

**THE ANDHRA PRADESH (ANDHRA AREA)
ESTATES (ABOLITION AND CONVERSION INTO
RYOTWARI) ACT ,1948
(ACT 26 OF 1948)**

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BACKGROUND

- During British Rule Land Rights structure
–Zamindari System, Rythwari System
- In **Zamindari system** land to right was conferred on intermediaries-
Zaamindars – Zamindar is owner on condition of payment of fixed
revenue –**PEISHKUSH** To British.
- Cultivators got occupancy rights – heritable and transferable as long
as they paid taxes to the Zamindars
- In **Rhytwari system** - direct relationship between Government and the
Ryot – He was assured permanent tenure- could sell or transfer the land
– as long as assessment was paid
- The Act is for- repeal of permanent settlement-acquisition of the rights
of land holders and introduction of ryotwari settlement
- To give total rights and reduction in the assessment to Ryots
- **INCLUDED IN NINTH SCHEDULE AND IS PROTECTED UNDER ARTICLE 31 B**

DEFINITIONS

- **Estate** means a Zamindari or under tenure or Inam estate
- **Inam Estate** - any village or an hamlet or Khandriga in an Inam village – grant of Inam has been made , confirmed or recognized by the Government --Sec 3,Clause 2(b) of AP (AA) Estates Land Act 1908
- **Under tenure Estate** –any portion of permanently –settled estate or temporarily settled Zamindari etc held on a permanent Under Tenure -- Sec 3,Clause 2(e) of AP (AA) Estates Land Act 1908

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DEFINITIONS ---contd

- **Zamindari Estate**---Any permanently –settled estate or temporarily settled Zamindari Sec 3,Clause 2(a) , 2(b) AP (AA) Estates Land Act 1908
- **Principal Land holder** -Any person who held the Estate immediately before the Notified date
- **Land holder** – a person who has the right to collect the rent

ISSUE OF NOTIFICATION AND CONSEQUENCIES

- The Government publishes notification –Sec 1(4)
- Earlier Acts – A P Permanent Settlement Regulation 1802, Estates Land ACT 1908 –**cease** to be in operation **Sec 3 (a)**
- The entire Estate—all categories of land stands **vest** with the Government **Sec 3 (b)**
- All rights created in or over the Estate **cease** **Sec 3 ©**
- Government (**manager** on behalf of Government) takes over all records, land etc of the Estate---as per the **Rules** issued in GO 1634 , Revenue, 20th July ,1955 under section 67 and 3 of the Act

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ISSUE OF NOTIFICATION AND CONSEQUENCIES ---contd

- All those , prima facie entitled for Ryotwari patta as per Sec 11(a) or 15(1) shall not be dispossessed until the patta is rejected and the Rejection orders become final. Sec 3 (d)
- Those who are not prima facie not entitled for patta -to be disposed by the Manager as per the procedure laid in the Rules -Appeal/ Revision provision is there.
- The Principal land holder is entitled only for compensation
- All encroachments that come in to existence after the issue of Notification to be evicted as per Land Encroachment Act 1905

MACHINERY / AUTHORITIES –IMPLEMENTATION OF THE ACT

- **Manager** -An officer appointed as per **Sec 6**-Tahsildar / Deputy Tahsildar / Deputy Collector is appointed by the Government for each estate-as on today the **Tahsildar is manager**
- He is guided by the District Collector
- **Settlement Officer** –appointed by Government as per section 5 (1) of the Act-initially **Settlement Officer / Assistant Settlement Officers** were appointed- Settlement officers/ Assistant Settlement Officers were appointed by Notifications 5523 published part I \of the Gazette dated 3.10.1950 / 136 published part I of the Gazette dated 10.04.1951. The posts of Settlement Officers were **disbanded w e f 30.9.1990** vide G.O.Ms.No.881 Rev. (JA) Dept. dt.**25-9-1990** and the **Joint Collectors** were authorized to carry out the functions of the Settlement Officers.

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MACHINERY / AUTHORITIES –IMPLEMENTATION OF THE ACT ---contd

- Director of Settlement
- Board of Revenue – As on today Commissioner of Appeals office of the C .C. L.A.
- Estate Tribunals – As on today the District Judge of each District-Notification 236--- published part I of the Gazette dated 28.06.1956.

GRANT OF RYTWARI PATTAS-WHERE RYOT IS ENTITLED

Section 11(a)

- Settlement Officer is the competent Authority
- Would have been inducted in to possession by land holder before 01.07.1945
- be filed before rytwari settlement is completed.
- Be in continuous possession by him/ his successors/ purchasers.
- The land shall be ryoti land
- In case of lanka lands –to have been inducted on or before 01.07.1939

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GRANT OF RYTWARI PATTAS-WHERE RYOT IS ENTITLED

- The **Rules** under section 11 were issued in G O Ms No.50,Revenue (J -1) ,16.01.1974. Procedure laid down there in to be followed
- **Appeal** lies to Director of Survey, Settlement and Land Records,
- **Revision** petition can be filed before the commissioner Survey, Settlements and Land Records Hyderabad. (Now commissioner of appeals)
- **Civil Court** has the jurisdiction to decide the issue of title- can go in to the correctness of the order of the Settlement Officer

GRANT OF RYTWARI PATTAS-WHERE RYOT IS ENTITLED ---contd .

- Grant of rytwari patta , when put in to possession after 1.7.1945 , is governed by the provision to Sec 11 (a)--- Government is Competent Authority
- Delegated to the Collector -ext be 2.50 Ares of Wet or 5.00 Acres of Dry - Board of Revenue in other cases.(Published in Notification in part I of the Gazette dated 16.08.1949.)
- Continuous possession – land to be ryoti in nature to be fulfilled
- Enquiry to be held by Settlement Officer and finally order to be passed by the Collector/ CCLA.

GRANT OF RYTHWARI PATTAS TO LAND HOLDERS

- The eligibility of land holder depends on nature of Estate
 - in Zamindari Estates, when
- ❖ it is private land within meaning given in Estate Land Act 1908
- ❖ provided land holder, as ryot, has cultivated the land in person /or by own servants or by hired labour from 1.07.1939
- ❖ taken over from ryot by purchase etc and has been cultivating the land in person /or by own servants or by hired labour from 1.07.1945

Sec 12

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GRANT OF RYTHWARI PATTAS TO LAND HOLDERS

in Inam Estate, when

- ❖ it is private land within meaning given in Estate Land Act 1908
- ❖ provided land holder as ryot has cultivated the land in person /or by own servants or by hired labour from 1.07.1945
- ❖ taken over from ryot by purchase etc and has been cultivating the land in person /or by own servants or by hired labour from 1.07.1945

Sec 13

GRANT OF RYTHWARI PATTAS TO LAND HOLDERS

➤ in **UNDER TENURE Estates**

- ❖ regularised as per **Sec 13 I** if the under tenure estate state was created before the permanent/ temporary settlement of the Estate
- ❖ or otherwise as per **Sec 12**

GRANT OF RYTHWARI PATTAS TO LAND HOLDERS---contd

- Grant of Rythwari pattas to the land holders is governed by **Section 15**
- Settlement Officer is the Competent Authority
- The relevant **Rules** were issued in Notification published part I of the Gazette dated 13.10.1950.
- **Appeal** can be filed before the Estate Abolition Tribunal i.e. Dist. Judge with in **60** days. Orders of the Estate Abolition Tribunal are final u/s 15(2) of the Act.- Govt in one year
- However under Art. 226 of Indian constitution a writ petition can be filed before the High Court by the aggrieved party.

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VESTING OF BUILDINGS

- Buildings used for office purpose and similar purposes vest with Government Sec 18(1)
- Building used for educational institutions/ religious purposes continue to be used for the same purpose Sec 18(2)
- If the building was being used as office / educational institution etc as on 1.7.1945 and later sold by land holder – land holder is not entitled for compensation Sec 18(3)

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VESTING OF BUILDINGS--contd

- Other building vest with person who own the same as on the date of Notification
- Building includes space appurtenance there to
Sec 18(5)
- Any doubt as regards to building- Government to
clarify
Sec 18(6)

NON RYTI LANDS SOLD FOR NON-AGRICULTURAL PURPOSES -CASES OF LEASES

- Non Ryti/ Non Agricultural land vest with the person purchased Sec 19
- Leases etc are to be dealt by Sec 20-
 - rights created are enforceable
 - resumption on violation of conditions.

OTHER IMPORTANT ASPECTS

- The **Compensation** payable to Land Holder is determined as per Section 24 to 37 – certain multiples of Basic annual sum.
- **Basic Annual Sum** comprise rytwari demand with certain deductions and miscellaneous Revenue . Further Jodi , kattubadi etc to be deducted in case of Inam estates.
- Where Estate or part of it belongs to Religious , educational or charitable Institution , Government to pay allowance – **TASDIK ALLOWANCE** every year as long as the institution functions – calculated as per **section 38** --- till the Institution exists

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OTHER IMPORTANT ASPECTS ---contd

- Settlement Officer to decide the **disputes** as regards to the person to pay rent due any and quantum of rent and appeal lies to the Tribunal **Sec 56**
- The staff of the Estate is taken care of as per **section 60**
- In case of **Impartible** Estates , the Tribunal to decide the Share of Compensation to Maintenance Holders and Ryotwari Patta also to be granted under sections 12 to 14 to all of them – tribunal to decide. **Sec 45 and 47**

Thank You