



THE ANDHRA PRADESH GAZETTE

PART II—EXTRAORDINARY

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NOTIFICATIONS BY GOVERNMENT

REVENUE DEPARTMENT

FURTHER INSTRUCTIONS REGARDING REVISED ASSIGNMENT POLICY OF LAND RELATING TO TELANGANA AREA.

[G.O. Ms. No. 1724, Revenue, 26th August 1959.]

In exercise of the powers conferred by section 172 of the Hyderabad Land Revenue Act, 1917 F., the Governor of Andhra Pradesh hereby makes the following rules relating to assignment of Government lands in partial modification of the orders issued in G. O. Ms. No. 1406, Revenue, dated 25th July 1958 on the subject applicable to Telangana area:

I. Category of lands not available for assignment.—Porampoke lands shall be eliminated from the category of lands not available for assignment and they should be made assignable.

II. Definition of landless poor person.—A landless poor person is one who owns not more than two and half acres of wet land or five acres of dry land and one acre of wet land will be treated as two acres of dry land.

III. Maximum land which may be assigned to a single individual.—The maximum extent of land which may be assigned to a single individual shall be limited to 2½ acres wet or five acres of dry.

IV. Claims of adjoining landholders.—Isolated plots of land not exceeding one acre of wet or two acres of dry contiguous to and necessary for the convenient enjoyment of the lands privately owned by a ryot may be assigned to him on payment of full market value though he may not be a landless poor person.

V. Powers of Assigning Authorities.—Deputy Collectors will be competent to assign wet lands not exceeding 2½ acres in each case. They can also assign wet lands to Co-operative Societies irrespective of the aggregate extent provided that the extent to the share of each member does not exceed 2½ acres wet.

VI. Eviction of occupiers not eligible for assignment.—In case an occupier of land at the disposal of Government is a landless poor person he shall be evicted from such excess extent if any over and above the area under his occupation which together with the lands owned by him would make up a total extent of 2.50 acres wet or five acres of dry land.

The following principles should be observed in connection:

Old occupations.—All unlawful encroachments shall be served with notices and evicted. In the case of reserved lands for specific purposes in Telangana, eviction should be made from these lands without any consideration. If they are unobjectionable, they may fit to be given on cultivation, the objections of the encroachers should be heard after proper notice. In the following aspects should be inquired into:

- (i) the duration of the occupation whether the Government was silent in respect of such occupation or has been evicted without any consideration;
- (ii) whether the encroacher has at his own expense, made additions to the land in the form of kuntas or laid gardens, etc., and the proportion of this expenditure to the value of the land and the reasons why the Government was silent in the matter; whether the additions were made in pursuance of a written permission;
- (iii) whether, despite the illegality of the occupation, the encroacher has been allowed to occupy the land called 'patta' because of the standing crop of the Government and whether he has made any improvement or source of livelihood.

If, as a result of the enquiry, it is found that the encroacher has decided in his permanent source of livelihood, the land should be assigned to him subject to prescribed limits and the portion in excess of the limit of granting pattas should be reserved for agricultural purposes. If found otherwise, he should be evicted from the land.

New occupations.—If an occupier cultivates Government lands without prior permission, he should be evicted after consideration of the standing crop and other factors. He should be evicted out by him.

VII. Pending cases.—(a) Lands to which Circular No. 14, dated 8th November 1954 issued by the erstwhile Hyderabad Government and the other circulars issued in clarification of it were applicable should be dealt with under those circulars but not under the new rules of assignment issued in G.O. Ms. No. 1406, Revenue, dated 25th July 1958.

(b) Cases in which the right of patta was given to the occupants according to Circular No. 14 and other circulars issued in clarification of it and cases in respect of which there is evidence in Government records either of application presented by the encroacher for grant of patta or of his possession of the lands should not be treated as pending cases but should be decided under Circular No. 14 and other circulars issued in clarification of it.

VIII. Savings.—(a) Such of the provisions of G.O. Ms. No. 1406, Revenue, dated 25th July 1958 as are not inconsistent with the above rules will continue to be in force.

(b) The provisions in Notification No. 64, dated 16th November 1950 regarding the procedure to be followed in regard to assignment of lands should be continued to be followed so far as they are not inconsistent with the rules issued in G.O. Ms. No. 1406, Revenue, dated 25th July 1958 and these rules.

FURTHER INSTRUCTIONS REGARDING REVISED ASSIGNMENT POLICY OF LAND RELATING TO ANDHRA AREA.

[G.O. Ms. No. 1725, Revenue, 26th August 1959.]

The Government have examined the question of revision of the existing rules for the assignment of lands at their disposal and issue the following further instructions applicable to Andhra Area:

I. Definition of landless poor person.—A landless poor person is one who owns not more than two and half acres of wet land or five acres of dry land and one acre of wet land will be treated as two acres of dry land.

II. Maximum land which may be assigned to a single individual.—The maximum extent of land which may be assigned to a single individual shall be limited, to 2½ acres wet or five acres of dry.

III. Claims of adjoining landholders.—Isolated plots of land not exceeding one acre of wet or two acres of dry contiguous to and necessary for the convenient enjoyment of the lands privately owned by a ryot may be assigned to him on payment of full market value though he may not be a landless poor person.

IV. Powers of assigning authorities.—Revenue Divisional Officers can assign wet lands not exceeding 2½ acres in each case.

V. Eviction of occupiers not eligible for assignment.—In case an occupier of land at the disposal of

Government is a landless poor person, he should be evicted from such excess extent if any exists over the area under his occupation which together with the lands owned by him would make up a total extent of 2.50 acres wet or five acres of dry land.

The following principles should be observed in this connection:—

Old occupations.—All unlawful encroachments should be served with notices and evicted. If the encroachment is on poramboke lands eviction should be made from these lands without any consideration. If they are objectionable, i.e., if they are fit to be given on sale, the objections of the encroachers should be heard after giving them notice and the following aspects should be inquired into:—

- (i) the duration of the occupation, whether the Government was silent in respect of the occupation or has been taking steps for eviction;
- (ii) whether the encroacher has at his own expense, made additions of buildings, wells, kuntas or laid gardens, etc. and the proportion of this expenditure to the value of the land and the reasons for the Government was silent in the matter or whether the additions were made in spite of raising objection;
- (iii) whether, despite the occupation being illegal, the encroacher got an opportunity to occupy the land illegally or illegally because of the attitude of the Government and whether he has made it his permanent source of livelihood.

If as a result of the enquiry of the above nature it is found that the encroacher has improved the land or has deemed it his permanent source of livelihood in good faith, the land should be assigned to the encroacher subject to prescribed limits and he should be evicted from the portion in excess of those limits. The concessions of granting pattas should be confined only to lands used for agricultural purposes but not lands used for non-agricultural purposes. If his improvements are not proved, he should be evicted from all the lands.

New occupations.—If in future anyone occupies or cultivates Government lands unlawfully without prior permission, he should be evicted without any consideration of the standing crop or improvements carried out by him.

VI. Savings.—Such of the previous orders which are not inconsistent with the above orders will continue to be in force.

ATTESTED
 Secretary to Government