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

(Act 26 of 1948)

By

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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 – 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)

➢ 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)

contd
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 CONSEQUENCES

- 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---contd
ISSUE OF NOTIFICATION AND CONSEQUENCIES

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- All those, prima facie entitled for Ryotwari patta as per Sec 11(a) or 15(1) 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
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.
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.

➢ Survey Officers prepare Survey Land Register (S L R) – shows name of the present enjoyer, Survey number, extent – hands over all records to settlement office

➢ 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, 1923.

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➢ Settlement DT super checks the record

➢ Rough Patta are prepared and issued to the entitled – land held- classification – assessment to be paid are shown.

➢ Rough Patta Objections are heard by another DT.

➢ With reference to the Accounts Manuscript Settlement Register is prepared Director of Settlement.
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
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

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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

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Grant of Rythwari pattas to the land holders is governed by Section 15.

Settlement Officer is the Competent Authority.

The relevant Rules were issued in Notification published part I of the Gazette dated 13.10.1950– u/sec 67 read with 15 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.
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 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

Sec 19

➢ Leases etc are to be dealt by
--rights created are enforceable
---- resumption on violation of conditions.

Sec 20-
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 comprises 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
➢ 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