

THE ANDHRA PRADESH SPLITTING UP OF JOINT PATTAS ACT, 1965

(ACT No.2 of 1965)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Definitions.
3. Splitting up of joint pattas.
4. Transfer or grant of pattas.
5. Appeals.
 - 5-A. Revision.
6. Power of Tahsildar and Collector.
7. Supply of copies of Orders of Transfer or grant of pattas to Village Officers.
8. Power to exempt land or class of land.
9. Power to make rules.
10. Act to override other laws, contracts, etc.

THE ANDHRA PRADESH SPLITTING UP OF JOINT PATTAS ACT, 1965

(ACT No.2 of 1965)

(19th January, 1965)

AN ACT TO PROVIDE FOR THE SPLITTING UP OF JOINT PATTAS IN THE STATE OF ANDHRA PRADESH AND FOR MATTERS CONNECTED THEREWITH,

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

1. Short title and extent – (1) This Act may be called the Andhra Pradesh Splitting up of Joint Pattas Act, 1965.

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

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

(a) 'Collector' means any officer in-charge of a revenue division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector;

(b) 'Government' means the State Government;

(c) 'joint holding' means a parcel or parcels of land held by two or more persons under a joint patta;

(d) 'joint pattadars' in relation to a joint holding means the persons who hold land directly under the Government under a joint patta or whose names are registered in the revenue records as joint pattadars or as a joint occupants and who are jointly and severally liable to pay land revenue in respect of such holding ;

(e) 'land' means a land which is used or is capable of being used for purposes of agriculture, including horticulture, but does not include land used exclusively for non-agricultural purposes;

(f) 'pattadar' means a person who holds land directly under the Government under a patta or whose name is registered in the revenue records as pattadar or as occupant and who is liable to pay land revenue in respect of such land;

(g) 'prescribed' means prescribed by rules made under this Act;

(h) 'Tahsildar' means a Tahsildar within whose jurisdiction the land or a part thereof is situate and includes a Deputy Thasildar in independent charge of a taluk or sub-taluk and any other officer of the Revenue Department not below the rank of Deputy Tahsildhar empowered by the Government to exercise the powers and perform the functions of the Tahsildar under this Act.

3. Splitting up of joint pattas - (1) Every joint patta granted to, or held by, joint pattadars immediately before the commencement of this Act, except the granted to, or held by, a Hindu joint family, shall be split up in the manner provided in sub-sections (2) and (3).

(2) Every joint pattadar shall be entitled for the grant of a separate patta to him in respect of his share of land in the joint holding.

¹ [(3) The Tahsildar shall, after publishing notice in the manner prescribed calling upon the joint pattadars and other persons known or believed to be interested in the grant of separate pattas and after holding an inquiry in the manner prescribed, by order determine the share of land of each pattadar in the joint holding and grant him a separate patta for that share. The Tahsildar shall thereafter get the shares of the land sub-divided, where necessary, in the manner prescribed. The costs incurred by the Government in connection with such sub-division shall be determined and recovered in the manner prescribed from the pattadars concerned in proportion of their shares]

(4) No person shall be registered in the revenue records as a joint pattadar or granted joint patta in respect of a holding except in the case of a Hindu joint family.

4. Transfer or grant of pattas - (1) Every person acquiring ownership of any land by succession, estate or intestate, or by sale, gift, exchange, partition or by any other means shall be entitled for the transfer or grant of a patta for such land.

² [(2) The Tahsildar shall, after publishing notice in the manner prescribed calling upon the owner and other persons known or believed to be interested in the transfer of patta or the grant of patta for such land and after holding an inquiry in the manner prescribed, by order, affect the transfer of patta or grant patta for such land. The Tahsildar shall thereafter get such land sub-divided, where necessary, in the manner prescribed. The costs incurred by the Government in connection with such sub-division shall be determined and recovered in the manner prescribed from the pattadars concerned in proportion to their shares.]

5. Appeal - Any person aggrieved by an order of the Tahsildar under section 3 or section 4 may, within ninety days from the date of communication to him of such order, appeal to the Collector. The decision of the Collector thereon shall, subject to any judgment, decree or order of a competent court, or revision under section 5-A, ³[or revision under section 5-A, be final].

⁴[5-A. Revision - (1) The Collector may suo moto at any time call for and examine the records of the Tahsildar in respect of any decision, order or other proceedings made under this Act, for the purpose of satisfying himself as to the correctness or 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 him that such decision, order or proceedings should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that no order adversely affecting any party shall be passed under this section unless he has been given an opportunity of making his representation.

(2) The Collector may stay the execution of any decision, order or proceeding of the nature referred to in sub-section (1) pending the exercise of his powers under this section in respect thereof.]

6. Power of Tahsildar and Collector - The Tahsildar and the Collector shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

¹ . substituted by Act No. 14 of 1968, s 2. Subsequently, substituted by Act No.34 of 1976, s 2.

² substituted by Act No. 14 of 1968, s 3. Subsequently, substituted by Act No.34 of 1976, s 3.

³ substituted by Act No.34 of 1976, s 5.

⁴ . inserted by the Act No.34, s 5.

- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

7. Supply of copies of Orders of Transfer or grant of pattas to Village Officers - The village karnam or patwari shall be supplied with a copy of every order made under section 3, section 4, ⁵[section 5 or section 5-A] for effecting, in the manner prescribed, necessary changes in the revenue records maintained by him.

8. Power to exempt land or class of land - The Government may, by general or special order and for reasons to be recorded therein, exempt any land or class of land from all or any of the provisions of this Act.

9. Power to make rules – (1) The Government may, by notification published in the Andhra Pradesh Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the form and contents of pattas;
- (b) the fees to be paid in respect of application for the issue of certified copies of pattas.

(3) 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 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 thereafter 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.

10. Act to override other laws, contracts etc. - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law, custom, usage or agreement for the time being in force.

⁵ . substituted by the Act No.34 of 1976, s 7.