

Andhra Pradesh Land Encroachment Rules, 1976

ANDHRA PRADESH

India

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Rule ANDHRA-PRADESH-LAND-ENCROACHMENT-RULES-1976 of 1976

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Andhra Pradesh Land Encroachment Rules, 1976 Published vide G.O.Ms.No. 24, Revenue, dated 8-1-1976 The following rules are issued in exercise of the powers conferred by Section 8 of the Andhra Pradesh Land Encroachment Act, 1905, (Act No. III of 1905) and in supersession of the rules issued in G.O.Ms.No. 164, Revenue, dated the 23rd January, 1959 is hereby published for general information as required by the said section. Rules

1. Short title and commencement:-

(1) These rules may be called the Andhra Pradesh Land Encroachment Rules, 1976. (2) They shall come into force at once.

2. Definitions:-

In these rules unless the context otherwise requires, -(a) "Act" means the Andhra Pradesh Land Encroachment Act, 1905 ;(b) "landless poor person" means a person who does not own more than two and half acres of wet land, or five acres of dry land, and is also poor ;(c) "Section" means a section of the Act.

3. Rate of assessment of lands in Town:-

The assessments to be levied under Section 3 (1)(ii) of the Act on lands, which are the property of Government and which are unauthorisedly occupied within the limits of a town, shall be the ground rent leviable under the rules in respect for the time being in force, for the levy of ground rent in the town in question or the assessment leviable on the lands put to non-agricultural purposes under the Andhra Pradesh Non-Agricultural Lands Assessment Act, 1963 (Act 14 of 1963).

4. Rate of assessment of lands in Villages:-

The assessment to be levied under Section 3 (1)(ii) of the Act on lands which are the property of Government and which are unauthorisedly occupied in a village, which are not classified and assessed shall be at such rates not exceeding the highest wet rate in force in the district, if the lands are wet and not exceeding the highest dry rate in the district, if the lands are dry, as the Collector may determine.

5. Seasonal remission on wet lands:-

A person who is in unauthorised occupation of Government land and is liable for payment of assessment under Section 3 (1) of the Act shall be eligible for the grant of seasonal remission of assessment on wet lands :Provided that the occupation is unobjectionable :Provided further that such person is a landless poor person.

6. Grounds for grant of remission, scale of remission and procedure:-

(1)Remission of land revenue shall not ordinarily be granted except when the land is left waste or the crop is lost for one or more of the following reasons namely,-(a)lack of adequate supply of water from the Government source of irrigation ;(b)extensive damage to crop due to pests or pestilence ;(c)Submersion of land on account of exercise water or inundation rendering the cultivation of the land impossible;(d)any other reason beyond the control of ryot like act of State or of God :Provided that the failure of crop is not on account of any act or neglect of the person who is in unauthorised occupation of Government land.Explanation:- For purposes of this rule the decision of the Tahsildar whether or not there is any neglect on the part of such person shall be final subject to the revision of the Revenue Divisional Officer or Jamabandi Officer.(2)Remission may be granted in respect of wet lands for the reasons specified in sub-rule (1) at the following scale :

Paddy crop Yield in Kilograms of Paddy per acre	Remission of Land Revenue
1	2
150 Kgs. and below	Full land revenue
Above 150 Kgs. and below 300 Kgs.	One half of land revenue.
300 Kgs. and above	Nil
Irrigated crops other than paddy:-	
1/8th and below of the normal yield	Full land revenue
above 1/8th and below 1/4th of the normal yield	One half of land revenue
1/4th of the normal yield and above	Nil

Explanation:- For the purposes of this rule, the Collector shall in consultation with the Director of Agriculture fix the normal yield of the different crops for each district or/part of the district in terms of Kilograms per acre and shall notify the same from time to time in the District Gazette for information of the ryots.(3)(i)Every person claiming remission under these rules shall make an

application in writing to the Tahsildar, Deputy Tahsildar, or any officer not below the rank of a Revenue Inspector of the firka having jurisdiction, specifying the fields for which remission of the land revenue is claimed.(ii)Every such application shall be presented on or before a date specified by a notification in the District Gazette by the District Collector, having regard to the harvest time, the local agricultural practices and seasonal conditions in respect of each crop (first crop and second crop). Such notification shall be given wide publicity in the village by beat of tom-tom and by affixture of the same in the village chavadi or any public place of importance in the village.(iii)The Tahsildar may refuse remission where an application is not made in accordance with these rules or in any case where the crop has been cut and removed or grazed by cattle before inspection by the competent authority :Provided that in special cases the Tahsildar, the Revenue Divisional Officer or the Jamabandi Officer, may, notwithstanding anything in this rule at his discretion, dispense with the submission of a written application and for sufficient reason condone delay in submitting any such application:Provided further that the Tahsildar or the Revenue Divisional Officer or the Jamabandi Officer as the case may be may grant remission where crop inspection (Ajmaish) has established the existence of conditions for the grant of remission without any representation written or oral ;(iv)As soon as may be after an application is received and in any case not later than thirty days from the date of the receipt, the Revenue Inspector shall inspect the crop in all the fields specified in the application and submit his report to the Tahsildar or the Deputy Tahsildar as the case may be who shall inspect a fair percentage of the affected fields, being not less than 10 percent of such fields in each village. As far as possible the Revenue Divisional Officer shall also inspect some fields in each village by adopting random sampling method. The Tahsildar may wherever possible arrange for conducting crop-cutting experiments for the purpose of ascertaining the yield and shall do so in all villages where the area in respect of which applications made for granting remission, exceeds 50 acres.(v)The Revenue Inspector or Deputy Tahsildar shall submit his report and recommendation to the Tahsildar for sanction of remission and any order passed in this behalf by the Tahsildar shall be duly communicated to the Village Officers.(vi)The Revenue Divisional Officer or the Jamabandi Officer may revise an order of Tahsildar under Clause (v).(vii)The Revenue Divisional Officer may consider any case not considered by the Tahsildar and the Jamabandi Officer may consider any case not considered by the Tahsildar or the Revenue Divisional Officer.Rules made under Section 8Ooctacamund, August 30th, 1907No. 417 under Section 8 of the Madras Land Encroachment Act (III of 1905). The Governor in Council is pleased to make the following rules.Rules :I. The assessment to be levied under Section 3 (ii) of the Madras Land Encroachment Act III of 1905, on Lands, the property of Government unauthorisedly occupied, within the limits of a Town (other than Madras) shall be the ground rent leviable under the rules for the time being in force for the levy of ground rent in the town in question.II. The assessment to be levied under Section 3 (ii) of the Act of lands, the property of Government unauthorisedly occupied, in villages, which have not been classified and assessed shall be at such rates not exceeding the highest wet rate in force in the district if the lands are wet and not exceeding the highest dry rate in force in the district if the lands are dry, as a Collector may determine.Published in Fort St. George Gazette Part I, Pg. 935, dated 30-8-1907.Rules made under Section 8 (a)Ooctacamund, May 1st, 1906No. 224 under Section 8 (a) of the Madras Land Encroachment Act III of 1905. The Governor in Council is pleased to direct that the assessment to be levied under Section 3 (ii) of the said Act on lands, the property of Government unauthorisedly occupied in the City of Madras shall be such sum, to be determined by the Collector in each case, as will fairly represent the full competitive letting value of

the site encroached upon.