

**THE ANDHRA PRADESH (ANDHRA AREA)
ESTATES (ABOLITION AND CONVERSION INTO
RYOTWARI) ACT ,1948
(ACT 26 OF 1948)**

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BACKGROUND

- During British Rule Land Rights structure
–Zamindari System, Rythwari System
- In **Zamindari system** --- right was conferred on intermediaries-
Zaamindars – Zamindar is owner on condition of payment of
fixed revenue –**PEISHKUSH** to British.
- Cultivators got occupancy rights(**Kudivaram**) – heritable and
transferable as long as they paid taxes to the Zamindars
- In **Rhytwari system** - direct relationship between Government
and the Ryot – permanent tenure- could sell or transfer the
land – as long as assessment was paid
- The Act is for- repeal of permanent settlement-acquisition of the
rights of land holders and introduction of ryotwari settlement
- To give total rights and reduction in the assessment to Ryots
- **INCLUDED IN NINTH SCHEDULE AND IS PROTECTED UNDER ARTICLE 31 B**

DEFINITIONS

- **Estate** means a Zamindari or under tenure or Inam estate
Sec 2(3)
- **Inam Estate** - any village or an hamlet or Khandriga in an Inam village – grant of Inam has been made , confirmed or recognized by the Government --Sec 3,Clause 2(d) of AP (AA) Estates Land Act 1908
Sec 2(7)
“ Inam village or hamlet /Khandriga in an Inam village –the grant has been made, confirmed or recognized by the Govt.”
- **Under tenure Estate** –any portion of permanently – settled estate or temporarily settled Zamindari etc held on a permanent Under Tenure -- Sec 3,Clause 2(e) of AP (AA) Estates Land Act 1908
Sec 2(15)

DEFINITIONS ---contd

- **Zamindari Estate**---Any permanently –settled estate or temporarily settled Zamindari Sec 3,Clause 2(a) , 2(b) AP (AA) Estates Land Act 1908
- **Principal Land holder** -Any person who held the Estate immediately before the Notified date.
- **Land holder** – a person who has the right to collect the rent

ISSUE OF NOTIFICATION AND CONSEQUENCIES

- The Government publishes Notification – Sec 1(4)
- Earlier Acts – A P Permanent Settlement Regulation 1802, Estates Land ACT 1908 –**cease** to be in operation Sec 3 (a)
- The entire Estate—all categories of land stands **vest** with the Government Sec 3 (b)
- All rights created in or over the Estate **cease** Sec 3 (c) .
- **MANAGER** on behalf of Government takes over all records, land etc of the Estate---as per the **Rules** issued in GO 1634 , Revenue, 20th July ,1955 under section 67 and 3 of the Act

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ISSUE OF NOTIFICATION AND CONSEQUENCIES ---contd

- All those , prima facie entitled for Ryotwari patta as per Sec 11(a) or 15(1), 17 shall not be dispossessed until the patta is rejected and the Rejection orders become final. Sec 3 (d)
- Those who are not prima facie not entitled for patta to be disposed by the Manager as per the procedure laid in the Rules – Appeal / Revision provision is there.
- Principal land holder is entitled only for compensation
- **Encroachments** come in to existence after the issue of Notification to be evicted as per Land Encroachment Act 1905.
- Managers prepare the list of cases of persons entitled patta u/s 11(a) , u/s 11 (a) (pro) and doubtful cases.

MACHINERY / AUTHORITIES – IMPLEMENTATION OF THE ACT

- **Manager** -An officer appointed as per **Sec 6**-Tahsildar / Deputy Tahsildar / Deputy Collector is appointed by the Government for each estate-as on today the **Tahsildar is manager**
- He is guided by the District Collector
- **Settlement Officer** –appointed by Government as per section 5 (1) of the Act-initially **Settlement Officer / Assistant Settlement Officers** were appointed - Settlement officers/ Assistant Settlement Officers were appointed by Notifications 5523 published part I \of the Gazette dated 3.10.1950 / 136 published part I of the Gazette dated 10.04.1951. The posts of Settlement Officers were **DISBANDED w e f 30.9.1990** vide G.O.Ms.No.881 Rev. (JA) Dept. dt.**25-9-1990** and the **Joint Collectors** were authorized to carry out the functions of the Settlement Officers.

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MACHINERY / AUTHORITIES – IMPLEMENTATION OF THE ACT ---contd

- Director of Settlement
- Board of Revenue – As on today Commissioner of Appeals office of the C .C. L.A.
- Estate Tribunals – As on today the District Judge of each District-Notification 236--- published part I of the Gazette dated 28.06.1956.

SURVEY AND SETTLEMENT OF ESTATES

- Survey of the entire estate is taken up after giving notification under Sec 5 and 6 of A P Survey and Boundaries Act 1923
- Survey Officers prepare Survey Land Register (S L R) –shows
 - ❖ Survey number / sub division number – Extent
 - ❖ PAIMASH NUMBER
 - ❖ Enjoyers as per Paimash records.
 - ❖ Enjoyers as per survey.
 - ❖ Classification of land – CST. Survey officers hand over – Area List, Khandam Sketch, Correlation Statement, FMBs, Estates Accounts, Rough village map.
 - ❖ Statement of encroachments , if any and SLR
- Settlement office prepares occupied and unoccupied lands, irrigation sources , Wet Ayacut Statement
- Settlement Inspector - verifies on ground – propose changes - builds up necessary files to take up Enquiry under Sec 11(a) , 15 Act .

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SURVEY AND SETTLEMENT OF ESTATES -- contd

- Settlement DT super checks the record
- After verification and finalization by Settlement Officer
Rough Patta are prepared and issued to the entitled – land held- classification – assessment to be paid are shown.
- Rough Pattasa are distributed .
- Rough Patta Objections are heard by another DT .
- With reference to the Accounts Fair Adangal is prepared ,
incorporating the Raitwari Pattas issued u/s 11 and 15 –
- Finally Manuscript Settlement Register has to be prepared.

GRANT OF RYTWARI PATTAS- WHERE RYOT IS ENTITLED

Section 11(a)

- Settlement Officer is the competent Authority
- Would have been inducted in to possession by land holder before 01.07.1945. In case of lanka lands – on or before 01.07.1939
- Such Person / successors be in continuous possession.
- filed before rytwari settlement is completed.
- The land shall be ryoti land .
- All cases of Doubtful nature are also settled

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GRANT OF RYTWARI PATTAS- WHERE RYOT IS ENTITLED

- The **Rules** under section 67 read with Sec 11 were issued in G O Ms No.50,Revenue (J -1) ,16.01.1974. Procedure laid down there in to be followed
- **Appeal** lies to Director of Survey, Settlement and Land Records,
- **Revision** petition can be filed before the commissioner Survey, Settlements and Land Records Hyderabad. (Now commissioner of appeals)
- **Civil Court** has the jurisdiction to decide the issue of title- can go in to the correctness of the order of the Settlement Officer

GRANT OF RYTWARI PATTAS- WHERE RYOT IS ENTITLED ---contd .

- Grant of rytwari patta , when put in to possession after 1.7.1945 , is governed by the provision to Sec 11 (a)--- Government is Competent Authority
- Delegated to the Collector -ext be 2.50 Ares of Wet or 5.00 Acres of Dry - Board of Revenue in other cases. (Published in Notification in part I of the Gazette dated 16.08.1949.)
- Continuous possession – land to be ryoti in nature to be fulfilled
- Enquiry to be held by Settlement Officer and finally order to be passed by the Collector/ CCLA.

GRANT OF RYTHWARI PATTAS TO LAND HOLDERS

➤ The eligibility of land holder depends on **nature of Estate**

IN ZAMINDARI ESTATES, WHEN

- ❖ it is **private land** within meaning given in Estate Land Act 1908
- ❖ provided land holder, as ryot, has **cultivated** the land in person /or by own servants or by hired labour from **1.07.1939**
- ❖ taken over from ryot by purchase etc and has been cultivating the land in person /or by own servants or by hired labour from **1.07. 1945**

Sec 12

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GRANT OF RYTHWARI PATTAS TO LAND HOLDERS

IN INAM ESTATE,

- ❖ it is **private** land within meaning given in Estate Land Act 1908
- ❖ provided land holder as ryot has cultivated the land in person /or by own servants or by hired labour from **1.07.1945**
- ❖ taken over from ryot by purchase etc and has been cultivating the land in person /or by own servants or by hired labour from **1.07.1945**

Sec 13

GRANT OF RYTHWARI PATTAS TO LAND HOLDERS

➤ in **UNDER TENURE Estates**

- ❖ regularised as per **Sec 13** if the under tenure estate state was created before the permanent/ temporary settlement of the Estate
- ❖ or otherwise as per **Sec 12**

GRANT OF RYTHWARI PATTAS TO LAND HOLDERS ---contd

- Grant of Rythwari pattas to the land holders is governed by **Section.15**
- Rythwari pattas u/s 15 shall **not be issued** without enquiry .
- Settlement Officer is the Competent Authority
- **Rules** u/sec 67 read with 15 were issued on 13.10.1950—
- be filed within **90** days from the date of Notification issued.
- **Appeal** lies to the Estate Abolition Tribunal i.e. Dist. Judge with in **60** days -by Govt. in one year.
- Orders of the Estate Abolition Tribunal are final u/s 15(2) of the Act.
- However writ petition can be filed before the High Court by the aggrieved Party .

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RYOTWARI PAATTA IN CASE OF SERVICE TENURE

Sec 17

- **Service Tenure land** – as defined in Sec 3, Clause 16 (C) AP (AA) Estates Land Act 1908
“ Land granted on service tenure either free of rent or”
- If service is personal to Land Holder – rendering service ceases – Ryotwari Patta is given , except when service is not to religious, Educational Institutions.
- In other cases as Inamdar in minor villages in Ryotwari Villages.

VESTING OF BUILDINGS

- Buildings used for office purpose and similar purposes vest with Government Sec 18(1)
- Building used for educational institutions/ religious purposes continue to be used for the same purpose Sec 18(2)
- If the building was being used as office / educational institution etc as on 1.7.1945 and later sold by land holder – land holder is not entitled for compensation Sec 18(3)

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VESTING OF BUILDINGS--contd

- Other buildings vest with persons who own the same as on the date of Notification
- Building includes space appurtenance there to
Sec 18(5)
- Any doubt as regards to building- Government to clarify -- Delegated to Board of Revenue (in Rules issued u/s 67 read with 2 –Gazette – dated 16.08.1949. Sec 18(6)

NON RYTI LANDS SOLD FOR NON-AGRICULTURAL PURPOSES AND CASES OF LEASES

- Non Ryoti/ Non Agricultural land vest with the person purchased before 1.7.1945 - not void under any Law
Sec 19
- Leases etc
Sec 20-
 - created before 1.7.1945 are enforceable
 - resumption on violation of conditions – by Govt. - Delegated to Board of Revenue (in Rules issued u/s 67 read with 2 –Gazette – dated 16.08.1949 -.

OTHER IMPORTANT ASPECTS

- The **Compensation** payable to Land Holder is determined as per Section 24 to 37 – certain multiples of Basic annual sum.
- **Basic Annual Sum** comprise s rytwari demand with certain deductions and miscellaneous Revenue . Further Jodi , kattubadi etc to be deducted in case of Inam estates.
- Where Estate or part of it belongs to Religious , educational or charitable Institution , Government to pay allowance – **TASDIK ALLOWANCE** every year as long as the institution functions covering the land for which Ryotwari Pattasa are issued – calculated as per **section 38** --- till the Institution exists

OTHER IMPORTANT ASPECTS ---contd

- Settlement Officer to decide the **disputes** as regards to the person to pay rent due any and quantum of rent and appeal lies to the Tribunal Sec 56
- The staff of the Estate is taken care of as per **section 60**
- In case of **Impartible** Estates , the Tribunal to decide the Share of Compensation to Maintenance Holders and Ryotwari Patta also to be granted under sections 12 to 14 to all of them –tribunal to decide. Sec 45 and 47

Thank You