

RESUMPTION OF ASSIGNED LANDS

By

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ASSIGNMENT OF LAND --- CONDITIONS OF ASSIGNMENT

- Assignment of land for landless poor for agricultural purposes is dealt in **BSO-15**.

- **Assignment of land -Important GOs**
 - G.O.Ms.No.1142, RevDept dt.18-06-1954.
 - G.O.Ms.No.1281, RevDept dt.12-07-1954.
 - G.O.Ms.No.1407, RevDept dt.25-07-1958.
 - G.O.Ms.No.1725, RevDept dt. 26-08-1959

- **Conditions of Assignment**
 - ❖ Conditions in **Para 14 and 29** of BSO -15
 - ❖ “**D**” **Form Patta** – GO Ms.No. 840. Rev (Assgn –I) Dept dt. 04.12.1999.
 - ❖ Be used for **Agricultural Purposes**

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ASSIGNMENT OF LAND --- CONDITIONS OF ASSIGNMENT--contd

- ❖ **Heritable** –not transferable
- ❖ Be brought in to cultivation in **3** years .
- ❖ Not to be left **fallow** – **earth shall not be taken**
- ❖ If found later –assignment is **illegal**, based on false report , irregularities taken place – liable for cancellation –not entitled for any compensation for development , if any made
- ❖ Path ways , Canals , Other **rights of Govt. and Public** are preserved
- ❖ Govt. retains right on underground **Mines** etc
- ❖ Resumed when any of the conditions are **violated** – without making any compensation
- ❖ Resumed when required for **Public Purpose** - without making any compensation

RESUMPTION – VIOLATION OF CONDITIONS

- **Tahsildar is competent** .– Authority competent to assign is competent to resume –GO Ms.No 1137,Rev Dept , dt 14.7.1963.
- **Notice to be issued** .
- **Explanation filed , if any , to be considered** .
- **Speaking Orders to be issued** .
- **When condition of Non alienability is violated action shall be taken under the provisions of A P Assigned Lands (Prohibition of Transfer) Act, 1977.**

RESUMPTION – PUBLIC PURPOSE

Condition-17 of D-form patta in Appendix-V to Chapter-I of BSOs --

- “In the event of the land being required for a project or any other public purpose, the land will be resumed and no compensation shall be paid to the assignee. The decision of the Government or other authority empowered by them in this behalf shall be final on the question, whether the purpose for which the land is to be resumed is a public purpose or not.”
- The condition that assigned lands will be resumed for public purpose is invariably there in D-form Patta

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RESUMPTION – PUBLIC PURPOSE-- contd

PAYMENT OF RELIEF

- Assignees develop the lands and livelihood is lost .
- Hence providing of relief to assignees on resumption of Assigned Lands –considered as apt.
- In **GO No 180** , Rev (n) Dept , dt 9.2.84 and **GO No 603** , Rev (B) Dept, dt 28.5.86 - M V value to be paid on par with patta land –when resumed for Irrigation , Power and Industrial Projects .
- Only Compensation commensurate to verifiable development made to be paid -- **GO No 43** , Rev (B) Dept, dt 23.1.88.
- Later Comprehensive orders were issued in **GO 1307** , Rev (Assign –I) Dept , dated 23.12.1993 were issued .

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RESUMPTION – PUBLIC PURPOSE-- contd

GO 1307 , Rev (Assign –I) Dept , dated 23.12.1993

- Amount paid to be treated as Ex-gratia --Market Value as determined under Section 23(1) of LA Act, 1894 +Solatium at 30% on market value.
- Assignees not entitled for making references u/s 18.
- Assignees not entitled for Additional Market Value .
- Assignees not entitled for interest.
- Applicable to all cases of resumption made from 09.02.1984.

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RESUMPTION – PUBLIC PURPOSE-- contd

AFTER LARR ACT,2013 CAME IN TO FORCE

- GO 1307 , Rev (Assign –I) Dept , dated 23.12.1993 –no relevance
- Is Assigned Land to be acquired – **No.**
- No **specific mention** in (Act 30 of 2013) to the effect that the assigned lands must be acquired, if required for public purpose.
- Section 3(c)(v)-A member of the family who has been assigned land and such land is under acquisition, comes under **Affected Family**".
- Sec.3(r), assignees will come under **Land Owners** if assigned lands are under acquisition.
- So the assigned family comes under Affected family if assigned land is under acquisition. But it does not mean that assigned lands shall be acquired
- **ASSIGNED LANDS ARE TO BE ACQUIRED IN CASE IF RESUMPTION CAN NOT BE AFFECTED – SUCH CONDITION IS NOT IMPOSED .**

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RESUMPTION – PUBLIC PURPOSE-- contd

GO 259 , Rev (Assign –I) Dept , dated 21.06.2016

- issued in supersession of the orders issued in GO 1307**
- Whenever the assigned lands are required for a public purpose for a project or for alienation to a Govt. Department or Corporation, the lands shall be resumed as per conditions of Patta**
- The compensation for the resumed assigned lands shall be paid on par with Patta lands as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other L.A. Act in force in the State.**

SO ASSIGNED SHALL BE RESUMED FOR PUBLIC PURPOSE IN CASE CONDITION OF RESUMPTION IS THERE IN DKT / ASSIGNMENT PATTAs.

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RESUMPTION – PUBLIC PURPOSE-- contd

- **Possession** of Assigned Lands shall not be taken without issue of resumption order.
- Courts have directed **to acquire** under the Provisions of L A Act, in a number of cases where possession was taken without resumption.
- Govt. issued instructions not to take possession without issue of resumption order -- **Circular Memo No 76553/Asn.I(1) / 1998-2 , dated 27.5.1999**

Thank You