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

Act 24 of 1989

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Owner, Landless Poor Person, Khatadar

Amendment appended: 9 of 1994, 16 of 2001, 30 of 2018, 8 of 2019
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 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.
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, —

(i) 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 pattadar issued to him as a landless poor person.";

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

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".

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.

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 60 of the 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 registrar 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 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 Pattadhar Pass Books Act, 1971 Act 26 of 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 13 of 1949. Regulation Act, 1949, the State Bank of India and its subsidiaries, a corresponding new Bank, a Regional Rural Bank, any 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 5. After section 3 of the principal Act, the following section shall be inserted, namely:­

"Modifica­ 3-A (1) In relation to any tion of Land village in which the provisions inconsistent of this Act, are in force, the with this Act provision of the Andhra Pradesh (Telangana Area) Land Revenue Act VIII of Act, 1317 Fasii or of any other law for the 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 P.

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, Substitution the following section shall be substituted, namely:

4. (1) Any person acquiring by of rights to 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, 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.

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 7. 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 8. 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 9. 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 sub-section 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".

Central Act 4 of 1882.
Central Act 16 of 1908.

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

Central Act 16 of 1908.
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,-

(i) 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 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, 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 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:-

ACT No. 16 OF 2001.

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.

2. 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 Pattadhar Pass Book Act, 1971 and sub-rule (1) of rule 14 of the Andhra Pradesh Rights in Land and Pattadhar 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 GAJAPATHI 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;".
Amendment of Section 5.

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."

Repeal of Ordinance No. 4 of 2018


DUPPALA VENKATARAMANA,
Secretary to Government,
Legal and Legislative Affairs and Justice,
Law Department.
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 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 Pattadar Pass Books (Amendment) Act, 2019.

(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:-
“(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,-

Generation and updation of Bhudhaar.

“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,-

Assignment of Bhudhaar to parcels of land.

“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 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.