

The Andhra Pradesh Mahals (Abolition and Conversion into Ryotwari) Regulation, 1969

(Regulation I of 1969)

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Received the assent of the President on the 9 th September, 1969. The assent first published in A.P. Gazette Part IV-B Ext., dated 4-10-1969.

A Regulation to provide for the Abolition of Mahals in the Scheduled Areas of Nugur, Alabaka and Cherla in Khammam District of the State of Andhra Pradesh and conversion thereof into ryotwari lands and for matters connected therewith

In exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Andhra Pradesh, with the assent of the President, hereby makes the following Regulation, in the Twentieth Year of the Republic of India, namely:-

1. Short title, extent and commencement:-

1) This Regulation may be called the Andhra Pradesh Mahals (Abolition and Conversion into Ryotwari) Regulation, 1969.

2) It extends to the Mahals in the Scheduled areas of the Khammam District

3) It shall come into Force on such date as the Government may, by notification in Andhra Pradesh Gazette appoint and different dates may be appointed for different mahals 1.

2. Definitions

In this Regulation, unless the context otherwise requires,-

1. Come into force 26-12-1970 with regard to the Mahals Specified in Sec.2 (d), vide G.O.Ms.No.1437, dt.22-12-1970, A.P. Gazette, R.S.Par II, dated 22-12-1970 page.42

(a) "Court" means the Court of District Judge in the Khammam District;

(b) "Government" means the State Government;

(c) "Homefarm" means land recovered as "Sir" or Khudkasht" in the name of proprietor in the revenue accounts and includes land acquired by a proprietor from tenants;

(d) "Mahal" means Nugur, Alabaka and Cherla estates and includes the Area comprised in each of the villages of Subbanapeta, Dondupet and Sarangapani but does not include a survey number;

(e) "Malik makhbuza" means a person owning one or more plots of cultivable land in a mahal separately assessed to revenue and who is not a malguzar, inferior proprietor or member of the proprietary body of the mahal;

(f) "notified date" in relation to mahal means the date appointed by a notification issue under sub-section (3) of Section1, as the date on which the provisions of this Regulation shall come into force in the mahal, and the word 'notified' shall be construed accordingly;

(g) "prescribed" means prescribed by rules made under this Regulation;

(h) "proprietor" includes a malguzar, and inferior proprietor and a landholder of each of the villages of Subbannapeta, Dondupeta and Sarangapani;

(i) "rent" means whatever is paid, delivered or tendered, in money, kind or service, by a tenant on account of the use or occupation of land let out to him;

(j) "Settlement Officer or Director of Settlements" means the Officer appointed as such by the Government;

(k) "tenant" means a person who holds cultivable land of another person, and is, or but for a special contract would be, liable to pay rent for such land to such other person & includes an absolute occupancy tenant, occupancy tenant and ordinary tenant and a village service tenant.

3. Consequences of notification of mahal:-

With effect on and from the notified date and save as otherwise expressly provided in this Regulation:-

a) the Central Provinces Land Revenue Act, 1881, sub-section (1) of Section 41 of the Central Provinces Local Self-Government Act, 1883 and the Central Provinces Tenancy Act, 1898, shall be deemed to have been repealed in their application to the mahal;

b) The entire mahal (including all communal lands and porambokes, waste lands, pasture lands, lanka lands forests, mines and minerals, quarries, rivers and streams, tanks, irrigation works, fisheries, ferries & buildings), shall stand transferred to, and vest in the Government free from all encumbrances; and the Andhra Pradesh Revenue Recovery Act, 1864, the Andhra Pradesh (Andhra Area) Irrigation Cess Act, 1865, and all other enactments applicable to ryotwari areas in Bhadrachalam taluk of the Khammam District shall apply to the mahal;

c) all rights and interests created in or over the mahal before the notified date by the proprietor, shall as against the Government cease and determine.

d) the Government may, after removing any obstruction that may be offered, forthwith take possession of the mahal, and all accounts, registered pattas, maps, plans and other documents relating to the mahal which the Government may require for the administration thereof.

Provided that the Government shall not dispossess any person of any land in the mahal in respect of which they consider that he is prima-facie entitle to a ryotwari patta under this regulation subject to his paying the assessment due on the land pending a final decision under section 9.

(e) the proprietor and any other person whose rights in a mahal which stand transferred under clause (b) or cease and determine under clause (c) shall be entitled only to compensation from the Government as provided in this Regulation;

(f) the relationship of proprietor and tenant shall as between them be extinguished;

(c) tenants in the mahal and person holdings under them shall, as against the Government, be entitled only to such rights and privileges as are recognised or conferred on them by under this Regulation, and any other rights and privileges which may have accrued to them in the mahal before the notified date against the proprietor thereof shall cease and determine and shall not be enforceable against the Government or such proprietor.

4. Appointment and functions of settlement officers:-

(1) As soon as may be after the making of this Regulation, the Government shall appoint the Director of Settlement to carry out survey and settlement operations in mahals and introduce ryotwari settlement therein. The Director shall be subordinate to the Board of Revenue.

(2) As soon as may be after the making of this Regulation, the Government shall appoint one or

more Settlement Officers to carry out the functions and duties assigned to them under this Regulation.

(3) The Settlement Officers shall be subordinate to the Director of Settlements, and they shall be guided by such instructions as may be issued to them, from time to time, by the respective immediate superior authority or other higher authority.

(4) The Director of Settlements shall have power, either suo motu or on application, to cancel or revise any of orders, decisions, or proceedings of the settlement officer.

(5) The Board of Revenue shall have power:-

(i) to superintend the survey and settlement of the areas as to which this Regulation applies;

(ii) to issue instructions for the guidance of the Director of Settlements and settlement officers; and

(iii) to cancel or revise suo motu or any appeal to any order, decision or proceedings of any settlement officer or the Director of Settlements;

Provided that the Director of Settlements or the Board of Revenue shall not pass any order adversely affecting any party unless such party has had any opportunity of making a representation.

5. Lands in which tenant is entitled to Ryotwari patta:-

Every tenant in a mahal shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of lands held by him immediately before the notified date, such lands having been in his lawful possession continuously for a period of not less than one year immediately before the notified date;

Provided that no tenant who is not a member of the Scheduled Tribes shall be entitled to a ryotwari patta in respect of any agricultural land unless-

(a) such tenant has been in possession or occupation of the land for a continuous period of not less than eight years immediately before the notified date; and

(b) such possession or occupation was not void or illegal under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959, or any other law for the time being in force.

Explanation:- No lessee of any land and no person to whom a right to collect the rent or assessment of any land has been leased before the notified date shall be entitled to a ryotwari patta in respect of such land under this section.

6. Land in which malikmakhabuza is entitled to Ryotwari patta:-

Every malikmakhabuza in a mahal shall, with effect on and from the notified date, be entitled to a

ryotwari patta in respect of the cultivable lands held by him such lands having been in his occupation continuously for a period of not less than one year immediately before the notified date.

7. Lands in which proprietor is entitled to a ryotwari:-

Every proprietor in a mahal shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of home- farms, which have been under direct cultivation by himself or by his own or hired servants in the ordinary course, for a continuous period of not less than eight years immediately before the notified date.

8. Determination of lands in which the persons are entitled to ryotwari patta under foregoing provisions:-

The settlement officer shall inquire into the nature and history of all lands in respect of which a ryotwari patta is claimed under section 5 or Section 6 or Section 7, as the case may be, and decide in respect of which lands the claim should be allowed and the persons who are entitled to ryotwari patta.

9. Appeal:-

An appeal shall lie to the Director of Settlements, against the decisions of the settlement officer, within a period of sixty days from the date of communication of the decision appealed against and to the Board of Revenue against the decision of the Director of Settlements with in sixty days from the date of communication of the decision appealed against and the decision of the Board of Revenue shall be final and shall not be questioned in any court of law.

10. Vesting of buildings situated in mahals:-

(1) Every building situated within the limit of a mahal, which immediately before the notified date, belonged to any proprietor thereof and was then being used by him as an office in connection with its administration and for no other purpose, shall vest in the Government, free from all encumbrances, with effect on and from the notified date.

(2) Every building so situated which, immediately before the notified date belonged to any such proprietor and the whole or principal part thereof was then in the occupation of any religious, educational or charitable institution, shall also vest in the Government free from all encumbrances with effect on and from the notified date:

Provided that when such institution ceases to exist, the building shall revert to such or to his heirs or legal representatives.

(3) Every building other than a building referred to in sub-sections (1) and (2) shall, effect on and from the notified date, vest in the person who owned it immediately before that date, but the Government shall be entitled,-

(i) in every case, to levy the appropriate assessment thereon; and

(ii) in the case of a building which vests in a person other than a proprietor, also to the payment which such person was liable immediately before the notified date to make to any proprietor in respect thereof whether periodically or not and whether by way of rent or otherwise, in so far as such payment may occur due on or after the notified date.

(4). In this section “building” includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.

(5) If any question arises whether any building or land falls, or does not fall within the scope of this section, it shall be referred to the Government whose decision thereon shall be final and shall not be questioned in any court of law.

11. Saving if rights of certain lessees and others:-

(1) Where, before the notified date, the proprietor has created any right other than transfer of ownership in any land, not being an agricultural land, whether by way of lease, or otherwise including rights in any forest, mines, or minerals quarries, fisheries or ferries, the transaction shall be deemed to be valid and all rights and obligations arising there under on or after the notified date shall be enforceable by or against the Government.

Provided that the transaction was not void or illegal under any law in force at the time;

Provided further that any such rights created on or after the 1st day of July, 1963 shall not be enforceable against the Government and shall be void, unless it was created for a period not exceeding one year and was made in good faith and in the ordinary course of village management and if any question arises in respect thereof, the decision of the Board of Revenue thereon shall be final;

Provided also that where such right does not relate to the home-farms of the proprietor and where such right was created before the first day of July, 1960, the Government may if in their opinion it is in the public interest so to do, by giving notice to the person concerned, terminate such right with effect from such date as may be specified in the notice, not being earlier than three months from the date of the communication of the notice.

(2) The person whose right has been terminated by the Government under the last proviso to sub-section (1) shall be entitled to compensation from the Government which shall be determined by the the Board of Revenue in such manner as may be prescribed having regard to the value of the right and unexpired portion of the period for which the right was created. The decision of the Board of Revenue shall be final and shall not be questioned in any court of law.

12. Survey of mahals:-

1) Any mahal or part thereof may be surveyed or, if it has been surveyed before the notified date, may be reserved, as if it were Government land, in accordance with the provisions for the survey of such land contained in the Andhra Pradesh Survey and Boundaries Act, 1923.

2) So much of the cost of the survey as is payable by the ryots or other persons who are members of the Scheduled Tribes under the provisions of section 8 of that Act, shall be borne by the

Government.

13. Framing and publishing of settlement notification:-

1) The Government shall frame and publish a settlement notification for the purpose of effecting ryotwari settlement of the mahals.

2) Every notification referred to in sub-section (1) shall be subject to the condition of previous publication in the manner specified below, namely:-

(a) the Government shall publish a draft of the proposed notification embodying such principles as may be prescribed and adopting the rates of assessment set out in the settlement notification or re-settlement as standardised by the standard rates of assessment levied under the Andhra Pradesh (Andhra Area) Land Revenue Assessments (Standardization) Act, 1956, as in force on the date of coming into force of this Regulation in the district or tract in which the mahal is situate with such modifications as may be found necessary or if more than one such notification is in force in the district or tract the rates set out in that one of those notifications which the Government consider to be most appropriate to the mahal concerned;

(b) the publication shall be made in such manner as the Government may deem fit to be sufficient or as may be prescribed;

(c) there shall be published with the draft a notice specifying a date on or after which, the draft will be taken into consideration;

(d) the Government or any other authority authorised by them in this behalf shall consider any objection or suggestion which may be received by the Government or other authority from any person with respect to the draft, before the date so specified;

(e) the publication in the Andhra Pradesh Gazette of the notification purporting to have been framed and published in exercise of the power conferred under this section after previous publication, shall be conclusive proof that the notification has been duly framed and published.

(3) The notification referred to in sub-section (1) shall embody the principles as notified in the draft notice published under sub-section (2) with or without modifications, and shall adopt the rates of assessment proposed to be imposed at the ryotwari settlement.

14. Manner of effecting ryotwari settlement of mahals: _

1) The Settlement Officer shall effect a ryotwari settlement of the mahal, or part thereof in accordance with the settlement notification framed and published by the Government for the purpose under section 13 and communicate the same to the persons concerned.

2) An appeal shall lie to the Director of Settlement against the order of the settlements officers, within sixty days from the date of its communication under sub-section (1)

3) The settlement notification framed and published under section 13 or any final order passed in pursuance thereof under this section shall not be questioned in any court of law.

15. Application of Andhra Pradesh Land Revenue (Enhancement) Act, 1967:- .

Upon effecting the ryotwari settlement under 14, such of the provisions of Andhra Pradesh Land Revenue (Enhancement) Act, 1967 as relate to the levy of additional land revenue shall apply and the rates of assessment imposed at the ryotwari settlement under that section shall be construed as land revenue with the meaning of the said Act.

16. Determination of land Revenue before Ryotwari Settlement is brought into force:-

(1) The land revenue payable to the Government with effect on and from the notified date shall, until a ryotwari settlement effected in pursuance of Section 14 has been brought into force in the mahal, be calculated as follows:-

(a) in respect of any land held by a tenant, the rent which would have been payable to the proprietor immediately before the notified date;

(b) in respect of any land held by a malikmakhbuza, the land revenue and other dues which would have been payable to the proprietor immediately before the notified date;

(c) in respect of home farms held by a proprietor, the rent which would have been payable by an occupancy tenant to the proprietor immediately before the notified date, had the land been held by such tenant;

(d) in respect of any land held by a village service tenant, the rent which would have been payable for the same land by an occupancy tenant had it been held by the occupancy tenant; and

(e) in respect of any other land, the land revenue at such rate or rates as the Government may by general or special orders, determine.

(2) Notwithstanding anything in sub-section (1), in the case of wet lands whose irrigation facilities are improved by an irrigation scheme executed by the Government, the Government may levy additional wet assessment on such land at such rate or rates as they may, from time to time by order, determine having regard to the cost incurred by them and the additional benefit derived by the ryot in respect of such irrigation scheme.

17. Payment of compensation:-

(1) The compensation payable under clause (e) of Section 3 shall be determined in accordance with the principles set out in the Schedule.

(2) The compensation shall be determined for the mahal as a whole and not separately for each of the interest therein.

18. Appointment of Compensation Officer:-

The Government shall for the purpose of determination of compensation under section 17 appoint the Settlement Officer as the Compensation Officer.

19. Submission of statement of claims by proprietor:-

(1) Every proprietor or other person entitled for payment of compensation under clause (e) of section 3 shall, within such period as may be prescribed, file a statement of claims in the prescribed form and specify therein the following particulars, namely:-

(i) his name;

(ii) the extent of his share;

(iii) the amount of gross income and expenditure and profits from the various sources specified in the Schedule;

(iv) details of any leases entered into in regard to any land including any forest, mines or minerals, quarries, fisheries or ferries together with the names of lessees;

(v) such other particulars as may be prescribed.

(2) Every such statement shall be signed and verified in such manner as may be prescribed.

20. Determination of compensation:-

(1) On receipt of the statement of claim, or if no such claim is received within the prescribed period, the Compensation Officer shall, after making an enquiry in the manner prescribed and after giving the proprietor or other person an opportunity of being heard, determine, within two years from the notified date, the amount of compensation payable in respect of each mahal in accordance with the principles set out in the Schedule.

(2) A copy of every order passed under sub-section(1) shall be communicated to the proprietor or other persons whom the compensation officer considers to be interested.

(3) Subject to the provisions of Sections 21 and 22, the decision of the compensation officer in respect of the quantum of the compensation payable shall be final and shall not be questioned in any Civil Court.

21. Appeal:-

Any person aggrieved by an order of the compensation officer under section 20, may within sixty days from the date of communication of the order, appeal to the Director of Settlements and the Director of Settlements shall after giving the appellant an opportunity of making representation pass such orders on the appeal as he thinks fit which shall, subject to the provisions of section 22, be final.

22. Revision:-

The Board of Revenue may Suo motu or on application made to it by any person in either case within two years of the passing of an order or recording of a proceeding, call for and examine the

record of any order passed or proceedings recorded by the compensation officer under section 20 or the Director of Settlements under section 21 for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such proceedings and pass such order in reference thereto as it thinks fit;

Provided that the compensation payable in respect of any mahal shall not be modified by the Board of Revenue without giving every proprietor concerned and every person who has made an application under this section an opportunity of making representation.

23. Compensation to be deposited in the Court:-

(1) Where the amount of compensation payable in respect of each mahal is finally determined, the Government shall, as soon as may be, deposit the compensation in the Court with interest thereon at the rate of four per cent annum from the notified date to the date of the deposit and notify forthwith the making of the deposit in the Andhra Pradesh Gazette.

(2) On the making of such deposit, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the compensation aforesaid.

24 Claims to be made within six months:-

(1) Every proprietor and other person claiming the compensation so deposited or any portion thereof, any member of his family claiming any portion of such compensation, whether by way of a share or by way of maintenance or otherwise and the creditors, whether their debts are secured or not, shall apply to the court within six months from the date on which the amount was so deposited or within such further time as the court may, in its discretion allow.

(2) Any claim against the compensation which is not made to the court within the time aforesaid shall cease to be enforceable.

25. Duty of the Court:-

The Court shall, giving notice to all persons who have applied under Section 24 and to any other person whom it considers to be interested, make inquiry into the validity of the claims received by it and determine the persons who in its opinion, are entitled to the compensation deposited and the amount to which each of them is entitled.

26. Compensation to be apportioned by the court:-

(1) The Court shall apportion the compensation among the proprietor and any other person entitled for compensation under clause (e) of Section 3 in accordance with the value of their respective interest in the mahal.

(2) Where there are co-sharers the compensation shall be apportioned between them in proportion to the shares held by them.

(3) Where superior and inferior proprietary rights exist in the same mahal the compensation shall

be apportioned in the proportion in which the proprietary profits are shared by the proprietors immediately before the notified date.

(4) The Court shall in determining the compensation payable to the maintenance holders and apportioning the same among them, have regard, as far as may be, to the following considerations namely:-

- (i) the compensation payable in respect of the mahal;
- (ii) the number of persons to be maintained out of the mahal;
- (iii) the nearness of relationship of the person claiming to be maintained.
- (iv) the other sources of income of the claimant; and
- (v) the circumstances of the family of the claimant.

27. Claims of creditors:-

After the compensation has been apportioned among the persons referred to in Section 26 where it is more convenient so to do, pending such apportionment the Court shall take into consideration the applications of the creditor & decide the amount to which each such creditor is entitled and the person or persons out of whose share or shares of the compensation such amount should be paid.

28 Appeals:-

Any person aggrieved by any order of the Court made under section 26 or Section 27 may within sixty days from the date of the order, prefer an appeal to the High Court.

29. Disbursement of compensation:-

All payments made out of the compensation deposited in the Court under section 23 shall be made by it in accordance with its orders and decisions, subject to the modifications if any, made on appeal under section 28.

30. Wrong and excess payment to be recoverable as land revenue:-

Where any payment of compensation made to any person is subsequently found by the Compensation Officer to be not due to him or to be excess of the amount due to him, the amount which is found to be not due or which is in excess, as the case may be, with interest thereon at four per cent per annum, or any portion thereof which cannot be otherwise adjusted by deduction from any amounts due to such person, shall be recoverable as if it were an arrear of land revenue.

31. Transitional provision in regard to other liabilities of proprietor etc:- .

(1). No claim or liability enforceable immediately before the notified date against the proprietor of a mahal or against any other person whose rights in a mahal stand transferred to the Government in pursuance of clause (b) Section3, cease and determine under clause (c) thereof, shall on or

after that date, be enforceable against his interest he had in the mahal and all such claims and liabilities shall be enforceable.

a) against the compensation paid or payable to him under this Regulation to the same extent to which such claims and liabilities were enforceable against his interest in the mahal immediately before the notified date: and

b) against his other property, if any, to the same extent to which such claims and liabilities were enforceable against such property immediately before the notified date.

(2). No Court of law shall on or after the notified date order or continue execution in respect of any decree or order passed against the proprietor or any other person aforesaid, against the interest he had in the mahal and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1) only as against the compensation paid or payable to him as aforesaid or against his other property if any.

32. Protection of acts done in good faith:-

No suit, prosecution or other legal proceeding shall lie against the Government or any officer for anything which is in good faith done or intended to be done in pursuance of this Regulation or of any rule or order made thereunder.

33. Regulation to over-ride other laws etc:-

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

Provided that nothing in this section shall affect the provisions of the Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961.

34. Peshkush:-

Peshkush in respect of any mahal shall cease to accrue with effect from the end of the fasli year immediately preceding the notified date.

35. Decisions of questions regarding forests:-

If any question arises whether any land in a mahal is a forest or is situated in a forest or as to the limits of a forest, it shall be determined by the Settlement Officer, subject to an appeal to the Director of Settlements within such time as may be prescribed and also to revision by the Board of Revenue.

36. Power to make rules:-

1) The Government may, by notification published in the Andhra Pradesh Gazette, make rules for carrying out all or any of the purposes of this Regulation.

2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:-

- (a) principles for effecting a ryotwari settlement;
- (b) the furnishing of information required for the purposes of this Regulation;
- (c) the production of documents;
- (d) the holding of inquiries, the evidence to be taken thereat and the enforcement attendance of the persons at such inquiries and their examination;
- (e) any other matter which, in the opinion of the Government is necessary to give effect to the purposes of this Regulation.

The Schedule
[(Section 17 (1))]

(1). The gross annual income of a mahal shall be the aggregate of the sums lawfully derived by a proprietor under the following heads, namely:-

- (a) the average of the rents lawfully derived by the proprietor from the lands in mahal during three complete fasli years immediately preceding the notified date;
- (b) average of the miscellaneous income derived by the proprietor from forests fisheries, mines and the like including rentals received from lanka lands leased out on annual sale or auction during the three complete fasli years immediately preceding the notified date.

(2). The net annual income of a mahal shall be calculated by deducting from the gross annul income, the sums under the following heads, namely:-

- (a) land revenue payable to the Government (i.e. Peshkush) for the previous fasli year;
- (b) cesses payable by a proprietor to the Government for the previous fasli years other than water-cess if any payable, in respect of all lands in the mahal;
- (c) costs of management at the rate of;
 - (i) eight per cent, where the gross annual income of a mahal does not exceed two thousand rupees;
 - (ii) ten per cent, where the gross annual income of a mahal exceeds two thousand rupees.

(3). The total compensation payable in respect of a mahal shall be determined in accordance with the following scale:-

(i) Where the net annual income	30 times such sum
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	does not exceed Rs.2,000.	
(ii)	Where the net annual income exceeds Rs.2,000 but does not exceed Rs.5,000	25 times such sum or Rs.60,000 which ever is greater.
(iii)	Where the net annual income exceeds Rs.5,000 but does not exceed Rs.25,000.	25 times such sum or Rs.1,25,000 whichever is greater.
(iv)	Where the net annual income exceeds Rs.25,000 but does not exceed Rs.50,000.	17 ½ times such sum or Rs. 5,00,000 whichever is greater.
(v)	Where the net annual income exceeds Rs.50,000 but does not exceed Rs.1,00,000.	15 times such sum or Rs.8,75,000 whichever is greater.
(vi)	Where net annual income exceeds Rs.1,00,000 but does not exceed Rs.2,00,000	12 ½ times such sum or Rs.15,00,000 which is greater.
(vii)	Where the net annual income exceed Rs.2,00,000	10 times such sum or Rs.25,00,000 whichever is greater.