) "Certificate of ownership" means Certificate of ownership issued under section 6-A for the lands located in the Gramakantam and Non-Agricultural lands in the village."

(iv) for clause (4), the following shall be substituted, namely,-

"(4) "Land" means all lands, irrespective of its usage, falling within a Village, including Agricultural land, Non-Agricultural land, Gramakantam etc."

(v) after clause (5), the following clause shall be inserted, namely,-

"(5-a) Non-Agricultural land" means the land other than Agricultural Land"

(vi) in clause (7), after the words "every person who holds" the word "agricultural" shall be inserted.

(vii) in clause (10), the following shall be added at the end, namely, "or any officer of the Government, for a specified purpose, as prescribed by Government."

(viii) after clause (12), the following clause shall be inserted, namely,-

"(12-a) Gramakantam, Gramanatham, Abadi, Village Site or any other name in local parlance having same meaning, means the land set apart in a Village, for dwelling and incidental purposes.

Explanation:-
A Village can have one or more than one Gramakantam."

Amendment of section 3.

3. In the principal Act, in section 3, in sub-section (1), after clause (d), the following proviso shall be inserted, namely,-

"Provided that whenever a resurvey/survey is conducted in a village under the Andhra Pradesh Survey and Boundaries Act, 1923, the Record of Rights in all lands in that Village shall be updated as per the resurvey/survey records prepared under the Andhra Pradesh Survey and Boundaries Act, 1923."

Act No. VIII of 1923.

Substitution of section 6-A.

4. In the principal Act, for section 6-A, the following shall be substituted, namely,-

"6-A. Application for title deed cum pattadar pass book in respect of agricultural land or Certificate of Ownership for land in Gramakantam or Non-Agricultural land :-

(1) Any person claiming title deed cum pass book of any agricultural land may apply for issue of a title deed cum pass book to the Tahsildar or any other officer as prescribed, on payment of such fee as may be prescribed.

(2) Any Person claiming ownership of any land in Gramakantam or Non Agricultural Land may apply certificate of ownership to the Tahsildar or any other officer as prescribed, on payment of such fee as may be prescribed.
(3) On making such application, the Tahsildar or such officer as prescribed shall cause an enquiry to be made in such manner as may be prescribed and shall issue a title deed cum pass book or certificate of ownership in accordance with the Record of Rights with such particulars and in such form as may be prescribed;

Provided that no such title and deed cum pass book or certificate of ownership shall be issued by the Tahsildar or such officer as prescribed unless the Record of Rights have been brought upto date.

(4) The entries in the title deed cum pass book or certificate of ownership may be corrected on an application made to the Tahsildar or such officer as prescribed in the manner prescribed.

(5) The Government may prescribe by rules manner in which the title deed cum pass book or the certificate of ownership may be issued to pattadars or owners in accordance with the records of rights.

(6) The title deed cum pass book issued under sub-section (1) or certificate of ownership issued under sub-section (2) and duly certified by the Tahsildar, or such other authority as may be prescribed, shall be the title deed cum pass book or the certificate of ownership in respect of a pattadar - owner and it shall have the same evidentiary value with regard to the title for the purpose of creation of equitable mortgage under the provisions of the Transfer of Property Act, 1882 as a document registered in accordance with the provisions of the Registration Act, 1908 has under the law.”


(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

VADDA DI SUNITHA,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.
ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 14th October, 2022 and the said assent is hereby first published on the 18th October, 2022 in the Andhra Pradesh Gazette for general information:

ACT No. 15 of 2022.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH RIGHTS IN LAND AND PATTADAR PASSBOOKS ACT, 1971.

Be it enacted by the Legislature of the state of Andhra Pradesh in the Seventy-third year of the republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Rights in land and Pattadar Passbooks (Amendment) Act, 2022.

   (2) It shall be deemed to have come into force on and from the 1st January, 2022.

2. In the Andhra Pradesh Rights In Land And Pattadar Passbooks Act, 1971, (hereinafter referred to as Principal Act) in section 2,-

   (i) Clauses (1), (1-a), (1-b), (1-c), (1-d) and (1-c) shall be omitted.

   (ii) In clause (1-f), after the words and expressions “the Indian Evidence Act, 1872 (Central Act 1 of 1872) and”, the words and expressions “shall include an electronically signed copy of an electronic record as specified in” shall be inserted.

J-36/41

[1]
(iii) After clause (2-aa), the following clause shall be inserted, namely,-

“(2-ab) "District Revenue Officer" means an officer of Revenue Department whose Office is located in the Office of the Collector of the District.”.

(iv) The existing clause (4-a) shall be renubmered as clause (4-b), before the clause (4-b), as so renumbered, the following clause shall be inserted, namely,-

“(4-a) ‘Land Parcel’ means any land including agricultural, non-agricultural, Gramakantam / Gramanatham / Abadi / Village site or any other name in local parlance having an assigned numeric code for which the location and boundaries are marked.”.

(v) After clause (10-a), the following shall be inserted, namely,-

“(10-b) the term ‘Registering Officer’ under this Act shall mean to be the Registrar and Sub-Registrars as provided under Section (6) of the Registration Act, 1908.

(10-c) ‘Resurvey Land Register’ means the field Register prepared and published after resurvey is completed in a village as per the provisions of AP Survey and Boundaries Act, 1923.

(10-d) ‘Service Centre’ means any officer or facility where applications for different services of the government are received and processed and includes Village/Ward Secretariat, Meeseva centres online websites etc.”.

(vi) After clause (11), the following shall be inserted, namely,-

“(11-a) ‘Unique Identification Number’ means the unique identification number assigned to any land parcel, as contained in the Record of Rights, in such manner as may be prescribed.

(vii) After clause (12-a), the following new clauses shall be added, namely,-

“(12-b) Village Secretariat means Village or Ward Secretariat as notified by the Government.

(13) "Web Land" means the electronically maintained database of all lands in the State.”

3. In the Principal Act, for section 4, the following shall be substituted, namely,-

“4. Any person acquiring by succession, survivorship, inheritance, partition, Government patta, decree of a Court or otherwise any right as owner, pattadar, mortgagee, occupant or tenant of a land and any person acquiring any right as occupant of a land by any other
method shall, intimate in writing, his acquisition of such right either through online or in person addressed to the Tahsildar within sixty (60) days from the date of such acquisition, in the manner hereinafter provided:

Provided that such intimation of acquisition of right addressed to the Tahsildar shall be submitted either online or in person at any service centre as notified for the purposes of this Act.

Provided further that the issuance of acknowledgement of the receipt of such intimation shall be in such form, format and manner as prescribed under the rules.

Provided also that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Tahsildar.”.

4. In the Principal Act, for section 5, the following shall be substituted, namely,-

“5. (1) On receipt of intimation of the fact of acquisition of any right referred to in section 4, otherwise than by a registered document, the Tahsildar shall determine as to whether, and if so in what manner, the record of rights may be amended in consequence thereof and shall carry out the amendment in the record of rights in accordance with such determination.

(2) In the event of the Tahsildar determining that the amendment in consequence of the acquisition of right referred to in sub-section (1) above, is liable to be refused, then the Tahsildar shall transmit all the documents to the Revenue Divisional Officer with the recommendations.

(2a) The Revenue Divisional Officer, on receipt of such recommendations, shall pass an order as under, after affording an opportunity of hearing to the interested persons,

(i) Confirming the recommendations of the Tahsildar.

(ii) Disagreeing with the recommendations of the Tahsildar.

(iii) On the receipt of communication of disagreement under 5(2a)(ii), the Tahsildar shall carry out the amendment of R.O.R, as provided for under section 5(1).

Provided that the procedure for initiation and conclusion of action by the Tahsildar and Revenue Divisional Officer shall be such as may be prescribed under the Rules.

(3) In cases of acquisition of right under section 4(1) by a registered document in accordance with the provisions under the Registration Act, 1908, the R.O.R shall stand amended to reflect the said transaction.
(4) Any person aggrieved by any order passed under sub-sections (1), 2(a) and the amendment of R.O.R under sub-section (3), above may prefer an appeal before the District Revenue Officer within a period of thirty (30) days from the date of receipt of such order or amendment of R.O.R. the Appellate Authority shall dispose the appeal preferably not later than 6 months from the date of filing of such appeal.

(5) In all cases of amendment of Record of Rights in resurveyed villages, unless the acquisition of right is for the entire extent of the land parcel, it shall be mandatory to carry out sub division of the Land parcel in the manner prescribed.

(6) The District Collector, suo motu or otherwise, shall be competent to initiate proceedings under criminal law in case any application for amendment of R.O.R under this Act is made fraudulently, or on the basis of multiple registrations by the same executant of the same land parcel.”.

5. In the principal Act, sections 6-E and 6-F shall be omitted.

6. In the principal Act, after section 7, the following new section shall be inserted, namely,-

| 7A. Every year, subject to such rules as may be made in this behalf, copies of the Resurvey Land Register shall be published in the Village Secretariat.”. |

G. SATYA PRABHAKARA RAO,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.
ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 19th April, 2023 and the said assent is hereby first published on the 24th April, 2023 in the Andhra Pradesh Gazette for general information:

ACT No. 7 of 2023

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH RIGHTS IN LAND AND PATTADAR PASS BOOKS ACT, 1971.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) Act, 2023.

(2) It shall be deemed to have come into force with effect on and from the 1st February, 2023.

2. In the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, (herein after referred to as the principal Act), in section 2,-

(i) after clause (l)(f), the following shall be added, namely,-

"Certificate of Ownership" means the certificate of Ownership issued under Sec 6-A for

1. The lands located in the Gramakantam and non-agricultural lands in the village and/or
2. Lands located in the Urban Local Bodies."

(ii) The existing clause (4a) shall be renumbered as clause (4b).

(iii) Before the clause (4b), as so renumbered, the following clause shall be inserted namely,-

""Land in Urban Local Body" means land, including building thereon, agricultural and non-agricultural lands located within the limits of the urban local body.

Explanations:- The term Building shall be assigned the same meaning as contained under respective enactments under which Urban Local Bodies are constituted."

(iv) After clause (11), the following shall be inserted namely,-

"(11a) "Urban Local Body" means the areas comprising of "Municipality" "Nagar Panchayat" "Local Area" "Transitional Area" as defined in Andhra Pradesh Municipalities Act, 1965 and the area comprising of "Larger Urban Area" "Corporation" as defined in Andhra Pradesh Municipal Corporations Act, 1994, Vijayawada Municipal Corporation Act, 1981 and Visakhapatnam Municipal Corporation Act, 1979."

Amendment of section 3(B). 3.

In the principal Act, after section 3A, the following shall be added, namely,-

"3B. The procedure prescribed under sub-section (1) and (2) of section 3 Mutatis Mutandis shall be followed for preparation and updating of Record of Rights in all lands in Urban Local bodies and as further prescribed."

Amendment of section 4. 4.

In the principal Act, in section 4, after sub-section (3), the following shall be added, namely,-

"(4). Acquisition of rights in land in urban local body to be intimated: The acquisition of rights in respect of ownership of land in Urban Local Body shall be intimated to the Tahsildar within Sixty(60) days from the date of such acquisition and the said Tahsildar shall give or send a written acknowledgement of the receipt of such intimation to the person making it."

Amendment of section 6. 5.

In the principal Act, in section 6A, after sub-section (5), the following shall be added, namely,-
“6A (6). Any person claiming title deed cum pass book of any agricultural land or certificate of Ownership of non-agricultural land and buildings in the limits of urban local body shall make the application as prescribed in Section 6A (1) and 6A (2), which shall be acted upon in the manner prescribed under the Act and the Rules.”

“6A (7). An appeal against any order passed by the Tahsildar under this Section lies to the concerned Revenue Divisional officer within Thirty (30) days of the date of communication of the order.”

6. In the Principal Act, in Section 9, after the expression “sections 3, 5, 5A or 5B”, the expression “and 6A” shall be added.

7. In the principal Act, in section 11 (2)(bb), after the words “title deeds and pass books” the words “and certificate of ownership” shall be added.

8. In the principal Act, after section 11, the following shall be added, namely, -

“11A. Notwithstanding anything contrary contained in any law for the time being in force governing the urban and rural local bodies in the State, the provisions of the Act, shall apply in regard to matters specifically provided for under this Act.”


(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

G. SATYA PRABHAKARA RAO,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.