

THE ANDHRA PRADESH LAND REVENUE (ENHANCEMENT) ACT, 1967

Act No.8 of 1967

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THE ANDHRA PRADESH LAND REVENUE (ENHANCEMENT) ACT, 1967

Act No.8 of 1967

[5th October, 1967]

AN ACT TO DECLARE THE GOVERNMENT'S RIGHT TO LEVY AND TO COLLECT, AND TO HAVE LEVIED AND COLLECTED, LAND REVENUE, AND TO PROVIDE, FOR THE LEVY OF ADDITIONAL LAND REVENUE, AND FOR THE LEVY OF LAND REVENUE ON CERTAIN LANDS IN THE STATE OF ANDHRA PRADESH AND FOR THE REVISION OF THE CESS LEVIABLE IN RESPECT OF ALL LANDS AND FOR MATTERS CONNECTED THEREWITH.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Eighteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh Land Revenue (Enhancement) Act, 1967.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) (i) This Act, except section 3 (in so far as it relates to the class of lands specified in section 4), section 4 and section 6, shall be deemed to have come into force on the first day of July, 1962.

(ii) Section 3 (in so far as it relates to the class of lands specified in section 4), section 4 and section 6 shall be deemed to have come into force on the first day of July, 1967.

2. Definitions - In this Act, unless the context otherwise requires,-

(a) "Andhra Area" means the territories of the State of Andhra Pradesh other than the Telangana area;

(b) "dry land" means the land registered as dry, manavari, asmantari, baghat or garden land, or special rate dry land, in the land revenue accounts of the Government or assessed as such;

(c) "fasli year" means a period of twelve months commencing on the first day of July of every year;

(d) "Government" means the State Government;

(e) "land" means wet or dry land;

(f) "land revenue" means,-

(1) in relation to the Andhra area, the standard assessment payable under the Andhra Pradesh (Andhra Area) Land Revenue assessments (Standardisation) Act, 1956;

(2) in relation to the Telangana area, the land revenue payable under the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (Act VII of 1317 F) or under any other law in force in that area, together with the special assessment payable under the Andhra Pradesh (Telangana Area) land (Special Assessment) Act, 1952 (Act XXXII) of 1952; and

¹ [(3) in relation to section 2-A, all land revenue levied and collected at any time before the commencement of this Act and to be levied and collected after such commencement;]

¹ . Substituted by Act 6 of 1969, S 2.

(g) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law;

(h) "notification" means the notification published in the Andhra Pradesh Gazette;

(i) "pattadar" includes every person who holds land directly under the Government under a patta or whose name is registered in the land revenue accounts of the Government as pattadar or as occupant or khatadar and who is liable to pay land revenue;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "Revenue Divisional Officer" means the Revenue Divisional Officer in whose jurisdiction the land is situate and includes any officer of the Revenue Department not below the rank of Revenue Divisional Officer empowered by the Government to exercise the powers and perform the functions of the Revenue Divisional Officer under this Act.

(l) "State" means the State of Andhra Pradesh;

(m) "Tahsildar" means the Tahsildar in whose jurisdiction the land is situate and includes a Deputy Tahsildar in independent charge of a taluk or sub-taluk and any other officer of the Revenue Department not below the rank of a Deputy Tahsildar empowered by the Government to exercise the powers and perform the functions of the Tahsildar under this Act;

(n) "Telangana area" means the territories specified in sub-section (1) of section 3 of the States Re-organisation Act, 1956 (Central Act 37 of 1956).

(o) "wet land" means land registered as wet, single crop wet or double crop wet or compounded double crop wet or special rate wet land, in the land revenue accounts of the Government, or assessed as such.

¹ [2-A. Right of the Government to levy and collect land revenue in respect of every land in the State and validation of the settlement and re-settlement notifications. (1) The Government shall have the right to levy and collect the land revenue in respect of every land in the State and it is hereby declared that the Government shall be deemed always to have had the right aforesaid; and all land revenue levied and collected shall be deemed to have been levied and collected by the Government under the authority of law.

(2) No settlement notification or re-settlement notification shall be deemed to be invalid or ever to have become invalid, by reason only of the fact that the said notification was not made under any law; and every such notification shall be deemed always to have been made in accordance with law.

Explanation:- Settlement notification or re-settlement notification includes settlement notification or re-settlement notification treated to be or purported to have been, in force in a village referred to in the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Act XXVI of 1948) the Andhra Pradesh (Andhra Area) Inams (Assessment) Act, 1955 (Act XXVII of 1955), the Andhra Pradesh (Andhra Area) Land Revenue Assessment (Standardisation) Act, 1956 (Act XXIX of 1956) and the

¹ Inserted by Act No. 6 of 1969, s 3.

Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (Act XXXVII of 1956).]

3. Power of Government to levy and collect additional land revenue - (1) In respect of every land held by a pattadar, there shall be levied and collected by the Government from the pattadar for every fasli year, an additional land revenue at the following rates, namely:-

(i) in the case of wet land,-

(a) in the Andhra area, at one hundred per centum of the land revenue payable thereon;

(b) in the Telangana area, at thirty per centum of land revenue payable thereon.

(ii) in the case of dry land in the State, at seventy-five per centum of the land revenue payable thereon

(2) The additional land revenue referred to in sub-section (1) in respect of any land shall be in addition to the land revenue payable by a pattadar in respect of that land.

4. Declaration of certain wet lands as dry lands and the determination of land revenue payable thereon - (1) Every wet land in the State which is registered in the land revenue accounts of the Government as being irrigated under any well, spring, channel, pare-kalava, nadinala, vagunala, kasam, sona, bila, uppalwat bonda, doruvu, bhurki, kole or by cross bunding, shall be treated as dry land and the Tahsildar shall after giving an opportunity to the pattadar to make his representation determine the land revenue payable on that land for a fasli year, having due regard to the land revenue payable for a dry land of similar classification in the vicinity.

(2) There shall be levied and collected by the Government from the pattadar for such dry land for every fasli year, the land revenue determined by the Tahsildar under sub-section (1) in lieu of the land revenue payable thereon immediately before the commencement of this Act.

(3) There shall also be levied and collected by the Government from the pattadar for such dry land an additional land revenue as provided in section 3.

5. Levy of land revenue in respect of lands not assessed to land revenue - (1) In the case of any land not assessed to land revenue, the Tahsildar shall, after giving an opportunity to the pattadar to make his representation, determine the land revenue payable on that land for a fasli year; having due regard to the land revenue payable for dry or wet land of similar classification in the vicinity, as the case may be.

(2) There shall be levied and collected by the Government from the pattadar for such land, for every fasli year, the land revenue determined under sub-section (1) and the additional land revenue as provided in section 3.

6. Exemption of pattadars from payment of land revenue and additional land revenue in certain cases - (1) Every pattadar, who is liable to pay for the fasli year which commenced on the first day of July, 1967, or for any subsequent fasli year, on all the lands held by him, an aggregate amount not exceeding rupees ten towards the land revenue and the additional land revenue, shall be exempt from the land revenue and the additional land revenue payable in respect of the dry land held by him.

(2) If any question arises as to whether any pattadar is exempt from the payment of land revenue and the additional land revenue under this section in respect of any land held by him, the Tahsildar shall, after giving

an opportunity to the pattadar concerned, decide such question and his decision shall, subject to the provisions of section 12, be final.

(3) Nothing in sub-section (1) shall be construed as exempting any pattadar in respect of land held by him from the payment of the cess which would have been leviable in respect of such land if the pattadar had not been exempt from the payment of land revenue and the additional land revenue under that sub-section.

Explanation I:- For purposes of this section, the expression 'dry lands' shall not include dry lands which are irrigated during the fasli year from any Government source of irrigation other than a source of irrigation specified in sub-section (1) of section 4.

Explanation II: For purpose of this section and section 11, the expression 'cess' means,-

(i) in relation to the Andhra area, the land cess leviable under section 78 of the Andhra Pradesh (Andhra Area) District Boards Act, 1920 (Act XIV of 1920) the education tax leviable under sub-section (2) of section 34 of the Andhra Pradesh (Andhra Area) Elementary Education Act, 1920 (Act VIII of 1920);

(ii) in relation to the Telangana area, the local cess leviable under section 135 of the Andhra Pradesh (Telangana Area) District Boards Act, 1955 (Act I of 1956).

7. Determination of additional land revenue - (1) The additional land revenue payable under this Act by each pattadar in respect of his land in every village shall ordinarily be determined for the first fasli year after the commencement of this Act, and assessed by the Tahsildar in accordance with the provisions of section 3 or section 4 or section 5, as the case may be. The additional land revenue so determined shall continue in force until modified by the competent authority in accordance with the provisions of this Act.

(2) The Tahsildar shall cause a notice to be served on each pattadar specifying the particulars and the extent of the land held by him, the land revenue payable on that land and the additional land revenue payable under this Act and may publish the notice in such form and in such manner as may be prescribed.

(3) Any person interested, and objecting to the land revenue or the additional land revenue specified in the notice may make an application in writing to the Tahsildar within thirty days from the date of service of the notice on him and the Tahsildar shall consider any such objection and pass such orders thereon as he thinks proper.

8. Appeal - Any person aggrieved by an order passed by the Tahsildar under section 7, may within thirty days from the date of service on him of the order, appeal to the Revenue Divisional Officer, who shall pass such order as he may think fit, confirming, modifying or annulling the order appealed against.

9. Additional land revenue and land revenue payable under this Act to be treated as public revenue due upon the land - The additional land revenue or land revenue payable under this Act, by a pattadar in respect of any land shall be deemed to be public revenue due upon the said land, and the provisions of the Andhra Pradesh Revenue Recovery Act, 1864, shall apply.

10. Remission of additional land revenue - (1) Where on account of total or partial failure of crops, the land revenue has been remitted in respect of any land, in accordance with such rules as may be prescribed, the

additional land revenue payable in respect of such land under this Act shall stand remitted by such amount which bears to the total additional land revenue the same proportion as the amount of land revenue remitted in respect of such land bears to the total amount of land revenue in respect of such land.

(2) Where any question arises, whether any pattadar is entitled to remission of additional land revenue under sub-section (1), or regarding the extent of such remission, the question shall be decided by such authority and in such manner, as may be prescribed.

11. Provision relating to adjustment of additional assessment already paid - Where, in respect of any land, any sum has been paid by, or collected from, any pattadar as additional assessment under Andhra Pradesh Land Revenue (Additional Assessment) and Cess Revision Act, 1962 (Act XXII of 1962), such sum shall be adjusted by the Tahsildar towards the amount of additional land revenue, land revenue or cess payable in respect of the land:

Provided that-

(a) where the sum so paid by, or collected from, the pattadar is in excess of the said amount, such excess shall be adjusted towards the land revenue, additional land revenue or cess that may become payable thereafter, in such manner as may be prescribed; and

(b) where the sum so paid is less than the said amount, the pattadar shall be liable to pay the balance in such manner and in such number of instalments as may be prescribed.

12. Revision by the Board of Revenue or the District Collector - The Board of Revenue or the District Collector may either suo motu or on application call for and examine the records of any officer subordinate to it or him in respect of any decision, order or other proceedings made under this Act to satisfy itself or himself as to the correctness, legality or propriety of any such decision or order or as to the regularity of such proceedings and if in any case it appears to the Board of Revenue or the District Collector that such decision, order or proceedings should be modified, annulled, reversed or remitted for re- consideration, it or he may pass orders accordingly:

Provided that the Board of Revenue or the District Collector shall not pass any order prejudicial to any party unless he has been given an opportunity of making representation.

13. ¹[*****]

14. Bar of jurisdiction of courts - The rates of additional land revenue or of the land revenue levied in accordance with the provisions of this Act shall not be questioned in any court of law.

15. Exemption, reduction or other modification - (1) If, in the opinion of the Government, the enforcement of all or any of the provisions of this Act causes undue hardship on account of, error in the classification of land or in the classification of source of irrigation, inadequacy of source of irrigation or any other reasonable cause, to a pattadar or class of pattadars in respect of any land or class of lands held by such pattadar or class of pattadars, the Government may, by notification, and for reasons to be recorded therein—

¹. Omitted by Act No. 6 of 1969, s 4.

(a) grant exemption, make a reduction in the rate or order other modification, not involving an enhancement in the rate, of land revenue or additional land revenue payable—

(i) by any pattadar or class of pattadars;

(ii) in respect of any land or class of lands held by such pattadar or class of pattadars; and

(b) cancel or vary such exemption, reduction or other modification.

(2) Any notification issued under sub section (1) shall be laid, as soon as may be after it is issued, on the Table of the Legislative Assembly of the State while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and shall be subject to such modification or annulment as that Assembly may make.

16. Power to make rules - (1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this section shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session, or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

17. Repeal and savings - The following Acts are hereby repealed,-

(a) The Andhra Pradesh (Andhra Area) Land Revenue (Additional Wet Assessment) Act, 1956 (Act XXII of 1956);

(b) The Andhra Pradesh Commercial Crops (Assessment) Act, 1957 (Act XIX of 1957);

(c) The Andhra Pradesh Land Revenue (Surcharge) Act, 1957 (Act XX of 1957):

Provided that such repeal shall not affect the previous operation of the said Acts or any right, privilege, obligation, liability already accrued or incurred thereunder, and all arrears of assessment, special assessment, surcharge or the like levied but not collected at the commencement of this Act may be recovered as if they had accrued under this Act.

(2) The Andhra Pradesh Land Revenue (Additional Assessment) and Cess Revision Act, 1962 (Act XXII of 1962) is hereby repealed.

18. Amendment of District Boards Acts - (1) In section 78 of the Andhra Pradesh (Andhra Area) District Boards Act, 1920, (Act XIV of 1920), for the words "thirty-one naye paise", the words "eighteen paise" shall be substituted.

(2) In sub section (1) of section 135 of the Andhra Pradesh (Telangana Area) District Boards Act, 1955 (Act 1 of 1956) for the words "thirty one naye paise" the words "twenty-five paise" shall be substituted.

19. Act to override other laws - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, custom or usage having the force of law, or contract or judgment, decree or order of a court or other authority.