

**A.P. LAND GRABBING (PROHIBITION)  
ACT, 1982**

**Land Cell**

## **A.P. LAND GRABBING (PROHIBITION) ACT, 1982**

### **BACKGROUND**

1. This Act is meant mainly to arrest and curb the unlawful activity of grabbing Government land, a local authority, a religious or Charitable Institution or Endowment including Wakf or any other private property, either individually or in groups either by force or deceit or otherwise.
2. The Act came into force w.e.f. 06-9-1982.
3. A land grabber is a person or group of persons who commit land grabbing or includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorized structures thereon or who collects from the occupiers of such lands rent, compensation and other charges by criminal intimidation or who abets the doing of any of the above mentioned acts and also includes successors in interest.
4. Land Grabbing means every activity of grabbing of any land belonging to Government, local authority, religious or Charitable Institution or Endowment including wakf or any other private person, by a person or group of persons without any lawful entitlement and with a view to possess illegally or enter into or create illegal tenancies or lease and licenses agreements in respect of such lands, or to construct unauthorized structures thereon for sale or hire or give such lands to any person on rental or lease and license basis for construction or use and occupation of unauthorized structures and the term "to grab land" shall be construed accordingly (Section 2).
5. Under Section 3 of the Act, land grabbing any form and any activity concerned therewith is an offence punishable under the Act.
6. Land Grabbing in any of the above form, on conviction is punishable with imprisonment for a term which shall not be less than six months,

but which may extend to 5 years and with fine upto five thousand rupees (Section 4 & 5).

7. For speedy enquiry and trial of the land grabbing cases, the Government constitute Special Courts consisting of a Chairman (A Judge of High Court or District Judge) and two Judicial Members and two Revenue Members (Section 7). The Special Court may either suo-motu or on an application take cognizance of and try every land grabbing case with respect to the ownership and title to or lawful possession of the land grabbed. The decision of the Special Court shall be final. For this purpose, the Special Court is deemed to be a Civil Court with all its powers. The Special Court is also competent to award compensation by the land grabber to the rightful owner (Section 8).
8. The Competent Authority appointed by Government or the Revenue Divisional Officer concerned has to implement the orders of the Special Court by restoring possession to the rightful owner if the land cannot be restored (for any reason), he may either take possession; and keep it under its control or provide for its proper management till it is duly restored to the rightful owner or authority (Section 9).
9. Protection of persons acting under the Act: No suit, prosecution or other legal proceedings shall be against the competent authority or any Government Officer for any thing done in good faith or intended to be done under the Act or the rules there under (Section 14).

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# THE ANDHRA PRADESH LAND GRABBING (PROHIBITION) ACT, 1982<sup>1</sup>

[Act No. 12 of 1982]

## 1. Short title, extent, application and commencement: —

(1) This Act may be called the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.

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

(3) It applies to all lands situated within the limits of urban agglomeration as defined in clause (n) of Section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 and a Municipality.

(3-A) It applies also to any other lands situated in such areas as the Government may, by notification specify having due regard to: —

- a. the urbanisable nature of the land; or
- b. the usefulness or potential usefulness of such land for commercial, industrial, pisciculture or Prawn-culture purposes]

(4) It shall be deemed to have come into force on the 29th June, 1982.

## 2. Definitions:—

In this Act, unless the context otherwise requires:—

'[(a) \* \* \* ]

(b) "Government" means the State Government;

{c) "land" includes rights in or over land, benefits to arise out of land, and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth;

(cc) 'land belonging to a private person' means any land belonging to.—

(i) an evacuee; (ii) a military personnel; or (iii) any other private individual;

The value or the extent of which or the nature of the evil involved shall be of substantial nature or in the interest of justice required'.]

(d) "land grabber" means a person or a group of persons who commits land grabbing and includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts, and also includes the successors-in-interest;

(e) "land grabbing" means every activity of grabbing of any land (whether belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf, or any

other private person) by a person or group of persons, without any lawful entitlement and with a view to illegally taking possession of such lands, or enter into or create illegal tenancies or lease and licence agreements or any other illegal agreements in respect of such lands, or to construct unauthorised structures thereon for sale or hire, or give such lands to any person on rental or lease and licence basis for construction, or use and occupation, of

- (f) "notification" means a notification published in the Andhra Pradesh Gazette; and the word "notified" shall be construed accordingly;
- (g) "person" includes a group or body of persons, an association, or a religious or charitable institution or endowment, whether incorporated or not;
- (h) "prescribed" means prescribed by rules made by the Government under this Act; <sup>1</sup> ["
- (i) 'Schedule' means a Schedule appended to this Act;
- (i-a) 'Special Court' means a Special Court constituted under Section?;
- (i-b) 'Special Tribunal' means a Court of the District Judge having jurisdiction over the area concerned and includes Chief Judge, City Civil Court, Hyderabad".]
- (j) "unauthorised structures" means any structure constructed, without express permission in writing of the Municipal Commissioner in any Municipal Corporation or Municipality, and elsewhere of the authority concerned, or except in accordance with any law for the time being in force in the area concerned.

### 3. Land grabbing to be unlawful:—

Land grabbing in any form is hereby declared unlawful; and any activity connected with or arising out of land grabbing shall be an offence punishable under this Act.

4. Prohibition of land grabbing:—

- (1) No person shall commit or cause to be committed land grabbing.
- (2) Any person who, on or after the commencement of this Act, continues to be in occupation, otherwise than as a lawful tenant, of a grabbed land belonging to the Government, local authority, religious or charitable institution or endowment including a wakf, or other private person, shall be guilty of an offence under this Act.
- (3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to five years, and with fine which may extend to five thousand rupees.

The phrase "Falsely Order 1948

5. Penalty for other offences in connection with land grabbing:—

Whoever, with a view to grabbing land in contravention of the provisions of this Act or in connection with any such land grabbing-

- (a) sells or allots, or offers or advertises for sale or allotment, or has in his possession for the purpose of sale or allotment any land grabbed;
- (b) instigates or incites any person to commit land grabbing;

- (c) uses any land grabbed or causes or permits knowingly to be used for purposes, connected with sale or allotment; or
- (d) causes or procures or attempts to procure any person to do any of the above mentioned acts, shall on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which may extend to five thousand rupees.

6. Offences by companies:—

- (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly; Provided that nothing in this sub-section- shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the such offence.
- (2) Notwithstanding anything in sub-section (1), where any offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:— For the purposes of this section:—

- (a) "company" means any body corporate and includes firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm. For example, if a Manager of

7. Constitution of Special Courts:—

- (1) The Government may, for the purpose of providing speedy enquiry into any alleged act of land grabbing, and trial of cases in respect of the ownership and title to, or lawful possession of, the land grabbed, by notification, constitute <sup>1</sup>[a Special Court].
- (2) A Special Court shall consist of a Chairman and <sup>2</sup>[four other members,] to be appointed by the Government.

(3) The Chairman shall be a person who is or has been

Judge of a High Court and of the other four members, two shall be persons who are District Judges (hereinafter referred to as Judicial Members) and the other two members shall be persons who hold or have held a post not below the rank of a District Collector (hereinafter referred to as Revenue Members): Provided that the appointment of a person who was a Judge of a High Court as the Chairman of the Special Court shall be made after consultation with the Chief Justice of the High Court concerned;

Provided further that where a sitting Judge of a High Court is to be appointed as Chairman, such appointment shall be made after nomination by the Chief Justice of the High Court concerned, with the concurrence of the Chief Justice of India.]

(4) The Government from time to time The Government from time to time likewise reconstitute [the Special Court] constituted under sub-section (1) or may, at any time abolish such Special Court.

<sup>4</sup>(4A) The Chairman or other member shall hold office as such for a term of two years from the date on which he enters upon his office, or until the Special Court is reconstituted or abolished under sub-section (4), whichever is earlier.

(4B) (a) Subject to the other provisions of this Act, the jurisdiction, powers and authority of the Special Court may be exercised

by benches thereof one comprising of the Chairman, a judicial member and a Revenue member and the other comprising of a Judicial Member and a Revenue Member.

(b) Where the bench comprises of the Chairman, he shall be the Presiding Officer of such a bench and where the bench consists of two members, the Judicial member shall be the Presiding Officer.

(c) It shall be competent for the Chairman either *suo motu* or on a reference made to him to withdraw any case pending before the

bench comprising of two members and dispose of the same or to transfer any case from one bench to another bench in the interest of justice.

- (d) Where it is reasonably apprehended that the trial of Civil liability of a person accused of an offence under this Act, is likely to take considerable time, it shall be competent for the Chairman to entrust the trial of the criminal liability of such offender to another bench in the interest of speedy disposal of the case.
  - (e) Where a case under this Act is heard by a bench consisting of two members and the members thereof are divided in opinion, the case with their opinions shall be laid before another judicial member or the Chairman and that member or Chairman, as the case may be after such hearing as he thinks fit, shall deliver his opinion and the decision or order shall follow that opinion".
- (5) The quorum to constitute a meeting of any bench of the Special Court shall be two.
- (5A) The Special Court may, by notification, make regulations not inconsistent with the provisions of this Act or the rules made thereunder relating to the procedure to be followed for the conduct of the cases and for regulating the manner of taking decisions.
- (5B) The Special Court may cause a public notice of the substance of such regulations for the information of the general public.
- (5C) Every regulation made under this section shall, immediately after it is made, be laid before the Legislative Assembly of the

State if it is in session, and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modifications in the regulation or in the annulment of the regulation, the regulation shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

- (5D) (i) Notwithstanding anything in the Code of Civil Procedure 1908, the Special Court may follow its own procedure which shall not be inconsistent with the principles of natural justice and fair play and subject to the other provisions of this Act and of any rules made thereunder while deciding the Civil liability,
- (ii) Notwithstanding anything contained in Section 260 or Section 262 of the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be tried in a summary way and the provisions of Sections 263 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial,
- (iii) When a person is convicted of an offence of land grabbing attended by criminal force or show of force or by criminal intimidation, and it appears to the Special Court that by such force or show of force or intimidation the land of any person has been grabbed, the Special Court may if it thinks fit, order that possession of the same be restored to that person after evicting by force, if necessary, any other person who maybe in possession of the property."

(6) No act or proceeding of ' [the Special Court] shall be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution or reconstitution thereof.

Sees. 7(5-D)(i), 9, 15 and 17-B, Schedule, Clause 4 - Guidelines - Applicability of provisions of Order 1 Rule 10 and other provisions of Civil Procedure Code, 1908 - Special

Court under the Act has to follow principles of natural justice and fair play in deciding cases. Provisions of CPC not ipso facto applicable to proceedings before Special Court but Special Court may adopt those provisions as principles of natural justice. Interested person cannot claim as a matter of right to be impleaded as a party under Order 1 Rule 10, CPC though he may come on record on principles of natural justice. *Municipal Corporation of Visakhapatnam vs. Smt B. Lalita Devi*, 1995 (2) ALT 84 (D.B.).

**7-A. Special Tribunals and its powers, etc.:-**

(1) Every Special Tribunal shall have power to try all cases not taken cognizance of by the Special Court relating to any alleged act of land grabbing, or with respect to the ownership and title to, or lawful possession of the land grabbed whether before or after the commencement of the Andhra Pradesh Land Grabbing (Prohibition) (Amendment) Act, 1987 and brought before it and pass such orders (including orders by way of interim directions) as it deems fit: Provided that if, in the opinion of the Special Tribunal, any case brought before it is *prima facie* frivolous, or vexatious it shall reject the same without any further enquiry: Provided further that if in the opinion of the Special Tribunal any case brought before it is a fit case to be tried by the Special Court it may for reasons to be recorded by it transfer the case to the Special Court for its decision in the matter.

(2) Save as otherwise provided in this Act, a Special Tribunal shall,  
in the trial of cases before it, follow the procedure prescribed in  
the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(3) An appeal shall lie, from any judgment or order not being interlocutory order of the Special Tribunal, to the Special Court on any question of law or of fact. Every appeal under this sub section shall be preferred within a period of sixty days from the date of Judgment or order of the Special Tribunal;

Provided that the Special Court may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of sixty days.

- (4) Every finding of the Special Tribunal with regard to any alleged act of land grabbing shall be conclusive proof of the fact of land grabbing, and of the persons who committed such land grabbing and every judgment of the Special Tribunal with regard to the determination of the title and ownership to, or lawful possession of, any land grabbed shall be binding on all persons having interest in such land:

Provided that the Special Tribunal shall by notification specify the fact of taking cognizance of the case under this Act. Such notification shall state that any objection which may be received by the Special Tribunal from any person including the custodian of evacuee property within the period specified therein will be considered by it:

Provided further that where the custodian of evacuee property objects to the Special Tribunal taking cognizance of the case, the Special Tribunal shall not proceed further with the case in regard to such property:

Provided also that the Special Tribunal shall cause a notice of taking cognizance of the case under the Act served on any person known or believed to be interested in the land, after a summary enquiry to satisfy itself about the persons likely to be interested in the land.

- (5) It shall be lawful for the Special Tribunal to pass an order in any case decided by it, awarding compensation in terms of money for wrongful possession, which shall not be less than an amount equivalent to the market value of the land grabbed as on

the date  
of the order and profits accrued from the land payable by  
the land  
grabber to the owner of the grabbed land and may  
direct the  
redelivery of the grabbed land to its rightful owner. The  
amount of  
compensation and profits so awarded and cost of redelivery,  
if any,  
shall be recovered as an arrear of land revenue if the  
Government  
are the owner and as a decree of a Civil Court, in any  
other case:

Provided that the Special Tribunal shall, before passing an  
order under this sub-section, give to the land grabber an  
opportunity of making his

representation or of adducing evidence, if any, in this regard and consider every such representation and evidence.

- (6) Any case, pending before any Court or other authority immediately before the commencement of the Andhra Pradesh Land Grabbing (Prohibition) (Amendment) Act, 1987 as would have been within the jurisdiction of a Special Tribunal, shall stand transferred to the Special Tribunal, having jurisdiction, as if the cause of action on which such suit or proceeding is based had arisen after such commencement.
- (7) Every case brought before the Special Tribunal shall be disposed of finally by the Special Tribunal, as far as possible, within a period of six months from the date of its having been brought before it.
- (8) The Special Tribunal shall have all the powers of a Civil Court for purposes of review.]

#### **8. Procedure and powers of the Special Courts:—**

- (1) The Special Court may, either suo motu or on application made by any person, officer or authority take cognizance of and try every case arising out of any alleged act of land grabbing or with respect to the ownership and title to, or lawful possession of, the land grabbed, whether before or after the commencement of this Act, and pass such orders (including orders by way of interim directions) as it deems fit;

(1-A) The Special Court shall, for the purpose of taking cognizance of the case, consider the location, or extent or value of the land alleged to have been grabbed or of the substantial nature of the evil involved or in the interest of justice required or any other relevant matter: Provided that the Special Court shall not take cognizance of any such case without hearing the petitioner.]

(2) Notwithstanding anything in the Code of Civil Procedure, 1908<sup>3</sup>[the Code of Criminal Procedure, 1973] or in the Andhra Pradesh Civil Courts Act, 1972, (Act 9 of 1972) any case in respect of an alleged act of land grabbing or the determination of question of title and ownership to, or lawful possession of any land grabbed under this Act,<sup>3</sup> [shall, subject to the provisions of this Act, be triable in the Special Court] and the decision of Special Court shall be final.

(2-A) If the Special Court is of the opinion that any case brought before it, is not a fit case to be taken cognizance of, it may return the same for presentation before the Special Tribunal: Provided that if, in the opinion of the Special Court, any application filed before it is *prima facie* frivolous or vexatious, it shall reject the same without any further enquiry:

Provided further that if on an application from an interested person to withdraw and try a case pending before any Special Tribunal the Special Court is of the opinion that it is a fit case to be withdrawn and tried by it, it may for reasons to be recorded in writing withdraw any such case from such Special Tribunal and shall deal with it as if the case was originally instituted before the Special Court.

(2-B) Notwithstanding anything in the Code of Criminal Procedure, 1973, it shall be lawful for the Special Court to try all offences punishable under this Act.

(2-C) The Special Court shall determine the order in which the civil and criminal liability against a land grabber be initiated. It shall be within the discretion of the Special Court whether or not to deliver its decision or order until both civil and criminal proceedings are completed. The evidence admitted during the criminal proceeding may be made use of while trying the civil liability. But additional evidence, if any, adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal

liability. Any person accused of land grabbing or the abetment thereof before the Special Court shall be a competent witness for the defence and may give evidence or oath in disproof of the charge made against him or any person charged together with him in the criminal proceeding:

Provided that he shall not be called as a witness except on his own request in writing or his failure to give evidence shall be made the subject of any comment by any of the parties or the special court or give rise to any presumption against himself or any person charged together with him at the same proceeding.]

(3) '[\* \* \* ]

(4) Every case under sub-section (1) shall be disposed of finally by the Special Court, as far as possible, within a period of six months from the date of institution of the case before it.

(5)\*\*\*

(6) Every finding of the Special Court with regard to any alleged act of land grabbing shall be conclusive proof of the fact of land grabbing and of the persons who committed such land grabbing, and every judgment of the Special Court with regard to the determination of title and ownership to, or lawful possession of, any land grabbed shall be binding on all persons having interest in such land <sup>3</sup>[\* \* \*] <sup>4</sup> [Provided that the Special Court shall, by notification specify the fact of taking cognizance of the case under this Act. Such notification shall state that any objection which may be received by the Special Court from any person including the custodian of evacuee property within the period specified therein will be considered by it; Provided further that where the custodian of evacuee property objects to the Special Court taking cognizance of the case, the Special Court shall not proceed further with the case in regard to such property; Provided also that the Special Court shall cause a notice of taking cognizance of the case under the Act, served on any person known or believed to be interested in the land, after a summary enquiry to satisfy it self about the persons likely to be interested in the land.

(7) It shall be lawful for the Special Court to pass such order as it may deem fit to advance the cause of justice. It may award compensation in terms of money for wrongful possession of the land grabbed which shall not be less than an amount equivalent to the market value of the land grabbed as on the date of the order and profits accrued from the land payable by the land grabber

to the owner of the grabbed land and may direct re-delivery of the grabbed land to its rightful owner. The amount of compensation and profits, so awarded and costs of re-delivery, if any, shall be recovered as an area of land revenue in case the Government is the owner, or as a decree of a civil Court, in any other case to be executed by the Special Court:

Provided that the Special Court shall, before passing an order under this subsection, give to the land grabber an opportunity of making his representation or of adducing evidence, if any, in this regard, and consider such representation and evidence.]

(8) Any case, pending before any court or other authority immediately before the constitution of a Special Court, as would have been within the jurisdiction of such Special Court, shall stand transferred to the Special Court<sup>2</sup> [ \* \* \* ] as if the cause of action on which such suit or proceeding is based had arisen after the constitution of the Special Court.

#### **9. Special Court to have the powers of the Civil Court and the Court of Session:—**

Save as expressly provided in this Act, the provisions of the Code of Civil Procedure, 1908, the Andhra Pradesh Civil Courts Act, 1972 and the Code of Criminal Procedure, 1973, in so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings before the Special Court and for the purposes of the provisions of the said enactments, Special Court shall be deemed to be a Civil Court, or as the case may be, a Court of Session and shall have all the powers of a Civil Court and a Court of Session and the person conducting a prosecution before the Special Court shall be deemed to be a Public Prosecutor.

#### **10. Burden of proof:—**

Where in any proceedings under this Act, a land is alleged to have been grabbed, and such land is *prima facie* proved to be the land owned by the Government or by a private person the Special Court or as the case may be, the Special Tribunal shall presume that the person who is alleged to have grabbed the land is a land-grabber and the burden of proving that the land has not been grabbed by him shall be on such person.

**10-A. Staff of the Special Court:—**

- (1) The Chairman of the Special Court may appoint officers and other employees required to assist the Special Court in the discharge of its functions under this Act.
- (2) The categories of officers and employees who may be appointed under sub-section (1), their salaries, allowances and other conditions of service and the administrative powers of the Chairman of the special Court shall be such as may be prescribed, after consultation with the Chairman".]

**11. Power to try offences : —**

Notwithstanding anything in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be tried by a Magistrate of the First Class specially empowered by the Government in this behalf.

**12. Sanction for prosecution of offence under the Act:—**

<sup>1</sup>[No Court other than the Special Court] shall take cognizance of an offence punishable under this Act, except with the previous sanction of the <sup>1</sup>[Special Tribunal] which sanction shall be accorded having regard to the circumstances of each case.

**13. Persons acting under the Act to be public servants:—**

Any person acting under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

**14. Protection of persons acting in good faith:—**

No suit, prosecution of other legal proceeding shall lie against<sup>2</sup> [any officer or employee of the special Court] or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**15. Act to override other laws:—**

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a court of any other tribunal or authority.

**16. Power to make rules:—**

- (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.
- (2) Every rule made under this section shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following both Houses agree in making any

modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**17. Prohibition of alienation of lands grabbed:—**

Any transaction relating to an alienation of a land grabbed or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or any partition effected or a trust created in respect of such land, which has taken place <sup>1</sup> [whether before or after] the commencement of this Act shall, except to the extent ordered by the Special Court, or <sup>2</sup>[Special Tribunal] be null and void.

**17-A. Review:—**

The special Court may in order to prevent the miscarriage of justice review its judgment or order passed under Section 8 but no such review shall be entertained except on the ground that it was passed under a mistake of fact, ignorance of any material fact or an error apparent on the face of the record;

Provided that it shall be lawful for the Special Court to admit or reject review petitions in circulation without hearing the petitioner;

Provided further that the Special Court shall not allow any review petition and set aside its previous order or judgment without hearing the parties affected.

**17-B, Guidelines for interpretation of Act:—**

The Schedule shall constitute the guidelines for the interpretation and implementation of this Act; **18. Repeal of Ordinance 9 of 1982:—**

The Andhra Pradesh Land Grabbing (Prohibition) Ordinance, 1982 is hereby repealed.

**THE ANDHRA PRADESH LAND GRABBING (PROHIBITION)  
RULES, 1988**

*[G.O.Ms. No. 396, Revenue (L), 30th May, 1988]*

In exercise of the powers conferred by sub-section (1) of Section 16 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (Act 12 of

1982) and in supersession of the rules issued in G.O.Ms. No.967, Revenue (L) Department dated the 5th July, 1982 and published at pages 1 -9 of Part-1 Extraordinary of the Andhra Pradesh Gazette dated the 5th July, 1982, the Governor of Andhra Pradesh hereby makes the following rules:—

## **RULES**

**1. Short Title and Commencement:**— These Rules may be called the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988.

**2. Definitions:**— In these rules, unless the context otherwise requires.

- (a) 'Act' means Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.
- (b) 'Court' means, the Special Court constituted under Section 7 of the Act and includes the Special Tribunal as defined under clause (i-b) of Section 2 of the Act;
- (c) 'Form' means, a form appended to these rules:
- (d) 'Mandal Revenue Officer' means, a Mandal Revenue officer holding the charge of Revenue Mandal;
- (e) 'Revenue Inspector' means, Revenue Inspector holding the charge of a Revenue Inspector's post in a Revenue Mandal, and includes a Special Revenue Inspector appointed by the District Collector for purpose of these rules;
- (f) 'Revenue Division Officer' means, a Deputy Collector, a Sub-Collector or an Assistant Collector, incharge of a Revenue Division:
- (g) 'Registrar' means, Registrar of the Special Court,
- (h) 'Village' means, Revenue Village.
- (i) 'Tribunal' means, the Special Tribunal as defined in Sec. 2 (i-b) of the Act.

### **3. Procedure for making Application:—**

(1) Every application to be made before the Special Court under sub-section (1) of Section 8 or before the Special Tribunal under sub-section (1) of Section (7-A) of the Act, shall be in Form-I and shall be signed and verified by the applicant.

(2) Every application under sub-rule (1) shall be made in respect of the lands specified in sub-section (3) of Section 1 or in respect of lands situated in other areas notified under sub-section (38-A) thereof.

(3) Every such application shall be presented in person or by an authorised agent or an advocate to such Officer of the Court as may be authorised in this behalf by the Chairman of the Special Court or the Presiding Officer of the Special Tribunal.

(4) Every such application shall contain a statement in a concise form of the material facts of the claim made therein and shall be accompanied by true copies of all the documents duly attested on which the applicant proposes or is likely to rely. The Petitioner shall file copies in the Court to be verified by the Mandal Revenue Officer or by the Officer authorized in this behalf and as many copies as are required for service on all the responded

**4. Court Fee:—**"Every application filed before the Special Court or the Special Tribunal and also appeals and Reviews filed before the Special Court shall be accompanied by a Court fee:—

**5. Procedure of suo motu Action:—** Where a Chairman or any member of the Special Court desires that any case should be taken cognizance of suo motu, he may record a statement of facts within his knowledge and place it before the Special Court.

**6. Verification of Application:—** (1) Every application filed under sub section (1) of Section 8 of the Act or every case taken cognizance of suo motu by the Special Court or an application filed under sub-section (1) Section 7-A of the Act, before the Special Tribunal, may be referred for local inspection or verification or both by the Mandal Revenue Officer having jurisdiction over the area or by any other Officer of the Government authorised by the Court in this behalf.

(2) The Mandal Revenue Officer or the other Officer to whom the application has been referred under sub-rule (1) shall make or cause to be made an inspection or verification or both, as soon as may be practicable and shall submit a full and complete report within two weeks from the date of receipt of order with reference to Revenue Records and facts on ground as to the following:—

(i) the correctness of the statements made in the application with

regard to columns 1 to 15 and 19 in Form-1;

(ii) the facts relating to ownerships, actual possession and use of the land concerned; and

(iii) such other particulars and information as would be useful to the . Court to arrive at a correct decision on the claims made in the application.

<sup>2</sup>[Provided that the said Report is not required to be submitted in respect of the application filed by The Mandal Revenue Officer.]

- (3) The Mandal Revenue Officer or the other Officer to whom the application has been referred under sub-rule (1) shall also furnish copies of the extracts of the Government records to show the survey number and sub-division number and proof of possession, ownership and use of the land and the payment of dues to the Government.
- (4) A copy of the report referred to in sub-rule (2) may be furnished to the applicant, to the respondents and other persons, if any having interest in the land on payment of copying charges.

**7. Notice of taking cognizance of a case:—** (1) The Special Court shall after taking cognizance of the case under the Act give notice in Form-II-A by publishing it in the Andhra Pradesh Gazette.

(2) The Special Tribunal shall after taking cognizance of the case under the Act give notice in Form-IIB by publishing in the Andhra Pradesh Gazette.

**8. Notice to persons interested in land:—** (1) The Special Court shall give notice in Form III-A to the persons known or believed to be interested in the land. (2) The Tribunal shall give a notice in Form III-B to the persons known or believed to be interested in the land.

**9. Notice to the Land Grabber:—** (1) The Special Court shall, before passing an order under sub-section (7) of Section 8 of the Act, and the Special Tribunal shall before passing an order under sub-section (5) of Section 7-A of the Act, give notice to the land grabber in Form IV.]

**10. Serving of Notice:—**All notices under the Act and the rules made there under shall be served by registered post with acknowledgment due. Within three days after the order of the Court the petitioner or appellant shall file before the Registrar/Superintendent or as the case may be the required number of covers correctly addressed and bearing the required stamps and accompanied by postal acknowledgment forms. The postal acknowledgment purporting to bear the signature of respondent or adult member of the family shall be sufficient service of the notice. The Court may declare that an endorsement of refusal made by the postman shall be deemed to be sufficient service. If the covers returned with an endorsement that the addressee is not residing at the address or left the place without instructions, the Court may direct substituted service by publication in any Newspaper in the local language having circulation in the area in which the respondent is known to have last resided.

**11. Filing of Counter:—**The respondent of interested party may, and if, so directed by the Court shall, file Counter within a period of fourteen days or such extended time as the Court may grant.

**12. Withdrawal of the case from the Special Tribunal:—**An application for withdrawal of a case pending before any Special Tribunal shall be made to the Court in the form of original petition accompanied by an affidavit stating the reasons for the withdrawal of the application. Notice of the withdrawal shall be served on the other side before presentation of the petition.

**13. Application of the Code of Civil Procedure, 1908:**—The Special Court shall have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) when trying an application in respect of the following matters namely:

- (a) enforcing the attendance of any person and examining him on oath:
- (b) compelling the production of documents and material objects:
- (c) issuing Commission for examination of witnesses:
- (d) every enquiry or investigation by the Court shall be deemed to be a 'judicial proceeding within the meaning of Sections 193 and 228 of Indian Penal Code, 1860 (45 of 1860).

**14. Transfer of criminal cases to other Benches:**— If any bench of the Special Court trying a case of land grabbing on an application under Section 8 of the Act, considers that the criminal liability should also be determined simultaneously, it shall place the papers before the Chairman for entrustment of criminal trial to another bench. The judgment in the criminal case shall not however be delivered until the proceedings on the rights over property involved are settled.

**15. Procedure for taking possession:**— (1) The Court/Tribunal shall communicate its final decision or order to the affected parties and also in the Revenue Divisional Officer to give effect to the decisions of the Court.

- (2) The Revenue Divisional Officer shall on receipt of the order of the Court issue or arrange to issue a direction in Form-V deputing any officer not lower in rank than a Revenue Inspector to take possession of the grabbed land on behalf of the Court and deliver possession of the land to the person ordered by the Court.
- (3) A copy of the authorisation issued by the Revenue Divisional Officer shall be served or arranged to be served on the person in possession or occupation of the land, as the case may be.
- (4) Where the person in possession or occupation of the grabbed land delivers possession thereof voluntarily, the officer so deputed by the Revenue Divisional Officer under sub-rule (2) shall record a statement of the person to that effect and also record a certificate in Form-VI and send the same to the Revenue Division concerned and the Court.
- (5) Where the person in possession or occupation of the grabbed land fails to deliver possession of that land voluntarily the officer, so deputed under sub-rule (2) may enter on the land and take possession thereof on behalf of the Revenue Divisional Officer after removing any obstruction

or unauthorised occupant, if any, on such land, by taking such police assistance as may be necessary and record a certificate in Form VII duly attested by two witnesses.

- (6) The certificate in Form VII shall be prepared in triplicate and one copy each shall be sent to the Special Court/Revenue Divisional Officer/ Mandal Revenue Officer.
- (7) Where the Revenue Divisional Officer directs the Officer so deputed to deliver possession to the person ordered by the Court, the Officer shall accordingly deliver possession and record a certificate to that effect.
- (8) Where the Revenue Divisional Officer has been directed that the land taken possession of shall be kept under his control and management, the officer so deputed under sub-rule (2) shall, take possession of the land and report the same to the Revenue Divisional Officer and seek his directions.
- (9) An order granting compensation and also profits and cost of re-delivery passed in favour of a owner other than the Government, may be executed by the Court through the Tribunal in accordance with the provision of the Code of Civil Procedure, 1908.

(10) The Tribunal shall execute its order granting compensation and also profits and costs of redelivery passed in favour of a owner other than the Government in accordance with the provisions of the Code of Civil Procedure, 1908.

**16.** Appeals:— (1) An appeal under sub-section (3) of Section 7-A of the Act

shall be preferred in the form of a Memorandum in Form VIII signed by the

appellant or his advocate and presented to the Registrar. The Memorandum

shall set forth concisely and under distinct heads, the grounds of objection to

the order in [appealed] against and the precise relief sought for.

(2) The Memorandum of appeal presented shall be accompanied by as many authenticated copies on plain paper, of the memo of appeal, and order of the Tribunal as there are respondents to be served and four such copies in addition for Court record, besides the certified copy of the order as required to be filed under O. XLI-Rule-I of the Code of Civil Procedure, 1908, (Central Act V of 1908).

(3) When appeal is presented after the expiry of the period prescribed by the Act, it shall be accompanied by an application supported by an affidavit stating the facts on which the appellant relies to satisfy the Court that he had sufficient cause for not preferring an appeal within the period specified. If the Special Court sees no reason to reject the application, without issue of notice to the respondents, notice shall be issued to the respondents and the matter shall be finally decided by the Special Court before it proceeds to deal with the appeal.

- (4) Where on the day fixed or any other day to which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.

**Explanation:**—Nothing in this sub-rule shall be construed as empowering the Court to dismiss the appeal on merits.

- (5) Where the appellant appears and the respondent does not appear, the appeal shall be heard *ex parte*.

**17. Procedure of Hearing Applications/Appeals:—** The Code of Civil Procedure shall *mutatis mutandis* apply to the hearing of applications/appeals before the Special Court so far they are not inconsistent with the provisions of the Act and the rules made thereunder.

**18. Review:—** (1) An application for the review of the order passed by the Court shall be preferred within thirty days from the date of the order of which the review is sought.

- (2) Review application shall be decided ordinarily by the same members who have passed the order or judgment under review. If however the member ceases to hold office, the Chairman shall nominate any other member in his place to hear the review petition. In cases where the Chairman who happened to be the member of the Bench ceases to hold Office, his successor shall hear the review petition.

**19. Seal and Emblem:—**The Official Seal and Emblem of the Special Court/ Special Tribunal shall be such as may be specified by the Government.

**FORM I**

*(See Rule 3)*

**\*Application under sub-section (1) of Section 7 -  
A under sub-section (1) of Section 8 of  
the Act**

To

\*Special Tribunal (District Judge/Chief Judge, City Civil  
Court Hyderabad\*\*)

\*The Chairman  
Special Court.  
Hyderabad.

1. Full name of the Applicant
2. Father's/Husband's Name
3. Address
4. Name (s) of the respondent (s) with  
father's/Husband's Name ..
5. Address of the respondent (s)
6. Name of the Village/Municipality/  
Corporation ..
7. Name of the Mandal
8. Name of the District
9. Classification of land
  
10. Survey No. and Sub-Division No.
11. Extent
12. Boundaries or S. Nos. of adjacent  
lands  
North :  
South : East : West :
13. Value of land
14. Whether there are any house or  
struc  
tures on the land; to whom they  
belong;  
How they were acquired: market  
value  
of the land.
15. A concise statement of all relevant  
facts

as to the claim and provision under  
which

it is preferred;

16. Summary of the evidence  
proposed  
to be adduced;

17. True copies duly attested  
of the  
documents relied on ;

18. Other relevant particulars to  
identify  
the property;

19. A Co-relation Statement between  
the  
Survey and Sub-division of the  
last Re-  
survey done and the previous  
survey;

20. Any other particulars : which the  
applicant intended to furnish; ..

I thereby declare that to the best of my knowledge and belief that  
the information and particulars furnished above and its enclosures are  
full and complete and correct.

Place :

Date :

*Signature of the  
Applicant*

**FORM -V**

(See Rule 15(2))

Office of.....

Direction to take and deliver possession.

The Special Court/Special Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (A.P. Act 12 of 1982) by its order number

..... dated .....

has decided that the ownership of the land grabbed mentioned in the schedule below, belongs to the Government/local authority/religious or charitable institution or endowments or wakf/person (by name) .....

You are hereby deputed to take possession of the land grabbed on behalf of the Government from Sri .....

..... Son

of ..... resident of

..... Village ..... in

..... Mandal

of .....District who is in

possession of occupation of the said land and deliver the possession to the said owners, within a week from the date of receipt of this authorisation. The fact of delivering the land to the rightful owner may be reported immediately.

*Officer: Designation:*

### THE SCHEDULE

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	Survey No. Sub-division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**FORM - VI**

*(See Rule 15(4)) Certificate*

This is to certify that the Land mentioned in the schedule below which is in my possession/occupation and I have voluntarily delivered possession of the said land to Sri ..... Son of..... Government/Religious or Charitable institution/Endowment including Wakf/local authority.

*Signature Designation*

**Witnesses**

(1)(2)

### THE SCHEDULE

Name of the owner of land	Village in which it is located	Mandal and District in which it falls	Survey No. and Sub-division No. of the alleged land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**FORM - VII**

[See Rule

15(5) & (6)]

**Certificate**

This is to certify that Sri ..... Son of  
..... who is in  
possession or occupation of the land shown in the Schedule below having  
failed to deliver possession of the said land/voluntarily in pursuance of  
the orders of the Special Court/Tribunal, I have entered the said land  
and have taken possession thereof after removing the obstruction and  
unauthorised occupation  
on the said land on this day .....the .....day  
of ..... (Month) .....(Year).

Officer authorised to take possession.

**Witnesses :**

(1)

(2)

**THE SCHEDULE**

Name of the owner of the land	Village in which it is located	Mandal and District in which it falls	Survey No. Sub-division No. of the all-geed land	Boundaries of the land	Extent of the land	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**FORM VIII**

*(See Rule 16(1))*

Form of cause title of the Appeal In the Special Court under the Land Grabbing  
(Prohibition) Act **Hyderabad**

AppealNo.....of 20.

Between.....

Appellants. (Petitioners)

Respondents. (Respondents) On appeal from the Court of the  
Special Tribunal (District judge of

..... inO.P. No ..... of 20 .....

The appellant above named appeals to the Special Court under  
A.P. Land Grabbing (Prohibition) Act at Hyderabad from the  
orders of the Special

Tribunal ..... in O.P. No ..... of 20 .....

dated the ..... day of. .... 20. .... and sets fourth the  
following grounds of objection to the order, appealed from namely.

(1)(2)(3)

**SCHEDULE**