

# **Training Sessions for Trainee Deputy Collectors, Telangana on LTR**

**31-03-2026  
At MCHRD, Hyderabad.**

**Dr Palla Trinadha Rao**

# Administration in Tribal Areas

- The Government established Social Service Department attached to the Revenue Department in 1946, headed by an advisor.
- This initiative culminated in the Tribal Area Regulation of 1946 enabling the Government to make rules for the administration of tribal areas.
- Later the Tribal Area Regulations 1949 and Rules were made.

# The Hyderabad Tribal Areas Regulation, (Regulation No. III of 1359F)-Rules 1949

- Rule 4 empowered the Agent(District Collector) to appoint members of a Panchayat for specified villages and entrust them with duties outlined in the Rules.
- Rule 2 stipulated that the administration of a notified tribal area in matters covered by the Rules would vest in the Agent.
- Rule 5 barred any court of law or revenue authority from exercising jurisdiction over disputes related to land, houses, or house sites occupied, claimed, rented, or possessed by any tribal in notified tribal areas, including disputes involving eviction.
- Rule 6 mandated that all suits or proceedings related to matters covered by Rule 5, pending before any court or authority, be transferred to the Agent, who would handle them according to the Rules.

- Rule 7 allowed the Agent to recommend the cancellation of decrees or orders passed by courts or authorities during the three years preceding the Regulation's enforcement if they adversely affected a tribal's rights. The Government could pass orders based on the Agent's recommendations.
- Rule 8 required the Panchayat to decide all cases in an open durbar (public court) in the presence of both parties and at least three independent witnesses.
- Part II of the Rules addressed criminal justice.
- Rule 13 stipulated that criminal justice for offences involving a tribal would be administered by the Agent.
- Rule 14 authorized the Agent to pass any sentence warranted by law for offences under Rule 13.

- Rule 16 empowered the Agent to authorize a Panchayat to try specific offences involving tribals and impose fines as specified. Part III of the Rules dealt with civil justice.
- Rule 26 stated that civil justice in cases involving tribal rights would be administered by the Agent and the authorized Panchayat, provided the Agent could exercise powers equivalent to those of any court subordinate to the High Court.
- Rule 27 allowed Panchayats to try cases without monetary limits if both parties were tribals residing within their jurisdiction, subject to the conditions laid down in Rule 26.
- Rule 39 stipulated that a tribal debtor could not be imprisoned for non-payment of debt unless the Agent was satisfied that the debtor had fraudulently disposed of or concealed property; in such cases, detention could not exceed six months.

- Part IV of the Rules pertained to revenue jurisdiction.
- Under Rule 42, cases involving tribal rights would be handled by the Agent, who would exercise powers equivalent to those of the Board of Revenue.
- Rule 52 allowed the Agent to recommend the cancellation or revision of any land title granted to a non-tribal within a year before the Regulation's enforcement, with the Government empowered to pass orders accordingly.
- Rule 53 prohibited the sale of land cultivated by a tribal or claimed by them in execution of any decree or order of any civil or revenue court.

# Fifth Schedule to the Constitution

(1) Article 244 contained in Part X of the Constitution entitled The Scheduled and Tribal Areas, states as under: The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Area and Scheduled Tribes.

(2) The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such regulations may—

(a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;

(b) regulate the allotment of land to members of the Scheduled Tribes in such area;

(c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

(3) In making any such regulation as is referred to in sub-paragraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.

(4) All regulations made under this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

(5) No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council.”

# Land Transfer Regulation 1 of 59

- Andhra Pradesh Agency Area Land Transfer Act 1917.
- Exercising the power conferred by para (5) of Fifth Schedule, the Governor issued the A.P Scheduled Area Land Transfer Regulation, 1959 (Regulation 1 of 1959) which came into force on 4-3-1959 partially repealing the earlier Agency Tracts Land Transfer Act 1917.
- This Regulation is to prohibit transfer of lands between tribals and non tribals in the Scheduled Areas without previous sanction of Agent to Government/ Sub Collector.
- The word ‘transfer’ means sale, lease, mortgage with or without possession, gift, exchange or any dealing with the immovable property in the Scheduled Areas. This was made to regulate the transfer of lands in the scheduled areas the State.
- These 1 of 59 Regulations were extended to the Telangana via AP SA Laws(Extension and Amendment) Regulation 1963.
- LTR Rules were formed in 1969.

# Land Transfer Regulations as of 78.

- It is only with a view to maintain peace and to govern the area effectively Regulation 1 of 1970 was passed by the Governor amending 1959 Regulation.
- Complete ban of land transfers infavor of non tribals.
- Presumption clause.
- LTR 1 of 71
- LTR 1 of 1978.

# Settlement Regulations

- Ryotwari Survey and Settlement Regulations 2 of 70
- Mahals Regulation 1 of 1969/Rules 1970
- Mutta Regulations 2 of 1969/Rules 1970
- Mukhasa Regulations 1 of 1989
- **Eligibility for Ryotwari patta: Regulation 7(1) proviso**
  - Ryothwari patta – Entitlement for, conditions, scope – Persons claiming Ryotwari patta must prove/satisfy two conciliations (i) their continuous lawful possession **not less than 8 years** immediately before commencement of Regulation II/1970 and (ii) possession must be lawful under A.P. Schedule Areas Land Regulation or any other law for time being in force.

# Key Judgements

1. **Constitutional validity of LTR: Supreme Court**(*P.Rami Reddy & others Vs. State of A.P. & Another. (1988) 22 Reports (SC) 364.*)
2. **What includes the word “Transfer”?**
  - **Dealing with the immovable property**(The expression dealing with immovable property occurring in Sec. 2 (g) of the Regulation embraces, within its fold, acts of **forcible dispossession and encroachment.**(*M.Suresh Bhargava & another Vs. State of A.P & Others.1989 (2) ALT 516*)
  - **Other dealing”- Allotment of shops in Bus stands in Agency Areas by means of tenders in the form of licence** – Falls with in the expression “other dealing” and hence prohibited – The word ‘licence’ can be read under the general expression ‘**other dealings**’ used in Section 2(g) of the Regulation.(*Adarsha Adivasi Mahila Samithi & others Vs. Agent to the Govt. Khammam & others. 2003 (5) ALD 284*)

- **Allotting retail outlet in Scheduled Area to Non tribals- Unlawful-AP.Scheduled Area Land Transfer Regulations 1 of 70-**

- The contention of the petitioner is that Rampachodavaram is notified as scheduled area under the provisions of the AP Scheduled Area Land Transfer Regulation, 1959 allotting HPCL retail outlet No.182 at Rampachodavaram, to non-tribal candidate is illegal.

- **Order:** Though counter affidavit is not filed, Sri M.RavindraNathReddy, learned Standing Counsel appearing on behalf of the corrigendum published in the Hindu English Daily News Paper dated 23-12-2003 and submits that the allotment of HPCL retail outlet No.182 to SC (Woman) is cancelled. The learned Counsel also produced a copy of the para wise remarks and submits that as the subject location was erroneously advertised to SC(W) category, corrigendum is published. He further submits that in view of the interim orders passed by this Court, correct category for allotment of said HPCL outlet is not notified.

- In view of the publication of the corrigendum, there is no need for further adjudication of the issue involved in this Writ Petition. In that view of the matter, I dispose of the Writ Petition directing the respondents to take steps to notify the allotment of subject outlet to correct category, as expeditiously possible.***(KathulaRemi Reddy Vs Hindustan Petroleum Corporation Ltd., (HPCL) and others.- WP No 44 of 2004 dated 29<sup>th</sup> April,2004, AP High Court)***

- **“Exchange”** 1st defendant claiming that his father who is a second defendant in the case acquired title to suit land by **exchange**. Father of defendant not being a person belonging to Scheduled Tribe, transaction of exchange even if true, is hit by Section 3 of Regulations 1 of 59. (***Ashok Vs. Baba rao and another. 2002(6) ALT 296.***)
- Sec.2(g)-“Transfer”-meaning of –Transfer includes **“contract to sell”**(***Kakarla Nageswara rao and other Vs Govt. of A.P. rep by its secretary(Tribal Welfare)Dept. Hyderabad.1995(3)ALT 164.***)
- Transfer of Property Act(4 of 1882), S.122 – **Gift** – Transfer of immovable property by way of Pasupu Kunkuma – ‘Pasupu Kunkuma’ means a gift, settlement or assignment of land to daughter-said transaction amount to a gift and requires registration.(***Gandevalla Jayaram Reddy Vs. Mokkal Padmavathamma and others. AIR 2002 A.P.75 (Fullbench) AIR 1980 A.P. 139, Overruled.***)
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# Occupation of govt.land by non tribals prohibited

- Even if land classified as **Gayalu/Government poramboke**, person who is in possession of such land must be said to be dealing with such immovable property – Therefore same falls within scope of “Transfer” as defined under Section 2(g) of the Regulation –(*Vuppuluri Veera Venkata Raju and others Vs. Special Deputy Tahsildar, Tribal Welfare, Gangavaram (V&M), E.G.District and others. 2007 (6) ALD 292*)
- **Alienation of land by Govt. to non-tribals prohibited.**
- **Govt. is considered as a “Person”:** (AIR 1997 Supreme Court)

- **G.Os benefiting Non-tribals -Struck down:**
- The G.O MS 129 issued by the Government is illegal and without jurisdiction-In 1979 the Government of Andhra Pradesh (Social Welfare-department) issued **G.O.Ms.No 129** dated 13.8.1979 directing the officers concerned not to evict non –tribal land less poor persons in occupation of Government lands in Scheduled areas up to an extent of Ac.5.00 of wet land or Ac.10.00 dry land. This G.O was questioned before High Court of A.P. The High Court quashed the **G.O as illegal** and without jurisdiction.
- ***(A.P.Girijan Welfare Students and Youth Union Vs. State of A.P. W.P.No 1755/90 dated 5.12.1984)***

- ii) A.P. Scheduled Areas Land Transfer Regulations 59 (As Amended by 1 of 1970) – A.P. Scheduled area Ryotwari settlement Regulations 1970 – Agency laws – Strict implementation – Directions issued – **G.O.Ms No.41, Dt. 12-10-1971 and G.O.Ms No.951, Dt.4-12-1974** prohibiting eviction of non-tribal Sivai Zamadars in occupation of Government lands in Scheduled areas **quashed** and the said Sivai Zamadars directed to be evicted under Land Encroachment Act. (*P.Gangamma Vs. Vasudha Misra & another. 1998(2) ALD 35.*)

# Acquisition of land for non tribals housing purposes-null and void

- Land in scheduled area cannot be acquired under Land Acquisition Act for providing house-sites even to Scheduled Castes *de hors* the Regulation – Transfer of land in scheduled areas in favour of any persons other than non-tribals – Totally prohibited under the Regulation – Petitioner, wife of assignee has no right to continue in possession of house-site and house thereon contrary to Regulation – Eviction of petitioner under Land Encroachment Act – Sustainable – Petition dismissed.
- ***(Koppula Saramma Vs. Govt. of A.P. Social Welfare Dept.& others.2001 (3) ALT 501.)***
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- **Permanent lease amounts to Transfer-Sec 2(g) LTR** –Ryotwari patta can not be granted-Regulation 7(1) proviso – Ryothwari patta – Entitlement for, conditions, scope –Persons claiming Ryotwari patta must prove/satisfy two conciliations (i) their continuous lawful possession not less than 8 years immediately before commencement of Regulation II/1970 and (ii) possession must be lawful under A.P. Schedule Areas Land Regulation or any other law for time being in force – Admittedly, father of petitioners acquired land from Freeholder with absolute heritable and transferable rights under unregistered documents dt. 9.11.1968 – Petitioners, therefore, cannot claim that they have satisfied first condition – Further, said permanent lease amounts to ‘transfer’ under 2(g) of A.P Schedule Areas Land Transfer Regulation and such transfer of immovable property is prohibited – Order rejecting claim of petitioners for Ryotwari patta in respect of said lands, held, suffers from no illegality warranting correction by High Court under writ jurisdiction – Writ petition dismissed – (A.P Scheduled Areas Land Transfer Regulation 1959, Regulation 2(g). (*Thota Saidaiah and another V Commissioner of Appeals, Hyderabad and others (A.Gopal Reddy,J.) 2011 (3) ALD 501 = 2011(3) ALT 240* )

# Will

- **“Will” infavor of a stranger- Not permissible:**
- Interpretation of Statutes – Beneficial statutes be interpreted adopting interpretation which furthers the object of the Act even bypassing common and general notions. (Para 5) ***(KattaYesuratnam Vs. Commissiner, Land Revenue, A.P Hyderabad and others (Mr. B.Subhashan Reddy, J.) 1997(6) ALT 829)***

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# Burden of Proof(Presumption clause)

- Non Tribals Plea :That grand father of petitioners purchased Items I and II from tribals, after obtaining necessary permission from Agent under Section 4 of Act 1 of 1917 – Failure of petitioners to produce proceedings issued by concerned Assistant Agent permitting to sell Items. I and II – held, when petitioners did not produce permission granted under Section 4(1) of Act 1 of 1917 permitting to sell Items I and II, no importance and weight can be given to such mention in two sale deeds under which Items I and II were transferred –Failure of petitioners to discharge burden, which lies on them – It is for petitioners to prove transaction is valid and no presumption can be drawn – Sale of Items I and II by a tribal, in favour of a non-tribal, held, void under Section 4(1) of Act 1 of 1917 – (Agency Tracts Interest and Land Transfer Act 1917, Section 4) – Evidence Act 1872, Sections 90,102 and 103 (HC).
- ***(Yandapu Satyavati and another Vs. Secretary to Govt. (Tribal Welfare) of A.P., Hyderabad and others. 2007 (5) ALD 769)***

- **Permission given by a designated Officer only valid:** Section 3(1)(a), 10 – Applicability of Regulation to transaction taken place prior to coming into force of Regulation – AP.Agency Tracts Interest and Land Transfer Act 1917, Sections 2(f), 4,6 and 7 – Property belonging to Tribal – Mortgaged with Co-operative Society for obtaining loan – **Auction of, for realizing loan amount without written permission of Assistant Agent – Purchased by non-tribal** – Sale deed registered pursuant to confirmation of sale by Deputy Registrar of Co-operative Societies and District Registrar, who cannot be treated as Agents and Assistant Agents for purpose of Act – Sale by Co-operative Society, held did not confer any alienable and marketable title on purchaser – Subsequent sales in favour of petitioner’s father cannot be recognized in law – Petitioner failed to discharge burden that sale did not violate Act – Hence subsequent sales are void – (Rules framed under Section 7 of 1917 Act vide Order No.187, dated 22-1-1918, Rule 5; A.P. Scheduled Areas Land Transfer Regulation 1959, (As amended by Regulation 1 of 1970), Sections 3(1)(a),10)
- ***(Kantheti Rama Krishna Vs. Agent to Government, East Godavari at Kakinada and others. 2007(6) ALD 69.)***

# Transfers between Non Tribals-Void

- **Transfer of lands between non-tribals : Null & Void:**  
**The Full bench of High Court held:** The object seems to be that all the immovable properties in Agency Tracts, as far as possible, must be restored back to the tribals, which was held by tribals at one time. Therefore, it is not possible to hold that restoration under an invalid transfer made by a non-tribal can also be made in favour of him.

*(Vemana Somalamma & another (Appl), Veera Sunkar Deo & another (pet) Vs. Deputy Collector(TW), Rampachodavaram, E.G.Dist,1993(1) ALT 409 (F.B)*

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## L.T.R. Prevails over Ryotwari Settlement Regulations:

- Land Transfer Regulation as amended by Regulation 1 of 1970 prevails over the provisions of Regulation 2 of 1970 and no Ryotwari patta can be granted in violation of the provisions of regulation 1 of 1970 – Such a patta would not bind the Authorities under Regulation 1 of 1970. ***(Gadde Nagabushanamma Vs. Govt. of AP & others. 1999(5) ALD 430.)***

# LTR Prevails over any other laws

- AP. Scheduled Area Land Transfer Regulations-The prohibition against transfer and the declaration of nullity enjoined under Amended 1959 Regulation having been held to be an emanation of Para 5(2) of the Fifth Schedule to the Constitution itself, the determination of invalidity declared under the provisions of Amended 1959 Regulation will have to be held as overriding any contrary determination under any other Regulation.

***(Samatha Vs State of AP AIR 1997 SC 3297.)***

# LTR prevails over RoR Act :

- A.P Scheduled Areas Land Transfer Regulation 1959 – Section 3 – Land in Scheduled Area – Transaction between two non-tribals, inquiry into validity of, scope of, when authority under Record of Rights Act had regularized sale in favour of petitioner under an unregistered sale deed –
- A.P Rights in Land and Pattadar Pass Books Act 1971 – Section 5-A (4) – Protection under – Not available, in so far as enquiry under Section 3(1) (a) of A.P. Scheduled Areas Land Transfer Regulation 1959, Section 3(1) – Land in Scheduled Area – Transaction between two non-tribals, inquiry into validity of, scope of, when authority under ROR Act had regularized sale in favour of petitioner under an unregistered sale deed.
- ***(Pathipati Rangamma Vs. Agent to the Government at Khammam (District Collector), Khammam District and others. W.P 22643 of 2005. 2010 (4) ALD 769)***

# Principle of Resjudicata when does not apply?

- A.P. Scheduled Areas Land Transfer Regulation, 1959 as amended by Regulation I of 1970, Sec.3 – Contravention of provisions of Regulation –Complaint can be made by Special Deputy Tahsildar (TW) or by any third party.
- Held that orders passed in the first proceedings initiated under the Regulation will not operate as Resjudicata if the later proceedings were initiated **by third party or by the same party on the basis of any further material** and in the present case there is no fresh or new material warranting a contrary view than the one taken earlier- Order does not refer to any complaint alleged to have been made by third respondent and participation of third respondent is not established- Writ Petitions are allowed-Impugned orders are set aside.*(N.Durga Rao & another Vs. Special Deputy Collector (TW) Kota Ramachandrapuram W.G.Dist. & others. 2003(6) ALD (NOC 68)*

- A.P.Scheduled Areas Land Transfer Regulation 1959, Section 3(1) and (2)(a) – A.P.Scheduled Area Land Transfer Rules, 1969, Rule 7(2) – Ejectment of non-tribal – Land in Scheduled Area – Show cause notice – Principle of resjudicata – Proceedings for ejectment can be initiated either on application by any one interested or suo motu by competent authority – Proceedings earlier taken up for ejectment suo motu – Dropped – Fresh proceedings taken upon a complaint by tribal that writ petitioner is in possession of land in contravention of Section 3(1) of the Regulation and show cause notice issued – **Parties to present proceedings different – Tribal may produce fresh material to prove illegal possession of petitioner – Fresh proceedings not illegal** – Regulation meant for protection of tribes – If earlier proceedings are dropped for want of sufficient material, it would not operate as resjudicata for initiating fresh proceedings – Show cause notice issued – Neither arbitrary nor illegal – Truth or otherwise of allegations in fresh proceedings can be decided only after due enquiry – no interference warranted at the threshold – Writ petition dismissed with liberty to writ petitioner to submit explanation to impugned show cause notice. (*Padmanabhuni China Subba Rao Vs. Special Deputy Collector(TW), West Godavari District and others. 2006(6) ALT 44*)

# Question of law and issue of fact different

- Section 3 – Scheduled land – Transaction between non-tribals – Complaint against, dismissed as transaction was between non-tribals prior to 1970 – Subsequent proceedings in respect of same land but in relation to different transaction – Not barred by resjudicata – Identity of subject matter in physical sense, but no identity in juridical sense, as transactions, subject matter of dispute in two proceedings, distinct and separate – **Question of law or issue of fact arising in subsequent proceedings, different** from that arising in former proceedings – Decision in earlier proceedings, therefore, cannot operate as resjudicata in later proceedings – [A.P.Agency Laws 1924, Rule 8; Civil Procedure Code 1908, Section 11] (HC DB).
- ***(G.Nageswararao @ China Nageswararao Vs. Government of A.P. and others. 2007 (6) ALD 621)***

- A.P.Scheduled Area Land Transfer Regulations- Section 3(1) – Earlier proceedings initiated on the ground that the first respondent acquired the land in contravention of Section 3(1) and in the said proceedings the acquisition was upheld and it was confirmed by High Court also – Subsequently, the present proceedings were initiated on the ground that the transfer of the said lands by first respondent to others is in contravention of Section 3(1).
- Held, the earlier proceedings do not operate as Resjudicata in the present proceedings – The question involved in the earlier proceedings is **distinct and different** from the one on the basis of which the present proceedings are initiated – Further in the earlier proceedings the vendee was not a party – In the circumstances the learned single Judge erred in declaring that the present proceedings are not maintainable.*(Special Deputy Collector (TW), Rampachodavaram, E.G.District & others Vs. Datla Venkapathi Raju & others. 2003 (1) ALD 386 (D.B))*

- A.P.Scheduled Area Land Transfer Regulation-Sec.3-.**Mere fact that on the earlier occasion a petition filed** under section 3 of A.P.Scheduled Area Land Transfer Regulation 1959, was **dismissed does not confer any right** on the petitioner, so long as the Statutory order subsists, Viz. the void sale subsists. The Statute prescribes that any transaction entered into between a tribal and non tribal or between non tribal and a non tribal, they are void per sue. Therefore the mere fact that on the earlier occasion it was dismissed does not confer any right on the Writ Petitioner. The action taken by the respondent officers are perfectly within their jurisdiction and can not be interfered with.
- ***(Ch.Satyanarayana Vs. The Agent to Govt. & Dist.Collector Visakhapatnam. W.P. 6065/1979-unreported.)***

# Agreement to sale and sale deeds

Section 3(1)(a) as substituted by Regulation 1 of 1970 and Section 2(g) – ‘Transfer’ – Meaning of – Transfer includes contract to sell – Transfer of lands in Agency tracts by non-tribals to non-tribals – If sale deeds are executed after 3-2-1970 when Section 3(1)(a) has come into force and if possession of lands is delivered pursuant to execution of sale deeds, transfer is null and void – If agreements of sale were executed prior to 3-2-1970, transfer is not hit by Section 3(1)(a) of the Regulation – In the instant case, agreements of sale alleged to have been executed prior to 3-2-1970 not produced – Sale deeds showing delivery of possession of subject lands on date of execution of sale deeds – **No reference to alleged agreements of sale in sale deeds – No evidence in proof of petitioners’ possession or their paying land revenue prior to 3-2-1970** – Transfer of lands in Agency tract in favour of petitioners (non-tribals) by sale deeds executed after 3-2-1970 is hit by provisions of Section 3(1)(a) of the Regulation. (*Kakarla Nageswara Rao & others. Vs. Govt. of A.P. rep. by its Secretary (TW) dept. Hyderabad & others 1995 (3) ALT 164.*)

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- A.P.Scheduled Area Land Transfer Regulations-Sec 2(g) – Sale of lands in Telangana area by a Tribal to a non tribal pursuant to an agreement before 1-12-1963 and possession obtained after that date without getting the sale deed registered, is invalid and purchasers are liable to be evicted.**(Bhojajee Vs. Special Deputy Collector 1976 ALT 42 (NRC))**
- A.P.Scheduled area Land Transfer Regulations- The documents which are necessarily to be registered but not registered are not admissible in evidence and such documents can be used for collateral purpose only.**(W.P.No.9429/89 Dt:19-8-98 (A.P.High Court-unreported))**
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- A.P.Scheduled Area Land Transfer Regulation-Sec.3- The agreement of sale alleged to have been entered into on 3-5-1960 on a stamp paper of a denomination of Rs. 1.50 which was styled as (Vikrya Patramu) which was held to be a sale deed and therefore in violation of section 54 of Transfer of Property Act since it was not registered. Though it was pleaded on behalf of the non-tribals that the sale has taken place prior to the commencement of the Regulations, but the fact findings authorities gave a clear finding on the basis of the revenue records that the sale was after the commencement of the Regulations, and **the non-tribals came into possession according to the evidence on record only after the commencement of the Regulations-** Held, therefore, that the alleged transfer took place after the commencement of the Regulation – Sale was hit by the Regulations and accordingly was illegal and void.**(Vaddi Veeraiah Vs The agent to Govt. Khammam & other 1996(1) ALD 107 (DB)**

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# Any interested person can prefer appeal.

- A.P.Scheduled Area Land Transfer Regulations-Sec3 –**The maintainability of appeal by a third party who is not the party to original proceedings decided**—The modes of initiation of proceedings provided under Land Transfer Regulation are (a) an application by any interested person,(b)an information given in writing by a public servant and c) suo motu-In the instant case it is not in dispute that the Petitioners are not parties to proceedings before Special Deputy collector.-Ordinarily a person who has participated in original proceedings and suffered an order, is conferred with the right to prefer an appeal, to a superior authority or forum- In view of the object of Land Transfer Regulations it shall be appropriate to allow a person though not a party to the original proceedings on establishing the nature of interest he intends to canvass-
- ***(Sivudu Venkatasamy Vs. Agent to Government, West Godavari District at Eluru and others, L.Narasimha Reddy, J. 2004 (1) ALD 778)***

# Tribal Land Laws under PESA Act-

## Power of Gram Sabha

- (a) Prepare a list of landholders containing the details of extent of land held and names of the Pattadars along with enjoyers. **(Enjoyment verification)**
- (b) Verify the veracity of social status claims of all the Pattadars as to whether Pattadar is a genuine scheduled tribe. **(Bogus ST pattadar claims )**
- (c) Verify as to whether the lands are purchased in the name of a tribal woman and enjoyed by a non-tribal. **( Benami transactions in the name of T woman)**
- (d) Visit the field if desired and physically verify as to whether the lands are cultivated by the tribal or by the non-tribal taken on lease, mortgage, etc.; **( verification of physical land possession)**
- (e) Approve the list of beneficiaries for assignment of Government lands.
- (f) In all cases mentioned at (a) – (e) above, if Grama Sabha, after thorough investigation is satisfied that certain occupations are in violation of the Andhra Pradesh Land Transfer Regulation, 1959 as amended from time to time, Grama Sabha shall pass a resolution mentioning the details of violation. Competent authority under the Andhra Pradesh Land Transfer Regulation 1959 as amended from time to time shall initiate consequential action.

- (2) If there are conflicting claims in respect of the possession of lands, the Gram Sabha shall convene a meeting and call for evidence in support of such claims from the concerned to pass appropriate resolutions and request to the competent authority under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 to initiate consequential action.
- (3) The Gram Sabha shall also convene a meeting on receipt of any complaint on alienation of land in favour of a non-tribal or suomotu pass appropriate resolution and shall forward the same to the competent authority to take necessary action to restore the land to the scheduled tribe transferor.
- (4) Any person aggrieved by the resolution of Gram Sabha may within a period of sixty days from the date of resolution, file a petition to the competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959.

- 5) The competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959 may either allow or reject or refer the petition to the Gram Sabha concerned for reconsideration.
- (6) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petition, pass resolution on that reference and forward the same to the competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959.
- (7) The competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959 shall consider the resolution of Gram Sabha and pass appropriate order, either accepting or rejecting the petition.

- 8) The competent authority under the A.P. Schedule Areas Land Transfer Regulation, 1959 shall invariably implead the Gram Sabha concerned for their considered opinion in every case of land alienation involved tribal and non-tribal. The Gram Sabha concerned shall be impleaded and the opinion of the Gram Sabha shall be duly examined.
- (9) The competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959 shall furnish the copies of judgments to the Gram Sabhas concerned in every case.
- (10) While restoring possession of land to tribal, the competent authority shall obtain the signature of a member of Gram Sabha to that extent.

# KRRC Recommendations

- Memo: 3204/LTR.1/06-19-07-2008( Sadabainamas/unregd. Documents are inadmissible)
- Memo:11456/TW/LTR.1/06(Dt.28-02-2008) (Old pattas issued prior to 1950 without permission of the collector invalid)
- GO.RT No 1001/ Dt 02-05-2008- POs designated as Director of Survey and Settlements under1/69,2/69, 2/70 and 1/89.
- Memo No 11456/TW.LTR.1/06 (Dt.07-03-2008) :LTR orders passed by designated authorities in favor of non tribals shall be scrutinized and appeals shall be preferred against such orders.
- Memo No 11456/TW.LTR.1/06( Dt 28-02-2008) : SDCs/ADOs shall dispose of LTR cases within 6 months; POs/District Collectors/Appellate authorities/ shall dispose of Appeals within 2 months.
- CCLA's Ref. No L1/288/07( Dt 22-10-2007) : Non tribals shall be evicted from un authorised occupations of bill number lands/un numbered surveyed lands and taken over by the Govt. and assign in favor of tribals.

Thank  
You!

dreamstime

