

**GOVERNMENT OF ANDHRA PRADESH
REVENUE (LANDS-I) DEPARTMENT**

Memo.No.REV01-LANA/19/2020-SECY-LANDS-ENDT Dated:21.12.2020.

Sub: Reforms in Land Administration – Study of BSOs and various Revenue Acts - Report submitted by the Official Committee - Instructions issued on certain procedural changes recommended - Reg.

Ref:1. G.O.Ms.No.86, Dated: 09-09-2020 of General Administration (Cabinet-I) Department

2. Govt.Memo. No. REV01-LANA/1912020-SECY-LANDS-ENDT, Dated: 13/10/2020 of Revenue (Lands.I) Department.

3. Report of Official Committee vide Letter No.350/GAD/SR/ - 2020-1, Dated: 19.11.2020 of Ex. Officio Principal Secretary to Govt., GA (SR) Department.

In the G.O. 1st cited, a Cabinet Sub-Committee has been constituted to examine and make appropriate recommendations to Government on Land Administration, Water Management, Land Titling and Re-survey issues.

2. The Government of Andhra Pradesh is planning to take up re-survey of lands and as a prerequisite, it is advisable to have clarity on the existing land issues and undertake exercise of updating the existing Acts with required amendments or clarify on the areas of ambiguity, so that re-survey will be more effective. The Government constituted an official Committee vide memo 2nd cited for this purpose.

3. The report submitted by the Committee in the reference 3rd cited, consists of two parts as follows.

Part-A: Deals with instructions to be issued by the Government to the field level functionaries to bring out more clarity on the existing guidelines.

Part-B: Deals with matters on which policy decisions are required to be taken by the Government.

4. In view of the Re-Survey of the lands in the State going to be taken up by the Government and to make it more effective and fool proof to the extent possible, after careful examination of the report it is decided to issue detailed instructions to the District Collectors to clarify the existing guidelines, for implementation of the same **by 31-12-2020**. Subjects on which policy decisions required to be taken are being presented before the cabinet subcommittee for appropriate decisions.

Section 22-A of the Registration Act, 1908:

1) Assigned lands:

A) Lands assigned to landless poor persons prior to 18-6-1954:

A condition prohibiting transfer of lands was incorporated for the first time under G.O.Ms.No.1142, dated 18-6-1954. The Government issued GO.Ms.No.575, Revenue(Assignment-I) Dept,dt. 16-11-2018. Collectors shall suomoto take up scrutiny of the list of properties prohibited from registration and take action for deletion of all genuine assignments made prior to 18-6-1954, without reference to the conditions in the assignment patta form, and to furnish revised list to the Registration Department. In respect of deletion of the 22A1(e) cases the required proposals shall be submitted to the Government through the Chief Commissioner of Land Administration and Special Chief Secretary, Andhra Pradesh, Vijayawada.

In this respect, the permanent R.S.R/Fair Adangal/IFR, Approved Survey Record, Registered Sale deeds etc., fool proof records shall be taken as basis and see that fabricated/forged/fake documents are not relied upon. Cross check of the relevant other records are required for verification in this respect.

B) Assignments made to Ex-servicemen:

The Government issued G.O.Ms.No.1117, Revenue (Assignment-I) Department, dated 11-11-1993, modifying G.O.Ms.No.743, dated 30-4-1963 permitting the Ex-servicemen for transfer of their assigned lands after utilization of the land for a period of ten (10) years from the date of assignment in terms of the conditions of patta. GO.Ms.No.279, Revenue (Assignment-I) Dept, dt.04-07-2016, dispensed with the necessity of the NOC for registration of such lands.

Collectors shall suomoto take up scrutiny of the list of properties prohibited from registration and take action

- i. For deletion of all genuine assigned lands to ex-servicemen in terms of conditions of G.O.Ms.No.743, Revenue Department, dt.30.04.1963 and a period of ten (10) years has elapsed from the date of assignment;
- ii. In cases of assignments where the period of ten years is not yet completed, the date on which the prohibition on registration is going to lapse shall be mentioned in the 22-A list notified.
- iii. Under any circumstances Bogus/Fake pattas shall not be entertained. Cross checking the Fasali year, the signatures of the officer worked during the period, Darakhast Register entries, approved survey record, Assignment Committee proceedings, Encumbrance details etc., shall be cross verified meticulously.
- iv. The officers recommended fake cases shall be given stringent punishment in addition to the recovery of the value from them.

B) Assignments made to Political sufferers

G.O.Ms.No.1743, Revenue Department, dated 28-8-1959, specifically permitted the political sufferers to transfer the lands assigned to them without imposing any conditions. Therefore, the Collectors shall suomoto take up scrutiny of the list of properties prohibited from registration and take action for deletion of all assignments made to political sufferers after satisfactory verification of genuineness and identity of political sufferers with reference to the list of approved political sufferers. Revised lists are to be furnished to the Registration Department.

C) Assignments made to Freedom fighters:

Under G.O.Ms.No.1045, Revenue (Assn.l) Department, dated 15-12-2004, prohibition on alienation by the Freedom Fighters contained in G.O.Ms.No.185, Revenue (Assn.l) Department, dated 11-3-1997 and G.O.Ms.No.917, Revenue (Assn.l) Department, dated 31-10-1997, was lifted, and para-3(3) of the said G.Os. which contained prohibition was substituted with the following clause: "The Freedom Fighters are free to sell away their assigned land and house sites after a period of ten years".

Hence, the Collectors shall suomoto take up scrutiny of the list of properties prohibited from registration and take action

i. for deletion of all genuine assignments made to the Freedom Fighters where a period of ten years has elapsed from the date of assignment, without entertaining the fake/fabricated pattas. For this purpose the permanent Survey, Settlement record, approved Sub-Division record shall be verified.

ii. While verifying Patta certificates, cross checking of the Fasali year, the signatures of the officer worked during the period, DK Register entries, approved survey record, Assignment Committee proceedings, Encumbrance details etc., shall be cross verified meticulously and a certification shall be obtained mandatorily.

iii. In cases of assignments where the period of ten years is not yet over, the date on which the prohibition on registration is going to lapse may be mentioned in the 22-A list/notification.

D) Assignment of house-sites:

Government through Act No. 11 of 2019 have amended A.P. Assigned Lands [Prohibition of Transfers] Act, 1977 to lift the prohibition on sale of house-sites assigned after completion of a period of 20 years after the date of assignment.

Hence, the Collectors shall suomoto take up scrutiny of the list of properties prohibited from registration and take action

i. For deletion of all house-site assignments made where a period of twenty years has elapsed from the date of assignment

ii. In cases of assignments where the period of twenty years is not yet over, the date on which the prohibition on registration is going to lapse may be mentioned in the 22-A list/notification. Revised lists are to be furnished to the Registration Department.

2) Government lands:

a) Prohibited from Registration

- i. Lands classified as "Porambokes" in RSR and classification of which has not been changed subsequently for assignment,
- ii. Lands classified as "Assessed Waste" in RSR and not assigned subsequently.
- iii. Lands classified as "Un-assessed Waste in RSR and classification of which has not been changed subsequently for assignment.
- iv. Lands acquired by the Government.
- v. Lands belonging to Government Departments of State and Centre.
- vi. Lands belonging to State/Central Government organizations /Institutions/Endowments and Charities/Universities.
- vii. Lands under hypothecation of organizations/Institutions belonging to Government until the hypothecation is released/relaxed.
- viii. Lands recognized under the Scheduled Tribes and other Traditional Forest Dwellers (ROFR) Act, 2006.

b) Not prohibited from registration:

In respect of Gramakantam both in rural and urban areas, the Collectors shall suomoto take up scrutiny of the list of properties prohibited from registration and take action to furnish the list of Government/Endowment/Wakf properties/Roads/properties of local bodies/tanks other communal porambokes specifying the areas to facilitate registration of private holdings existing in Gramakantams and rectify mistakes if any. But, utmost care shall be ensured in identifying the lands in coordination with concerned departments.

3. Dotted lands:

Consequent on enforcement of the Andhra Pradesh Dotted lands (Updation in Resettlement Register) Act, 2017, the District Collectors identified thousands of acres of Dotted lands eligible for conversion as settlement patta lands. Prior to Act the Dotted lands were treated as Government lands and notified under section 22-A (1) of the registration Act 1908. After careful verification and declaration of the lands genuine Dotted lands as per the RSR such lands that were converted as patta land in terms of Section 4(3) under the Act shall only be excluded from the 22-A (1) lists published by the Government/District Collectors. Utmost care should be taken in carrying out this exercise by the District Collectors.

4. Private lands:

Reports are being received by the Government that some Private patta lands also were notified under Section 22-A (1) of the Registration Act, 1908 causing inconvenience to the land holders. The District Collectors shall carefully verify the RSR/Fair Adangal/ Fair Adangal of Estate settlements / Inam Settlements records / APLR (COAH) Act 1973 cases / ULC Act 1976 cases/APSALTR,1959 cases and other important Acts and records thoroughly and take decision in respect of such claims. It is essential to observe that the lands shown as patta lands in the RSR/Fair Adangal / IFR also become Government lands subsequently due to Land Acquisition, declared as Ceiling surplus land/ relinquished lands / Escheat lands / Bought in lands etc.,. Hence, mere appearance of the pattadar names in the settlement register should not be taken as only criteria for taking a decision. All such records need to be verified carefully in such claims.

5. Estate Lands

Section 1(4) of The Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 states that, " This section and Sections 2, 4, 5, 7, 8, 9, 58-A, 62, 67 and 68 shall come into force at once; and the rest of this Act shall come into force in regard to any zamindari, under tenure or Inam estate, on such date as Government may, by notification, appoint."

Section 2(10) says that "notified" date in relation to an estate, means the date appointed by a notification issued under Section 1, sub-section (4), as the date on which the provisions of this Act (other than Sections 1, 2, 4, 5, 7, 8, 9, 58-A, 62, 67 and 68) shall come into force in the estate, and the word "notified" shall be construed accordingly;

Section 9. Determination of Inam Estates. - (1) As soon as may be after the passing of this Act and subject to the provisions of Section 9-A, the Settlement Officer may suomotu and shall on application, inquire and determine whether any Inam village or hamlet or khandriga granted as Inam in his jurisdiction is an Inam estate or not.

(2) Before holding the inquiry, the Settlement Officer shall cause to be published in the village or hamlet or Khandriga granted as Inam in the prescribed manner, a notice requiring all persons claiming an interest in any land in the village or hamlet or Khandriga granted as inam to file before him statements bearing on the question whether the village or hamlet or Khandriga granted as Inam is an Inam estate or not.

(3) The Settlement Officer shall then hear the parties and afford to them a reasonable opportunity of adducing all such evidence either oral or documentary as they may desire, to examine all such documents as he has reason to believe are in the possession of the Government and have a bearing on the question before him and give the decision in writing.

(4) (a) (i) Against a decision of the Settlement Officer under sub-section (3), the Government may, within one year from the date of the decision or if such decision was given before the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1957, within one year from such commencement, and any person aggrieved by such decision may, within two months from the date of the decision or such further time as the Tribunal may in its discretion allow, appeal to the Tribunal.

(ii) If, before the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1957, any order has been passed by the Tribunal dismissing an appeal filed by the Government against a decision of the Settlement Officer on the ground that the Government were not competent to file an appeal under this clause or that such appeal was time-barred, the Tribunal shall, on an application filed by the Government within one year from the commencement of the Amendment Act aforesaid, vacate the order already passed by it and pass a fresh order on merits.

(b) Where any such appeal is preferred by an aggrieved person, the Tribunal shall give notice thereof to the Government and in the case of all appeals, whether by the Government or by an aggrieved person, the Tribunal shall cause to be published in the village or hamlet or Khandriga granted as inam in the prescribed manner, a notice requiring all persons who have applied to the Settlement Officer under sub-section (1) or filed before him statements under sub-section (2) to appear before it, and after giving them 2 and the Government a reasonable opportunity of being heard, give its decision.

(c) The decision of the Tribunal under this sub-section shall be final and not be liable to be questioned in any Court of Law.

Consequent on enforcement of Estate Abolition Act and conversion into Ryotwari settlement Act, 1948, the Estatedars / enjoyers were issued Ryotwaripattas duly preparing the Survey record, Fair Adangal of the Villages mentioning details of pattadars and the Government lands. The limitation period for preferring appeals was already completed long back and no fresh appeal can be entertained. Aggrieved persons have already filed appeals before the competent authorities within the period of limitation prescribed under the Acts. Hence, there is almost no scope for pending cases under this Act except in a very few cases and pending unsettled 18 Estates villages in Vizianagaram District and in (1) Inam Estate Prakasam District.

Instances are coming to the notice that some of the officers are passing orders afresh now in respect of settled estate village without verifying the details of approved permanent Survey and Settlement records. Utmost care shall be ensured by the District Collectors and stringent action will be taken against the erring officers indulging in such irregularities.

Section 3(2) of the *Andhra Pradesh (Andhra Area) Inams (Abolition And Conversion Into Ryotwari) Act, 1956* states that "before holding such an enquiry, Tahsildar shall cause to be published in the village or town where the Inam lands are situated, a notice in the prescribed manner requiring every person or institution claiming an interest in any such Inam land, to file before him, a statement of particulars in respect of items (i), (ii) and (iii) in sub-section (1) within the prescribed time."

Section 3(4) of the Act says that "Any person or institution aggrieved by a decision of the Tahsildar under sub-section (3), may appeal to the Revenue Court within sixty days from the date of communication of the decision [x x x] and the Revenue Court may after giving the parties to the appeal a reasonable opportunity of being heard, pass such orders on the appeal as it thinks fit."

In spite of the above, it is observed that claims are still being received in some of the districts in already settled villages, making way to unnecessary litigations, though only 9 Inam villages in Guntur district and 4 Inam villages in Visakhapatnam district remain to be settled.

It is strictly instructed that no claim should be received in any of the settled erstwhile Inam villages at present as per the provision of the Act.

Action to be taken to settle 9 villages in Guntur District and 4 in Visakhapatnam District.

Consequent on enforcement of the AP Inams abolition and conversion into Ryotwari Settlement Act 1956, issuing a notification under section 3(2) of the Act the Inamdars / enjoyers were issued Ryotwari pattas duly preparing the Survey record, IFR of the Villages mentioning details of pattadars and the Government lands. Aggrieved persons have also claimed appeals under section 3(4) of the Act before the competent authorities within the period of 60 days limitation prescribed under the Act. There is almost no scope for pending cases under this Act except in a very few cases and pending unsettled 13 Inam villages.

Reports are being received that some of the officers are passing orders afresh now in respect of settled Inam villages without verifying the details of approved permanent Survey and Settlement records. Utmost care shall be ensured by the District Collectors and stringent action will be taken against the erring officers indulging in such irregularities.

7. General Instructions to be followed strictly:

A] Any parcel of land/property to be prohibited from registration should be clearly identifiable. It should contain details of Survey No., Sub Division No., Door No. etc details so that properties of other persons who are not concerned are affected.

B] It is reported that in the existing lists of properties prohibited from registration under section 22-A of the Registration Act 1908, certain mistakes were crept in. It is to be noted that while corrections/ modifications to the lists sent under 22-A[1][a] to [d] can be done by the officers notified and additions/deletions to lists notified by the Government under 22- A[1][e] can be done by the Government alone. Therefore, the District Collectors shall send necessary proposals through the Chief Commissioner of Land Administration and Special Chief Secretary, Andhra Pradesh, Vijayawada to the Government after meticulous verification of the records.

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C] It is being reported that mistakes/errors have been creeping again and again into the lists/notifications prohibiting registration of properties under Section 22-A causing avoidable inconvenience to citizens and resulting in needless litigation before several courts. It is therefore emphasised that competent authorities should exercise utmost care and diligence in the matter of inclusion/deletion of properties in the lists to be communicated to the Registration Department and also in the proposals to be sent to the Government for notifying under 22-A[1][e] ensuring the correctness thoroughly.

D] The officials of Registration Department have no authority to add any property to the list of properties prohibited under Section 22-A. The competent authorities notified can only effect required modifications. Section 22-A[1][e] clearly says that only those properties attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others need to be notified by the Government.

E] Officers of Revenue Department for change of entries in any revenue record the person affected should be heard after issuing a notice and a speaking order has to be passed and communicated to that person.

F] *Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971*: Record of Rights (RoR) are prepared in Form-I and maintained in Form 1B. As per Section 6 of the above Act, every entry in Record of Rights [ROR] shall be presumed to be true until the contrary is proved or until it is otherwise amended in accordance with the provisions of this Act. Tahsildar can carry out amendments to ROR on coming to know of transactions such as sale, mortgage, gift, lease etc., in accordance with the procedure laid down in the Act. Appeal on these decisions of Tahsildar lies to Revenue Divisional Officer/Sub-Collector. The revenue functionaries do not have the authority to carry out any changes in entries already made without any order from Civil Court. They can at best correct clerical errors. Only the Collector [Joint Collector] has the authority to take up suo moto revision under Section 9. Even Collector cannot pass orders, affecting any person without giving an opportunity for hearing. There are frequent complaints from citizens that their names in ROR are changed. The Collectors should ensure that stern action is taken on the employees resorting to such illegal activities.

G) **Litigation:**

- The National Litigation Policy 2010 and the A P State Litigation Policy envisage the Government to be an efficient and responsible litigant. Once litigation commences, it usually becomes difficult to reverse the decision despite there being reasonable grounds.
- Joint Collector (Ryothu Bharosa and Revenue) [JC- RB & R] should review cases pending with courts every month.
- JC- RB & R should ensure that counter affidavits are filed in time to avoid courts granting injunction. Once injunction orders are passed it takes a long time to get them vacated.
- Suits are often filed in Civil Courts making Tahsildars as respondents. No suit against the Government is maintainable unless Collector of the District or the Secretary to the Government is made respondent. This is decided by the Hon'ble Supreme Court in Appeal (civil) 8580 of 1994 between Chief Conservator of Forests ... vs Collectors AndOrson 18 February, 2003. JC- RB & R should ensure that the Government Pleaders bring this to the notice of the Courts and get all the suits where Tahsildars are made respondents are closed.

H) It needs to be ensured that post award action is finalized in all the cases of acquired lands by the Government and the details of all the lands acquired are updated in the land records and included in 22-A lists.

1) For purification of records survey number wise ground truthing should be done duly imposing quality check survey number wise, in accordance with Revenue and Survey records and only then go for updation.

5. Collectors should ensure that these instructions are implemented in letter and spirit by random verification. Senior officers available in the District may be kept in charge of a group of mandals for effective supervision. Care also needs to be taken to ensure that these instructions issued with the objective of reducing avoidable litigation and see that revenue records are purified/updated simultaneously.

6. The Collectors are instructed to scrupulously adhere to the above instructions and implement in full shape by 31.12.2020 and a compliance report should be sent to the Government.

V.USHARANI
PRINCIPAL SECRETARY TO GOVERNMENT

To

All the District Collectors.

Copy to:

The Special CS & Chief Commissioner of Land Administration, A.P.,
Vijayawada

The OSD to Dy.CM (Rev, R&S)

//FORWARDED:: BY ORDER//


SECTION OFFICER