



**The Andhra Pradesh Records of Rights in Land and Pattadar Pass Books
(Amendment) Act, 1989**

Act 24 of 1989

Keyword(s):

Owner, Landless Poor Person, Khatadar

Amendment appended: 9 of 1994, 16 of 2001

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**THE ANDHRA PRADESH RECORDS OF RIGHTS
IN LAND AND PATTADAR PASS BOOKS
(AMENDMENT) ACT, 1989.**

ACT NO. 24 OF 1989.*

[17th November, 1989].

**An Act further to Amend the Andhra Pradesh
Record of rights in Land and Pattadar
Pass Books Act, 1971.**

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh
in the Fortieth Year of the Republic of
India as follows:-

1. (1) This Act may be called the Short title
Andhra Pradesh Record of Rights in land and com-
and Pattadar Pass Books (Amendment) Act, nencement.
1989.

*Received the assent of the Governor on the 16th November
1989. For Statement of Objects and Reasons, please see the
Andhra Pradesh Gazette, Extraordinary, Part IV-A, dated the
8th September, 1989, at Page 4.

(2) It shall come into force at once.

Amendment of Section 2, Land and Pattadar Pass Books Act, 1971 (Herein-Act 26 of 1971. section 2, —

(1) clause (6-a) shall be re-numbered as clause (6-b) and before the clause as so renumbered, the following clause shall be inserted, namely:-

“(6-a) “owner” means a person who has permanent and heritable rights of possession on the land which can be alienated and includes the holder of a patta issued to him as a landless poor person.”;

(ii) in clause (7), the words “or as occupant or khatadar” shall be omitted.

Amendment of section 5. 3. In section 5 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely:-

“(6) The Mandal Revenue Officer shall have the power to correct clerical errors, if any, in the Pass Books”.

Amendment of section 5 A. 4. In section 5A of the principal Act, in sub-section (1) for the words “Where the name of any person is recorded as an occupant in the Record of Rights”, the words “Where a person is an occupant”, shall be substituted.

Amendment of section 6 A. 5. In section 6A of the principal Act, in sub-section (1),-

(a) the word “occupant” shall be omitted;

(b) in the proviso, for the words “Provided that” the words “Provided further that” shall be

substituted and before the proviso, the following proviso shall be inserted, namely:-

"Provided that an occupant of an inam land is also eligible to apply for the issue of a pass book as an occupant."

6. In sub-section (1) of section 6C of the principal Act, - Amendment of section 6 C.

(i) for the words "on the security of the land," the words "on the security of land or crop," shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:-

"Provided that after three months from the date of publication of the notification under sub-section (2) of section 3, in the Andhra Pradesh Gazette, no loan shall be granted by any credit agency unless the pattadar pass book is produced".

7. In sub-section (2) of section 6D of the principal Act, for the proviso, the following proviso shall be substituted, namely: - Amendment of section 6 D.

"Provided that in the case of a landless person including a tenant or a mortgagee who becomes owner of land for the first time by purchase of land through a registered sale deed, the registering authority shall obtain a declaration from him in the form prescribed and send the same to Mandal Revenue Officer to enable him to issue a pattadar pass book in the owner category to such purchaser in the manner prescribed".

THE ANDHRA PRADESH RECORD OF RIGHTS IN
LAND AND PATTADAR PASS BOOKS
(AMENDMENT) ACT, 1994.

ACT No. 9 OF 1994.

[8th March, 1994.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
RECORD OF RIGHTS IN LAND AND PATTADAR
PASS BOOKS ACT, 1971.

Be it enacted by the Legislative Assem-
bly of the State of Andhra Pradesh in the
Forty-fourth Year of the Republic of India
as follows:-

1. (1) This Act may be called the short
Andhra Pradesh Record of Rights in Land title and
and Pattadar Pass Books (Amendment) Act, 1994 Commence-
ment.

(2) It shall be deemed to have come
into force on the 31st October, 1993.

*Received the assent of the Governor on the 2nd
March, 1994. For Statement of objects and Reasons,
Please see Andhra Pradesh Gazette, Part IV-A, Extra-
ordinary, dated the 22nd December, 1993 at Page 9.

Amendment of 2. In the Andhra Pradesh Record of Rights long title in Land and Pattadar Pass Books Act, 1971 Act 26 of 1971. (hereinafter referred to as the principal Act), in the long title, for the words "Record of Rights in Land", the words "Rights in Land", shall be substituted.

Amendment of 3. In sub-section (1) of section 1 of the principal Act, for the words "Record of Rights in Land", the words "Rights in Land" shall be substituted.

Amendment of 4. In section 2 of the principal Act:-
section 2.

(i) for sub-section (2-aa), the following section shall be substituted, namely:-

"(2-aa) 'credit agency' means any banking company as defined in the Banking Regulation Act, 1949, the State Bank of India and its subsidiaries, a corresponding new Bank, a Regional Rural Bank, a Co-operative Bank or credit society by whatever name called, Agricultural Development Bank and includes any other agency or individual the main object of which is to lend money;"

(ii) for sub-section (6-b) the following shall be substituted, namely:-

"(6-b) "title deed and pass book" means the title deed and pass book issued under section 6-A."

Insertion of new section 3A. 5. After section 3 of the principal Act, the following section shall be inserted, namely:-

"Modification of Laws inconsistent with this Act. 3-A (1) In relation to any village in which the provisions of this Act, are in force, the provision of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1917 Fasil or of any other law for the time being in force which are inconsistent with the provisions of this Act

shall have effect subject to such omissions or modifications as may be required for the removal of the inconsistency.

(2) In particular and without prejudice to the generality of sub-section (1) in relation to any village in which the provisions of this Act are in force, in Telangana Area, sections 103 and 141 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli shall have effect in relation to such village as if the word "Pattadar" in each of the said sections were substituted by the word 'occupant'.

6. For section 4 of the principal Act, the following section shall be substituted, namely:-

<p>Acquisition of rights to be intimated</p>	<p>4. (1) Any person acquiring by succession, survivorship, inheritance, partition, Government patta, decree of a court or otherwise any right as owner, pattadar, mortgagee, occupant or tenant of a land and any person acquiring any right as occupant of a land by any other method shall intimate in writing his acquisition of such right, to the Mandal Revenue Officer within ninety days from the date of such acquisition, and the said Mandal Revenue Officer shall give or send a written acknowledgement of the receipt of such intimation to the person making it.</p>
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Act VIII
1317 P.
Substitution
of new section for section 4.

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Mandal Revenue Officer.

(2) Notwithstanding anything contained in the Registration Act, 1908, every registering Officer appointed under the Act and registering a document relating

to a transaction in land, such as sale, mortgage, gift, lease or otherwise shall intimate the Mandal Revenue Officer of the Mandal in which the property is situate of such transaction.

Explanation-I: The right mentioned above shall include a mortgage without possession and a right determined by civil court.

Explanation-II: A person in whose favour a mortgage is discharged or extinguished, or a lease is determined, acquires a right within the meaning of this section."

Amendment of section 5. 7. In section 5 of the principal Act, for the words "recording authority", wherever they occur, the words "Mandal Revenue Officer" shall be substituted.

Insertion of new section 5B. 8. After section 5-A of the principal Act, the following section shall be inserted, namely:-

"Appeal. 5-B. An appeal shall lie against an order passed by the Mandal Revenue Officer under sub-section (4) of section 5-A, to the Revenue Divisional Officer within thirty days of the date of communication of the order and the Revenue Divisional Officer shall, after due enquiry pass such order on the appeal as he deems fit; and such order shall, subject to revision under section 9 be final."

Amendment of section 6. 9. To section 6 of the principal Act, the following shall be added at the end, namely:-

"Any mortgage or charge created earlier to a mortgage or charge created in favour of a credit agency shall lose its priority if it is not entered in the pattadar pass book."

10. In section 6A of the principal Act, - Amendment of section 6A

(i) In sub-section (1), the following shall be added at the end, but before the proviso, namely:-

"The owner-pattadar shall apply for the issue of a title deed in addition to a pass book";

(ii) In the first proviso to sub-section (1), for the words "pass book", the words "pass book and title deed" shall be substituted;

(iii) in sub-sections (2), (3) and (4) for the words "pass book", the words "title deed and pass book" shall be substituted;

(iv) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) The title deed issued under sub-section (1) and duly certified by the Mandal Revenue Officer, or such other authority as may be prescribed, shall be the title deed in respect of an owner pattadar and it shall have the same evidentiary value with regard to the title for the purpose of creation of equitable mortgage, under the provisions of the Transfer of Property Act, 1882 as a document registered in accordance with the provisions of the Registration Act, 1908 has, under the law".

Central Act
4 of 1882.
Central Act
16 of 1908.

11. For section 6B of the principal Act, the following section shall be substituted, namely:- Substitution of new section for section 6B.

"Pass book holder to have entries of alienation etc., recorded in pass book.

6B (1) Notwithstanding anything contained in the Registration Act, 1908, every pass book holder presenting a document of title deed before a registering officer appointed

Central Act
16 of 1908.

under the said Act, on or after coming into force of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books (Amendment) Act, 1994 relating to a transaction in land, such as purchase or sale, mortgage, gift, lease or otherwise shall get the necessary entries in respect of such transaction recorded in the title deed and pass book by such registering officer.

(2) Every pass book holder acquiring a right by succession, survivorship, inheritance, partition, Government patta, court decree, or otherwise shall get necessary entries in respect of such right recorded in the title deed and in the pass book by the Mandal Revenue Officer".

Amendment of 12. In section 6C of the principal section 6C. Act;-

(i) in sub-section (1) for the proviso the following proviso shall be substituted, namely:-

"provided that after three months from the date of publication of the notification under sub-section (2) of section 3, in the Andhra Pradesh Gazette, no loan shall be granted by any credit agency to a owner pattadar without the production of the title deed and pass book and to others without the production of their pass books.";

(ii) in sub-section (2) for the words "Pass Book", in two places where they occur, the words "title deed and pass book" shall be substituted;

(iii) for sub-section (3) the following sub-section shall be substituted, namely:-

"(3) Every loan referred to in sub-section (1) shall be deemed to have been

secured by a charge on the land or interests of the borrower. If any loan referred to in sub-section (1) remains unrecovered, then the credit agency shall request the Collector to recover the loan. On receipt of such request from a credit agency by the Collector, every loan referred to in sub-section (1) shall be liable to be recovered as arrears of land revenue by the Revenue Department and the amount recovered shall be paid to the credit agency. The recovery under the Revenue Recovery Act shall be without prejudice to other modes of recovery available to a credit agency".

13. In section 6 D of the principal Act, --- Amendment of section 6D.

(i) in sub section (1), for the words "pass book", in two places where they occur, the words "title deed and pass book" shall be substituted;

(ii) in sub-section (2), for the words "pass book" in two places where they occur, the words "title deed and pass book" shall be substituted.

14. For section 9 of the principal Act, the following section shall be substituted, namely:-

of new section for section 9.

"Revision. 9. The Collector may either suo-motu or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue officer or Revenue Divisional Officer under sections 3, 5, 5A or 5B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly;

Provided that no such order adversely affecting any person shall be passed under this section unless he had an opportunity of making a representation".

Amendment of section 10. 15. Section 10 of the principal Act shall be renumbered as sub-section (1) of that section and after the sub-section as so re-numbered the following sub-section shall be inserted, namely;-

"(2) The provisions of section 5 and Central Act sections 12 to 24 of the Limitation Act, 35 of 1963, shall apply for the purposes of extension and computation of the periods prescribed in sections 3(3), 4(1), 5(5), 5A and 5B of this Act".

Amendment of section 11. 16. In section 11 of the principal Act, in sub-section (2) in clause (bb) for the words "Pass books", the words "title deeds and pass books" shall be substituted.

Repeal of Ordinance 6 of 1993. 17. The Andhra Pradesh Records of Rights in Land and Pattadar Pass Books (Amendment) Ordinance, 1993 is hereby repealed.

K. SATYANARAYANA MURTHY,
Secretary to Government,
Legislative Affairs,
Law Department.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 20th April, 2001 and the said assent is hereby first published on the 23rd April, 2001 in the Andhra Pradesh Gazette for general information:-

ACT No. 16 OF 2001.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH RIGHTS IN LAND AND PATTADAR PASS BOOKS ACT, 1971.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-Second Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) Act, 2001. Short title, extent and commencement.

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

3. It shall be deemed to have come into force on and from the 6th June, 1996.

2. In the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 in Section 6(C), in sub-section (1), in the proviso for the words "In the Andhra Pradesh Gazette" the words "in the Andhra Pradesh Gazette or in the District Gazette", shall be substituted. Amendment of Section 6(C) Act 26 of 1971.

K.G. SHANKAR,
Secretary to Government (FAC),
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

According to sub-section (2) of section 3 of the Andhra Pradesh Rights in Land and Pattadar Pass Book Act, 1971 and sub-rule (1) of rule 14 of the Andhra Pradesh Rights in Land and Pattadar Pass Book Rules, 1989 it is necessary to publish notification of the fact of completion of the preparation of the records of rights in respect of any village in the Andhra Pradesh Gazette or the District Gazette. In the proviso to sub-section (1) of section 6-C of the said act, only Andhra Pradesh Gazette was specified instead of Andhra Pradesh Gazette or District Gazette and according to proviso to section 6-C of the said Act, no loan shall be granted by any credit agency unless the pattadar pass Book is produced after the publication of the notification under sub-section (2) of Section 3 of the said Act either in Andhra Pradesh Gazette or in the District Gazette. The publication of the same in the District Gazette has not been specified in the proviso to sub-section (1) of section 6-C of the said Act. In order to overcome the said difficulty Government have issued instructions to Commissioner of Survey Settlements and Land Records and all the District Collectors in the State to publish the same in the District Gazette to avoid delay and subsequently government have decided to amend the proviso to sub-section (1) of section 6-C of the said Act suitable empowering to publish the same in the District Gazette also retrospectively from 6th June, 1996 the date on which the aforesaid instructions were issued.

Whereas a Bill in this regard, has already been introduced in the Legislative Assembly of the State as L.A. Bill No. 5 of 1999 and the same has lapsed due to dissolution of the Tenth Legislative Assembly.

This Bill seeks to give effect to the above decision.

P. ASHOK GAJAPATHI RAJU,
Minister for Revenue.

J.1114/6