

**THE ANDHRA PRADESH RECORD OF RIGHTS IN  
LAND (AMENDMENT) ACT, 1989\***

**ACT NO. 1 of 1989.**

[4th May, 1989.]

An Act further to amend the Andhra Pradesh Record of Rights in Land 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. This Act may be called the Andhra Short Pradesh Record of Rights in Land (Amend-<sup>ment</sup> Act, 1989.

---

\*Received the assent of the Governor on the 27th February, 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part-IV A, Extraordinary, dated the 20th February, 1989 at pages 15 & 16.

Amendment  
of the  
long title  
Act, 26  
of 1971.

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

Amendment  
of  
section 1.

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

Amendment  
of  
section 2.

4. In section 2 of the principal Act,—

(a) for clause (2), the following clause shall be substituted, namely:—

"(2) 'Collector' means the Collector of a district and includes "Joint Collector;"

(b) clause (2a) shall be renumbered as clause (2aa), and before clause (2aa) as so renumbered, the following clause shall be inserted, namely:—

"(2a) 'Commissioner' means the Commissioner, Survey, Settlements and Land Records;"

(c) after clause (4), the following clause shall be inserted, namely:—

"(4a) 'Mandal Revenue Officer' means the Officer incharge of a Revenue Mandal and includes any officer of the Revenue Department authorised by the Commissioner to perform the functions of the Mandal Revenue Officer under this Act;"

(d) in clause (5), after the words "Andhra Pradesh Gazette", the words "or the District Gazette" shall be inserted;

(e) in clause (10), after the words "notified by the Collector", the words "or the Commissioner" shall be inserted;

(f) after clause (10), the following clause shall be inserted, namely:—

“(10a) ‘Revenue Divisional Officer’ means the Deputy Collector incharge of Revenue Division and includes a Sub-Collector or an Assistant Collector;”.

5. In section 3 of the principal Act,—

Amendment  
of  
section 3.

(a) in sub-section (1), for the words “prepared by the Recording Authority”, the words “prepared and brought up-to-date, from time to time, by the Recording Authority” shall be substituted;

(b) in sub-section (2), after the words “the Andhra Pradesh Gazette”, the words “or the District Gazette” shall be inserted.

6. Section 4 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

Amendment  
of  
section 4.

“(2) Notwithstanding anything contained in the Registration Act, 1908, every registering Officer appointed under that Act and registering a document relating to the transfer of land shall intimate the Mandal Revenue Officer of the Mandal in which the property is situate, of such transaction.”

Central Act  
16 of 1908.

7. In section 5 of the principal Act,—

Amendment  
of  
section 5.

(a) in sub-section (5) for the words “an appeal shall lie to such authority as may be prescribed”, the words “an appeal shall lie to the Revenue Divisional Officer or such authority as may be prescribed” shall be substituted.

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) The Recording Authority shall, after following the procedure specified in sub-sections (1) to (5), make the record of rights upto date, from time to time, in the manner prescribed. He shall also have the power to correct clerical errors, if any, in the pass book.”.

(c) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Amendment and up-dating of record of rights.”.

Insertion  
of new section  
5A.

8. After section 5 of the principal Act, the following section shall be inserted, namely:—

Central Act  
4 of 1882.

“Regularisation of certain alienations or other transfers of lands.

Central Act  
16 of 1908.

5-A. (1) Notwithstanding anything contained in this Act, the Transfer of Property Act, 1882, the Registration Act, 1908 or any other law for the time being in force, where the name of any person is recorded as an occupant in the Record of Rights by virtue of an alienation or transfer made or effected otherwise than by registered document, the alienee or the transferee may, within such period as may be prescribed, apply to the Mandal Revenue Officer for a certificate declaring that such alienation or transfer is valid.

(2) On receipt of such application, the Mandal Revenue Officer shall, after making such enquiry as may be prescribed require the alienee or the transferee to deposit in the office of the Mandal Revenue Officer an amount equal to the registration fees and the stamp duty that would have been payable had the alienation or transfer been effected by a registered document in accordance with the provisions of the Registration Act.

Central Act,  
16 of 1908.

1908 as fixed by the registering officer on a reference made to him by the Mandal Revenue Officer on the basis of the value of the property arrived at in such manner as may be prescribed:

Provided that the Mandal Revenue Officer shall not require the alienee or the transferee to deposit the amount under this sub-section unless he is satisfied that the alienation or transfer is not in contravention of the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, the Urban Land (Ceiling and Regulation) Act, 1976, the Andhra Pradesh Scheduled areas Land Transfer Regulation, 1959 and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

Act 1 of 1973 Central Act, 33 of 1976.

Regulation 1 of 1959 Act 9 of 1977.

(3) Nothing contained in sub-section (1) and sub-section (2) shall be deemed to validate any alienation where such alienation is in contravention of the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, the Urban Land (Ceiling and Regulation) Act, 1976, the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

Act 1 of 1973.

Central Act 33 of 1976 Regulation 1 of 1959. Act 9 of 1977.

(4) The Mandal Revenue Officer on deposit of an amount specified in sub-section (2), shall issue a certificate to the alienee or the transferee declaring that the alienation or transfer is valid from the date of issue of certificate and such certificate shall, notwithstanding anything in the Registration Act, 1908, be evidence of such alienation or transfer as against the alienor or transferor or any person claiming interest under him.

Central Act 16 of 1908.

(5) The recording authority, shall on the production of the certificate issued under sub-section (2) make any entry in the pass book to the effect that the person whose name has been recorded as an occupant is the owner of the property.

Substitution  
of new sec-  
tion for  
section 6-A.

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

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

6-A. (1) Every Owner, Pattadar, mortgagee, occupant, or tenant of any land shall apply for the issue of a pass book to the Mandal Revenue Officer on payment of such fee as may be prescribed:

Provided that where no application is made under this sub-section the Mandal Revenue Officer may suo-moto issue a Pass Book after following the procedure prescribed under sub-section (2) and collect the fee prescribed therefor.

(2) On making such application, the Mandal Revenue Officer shall cause an enquiry to be made in such manner as may be prescribed and shall issue a Pass Book in accordance with the Record of Rights with such particulars and in such form as may be prescribed:

Provided that no such Pass Book shall be issued by the Mandal Revenue Officer unless the Record of Rights have been brought upto date.

(3) The entries in the Pass Book may be corrected either suo-moto or on an application made to the Mandal Revenue Officer in the manner prescribed.

(4) The Government may prescribe by rules the manner in which the pass books may be issued to all owners, pattadars, mortgagees or tenants and to such other person in accordance with the record of rights.

(5) The Pass Book issued under sub-section (1) and duly certified by the Mandal Revenue Officer or any other authority as may be prescribed shall be the record of the title in respect of an owner and the rights and interests in land in respect of others. Every entry

the Pass Book shall be presumed to be correct and true unless the contrary is proved.

10. In section 6-C of the principal Act,—

Amendment  
of  
section 6-C.

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

“(1) Every loan granted by any credit agency on the security of the land, every encumbrance of land for the grant of a loan and every repayment of such loan shall be recorded in the pass book by the concerned officer or authority under attestation by a competent officer of the credit agency, and also made an entry of the discharge after the repayment of the loan:

Provided that no loan shall be granted by any credit agency without the production of the pattadars Pass Book.”

(ii) After sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Every loan referred to in sub-section (1) shall be liable to be recovered as arrears of land revenue, in case of default by the borrower.”

11. After section 6-C of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
6-D.

“Registering  
authority  
to make  
entries in the  
Pass Book.”

6-D. (1) It shall be obligatory on the part of any person having interest or right in land to produce the pass book before the registering authority appointed, under the Registration Act, 1908 along with the documents he proposes to get registered and it shall be obligatory on the part of such registering authority to make entry of every transaction of sale, gift, purchase, mortgage, lease or exchange in such pass book at the appropriate place or places under his signature and official seal.

Central Act  
16 of 1908.

Central Act  
16 of 1908.

(2) Notwithstanding anything contained in the Registration Act, 1908, the registering authority shall not register any document relating to a transaction of the nature referred to in sub-section (1) without the production of the pass book by both the parties to the transaction:

Provided that in the case of landless persons including small and marginal farmers purchasing land for the first time, the registering authority after obtaining a declaration and collecting the prescribed cost may issue a pass book and arrange to send it to the concerned Mandal Revenue Officer for being certified and issued to the concerned purchaser in the manner prescribed.

Amendment  
of  
section 7.

12. In section 7 of the principal Act, for the words "shall be given to all persons", the words "shall be given to all persons including the credit agencies" shall be substituted.

Insertion of  
new section  
10-A.

After section 10 of the principal Act, the following section shall be inserted, namely:—

"Corrections  
to be incor-  
porated in  
village reve-  
nue records.

10-A. After the final publication of record of rights in the manner prescribed the Mandal Revenue Officer shall take action to incorporate the said particulars in the Village Revenue Records, subject to such amendments as may be necessary on appeal or revision, as the case may be."

Amendment  
of  
section 11.

14. In section 11 of the principal Act, in sub-section (2), after clause (b) the following clause shall be inserted, namely:—

"(bb) regulating the manner of preparation, issue, maintenance and renewal of pass books;"