

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

(Regulation No.2 of 1969)

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A Regulation to provide for the abolition of Muttas in certain scheduled areas 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 the India, namely:-

1. Short title, extent application and commencement:-

- 1) This Regulation, may be called the Andhra Pradesh Muttas (Abolition and Conversion into Ryotwari) Regulation, 1969.
- 2) It extends to the Scheduled Areas in the Andhra area of the State of Andhra Pradesh
- 3) It applies to all muttas in the Scheduled Areas aforesaid

4) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint and they may appoint different dates for different muttas.

2. Definition:-

In this Regulation unless the context otherwise requires,-

(a) 'Andhra Area' means the area in the State of Andhra Pradesh other than the Telangana area;

(b) 'Agent' means the person designated as such by the Government in respect of the Scheduled areas or a part thereof in the Andhra area

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1. Published in the Andhra Pradesh Gazette (Extraordinary), Part IV_B, Page 21, dated the 4 th October, 1969, Regulation No.11 of 1969

(c) 'Agricultural lands' means land which is used or is capable of being used for purpose of agriculture including horticulture but does not include land used exclusively for non-agricultural purposes.

(d) 'Court' means the Court of the District judge of the district in which mutta is situated

(e) 'Director of Settlements' means the officer appointed as such by the Government'

(f) 'Government' means the State Government;

1 (ff) 'Makhasa' means a village or land assigned to any person either on rent or free of rent or at a low rent, on condition of service; or village held khas by the State, the revenue being paid to the Government direct; or a share of the Government in a village or in the revenue, paid by it;

2 (fff) 'Mokhasadar' means a person, who holds a Mokhasa under a sanad granted by the Government on condition of service and who assists the Government in maintaining law and order in the Mokhasa and includes his successor-in-interests";

(g) 'Mutta' means a village or group of villages held by a muttadar; or "a sub-muttadar and includes a Mokhasa held by a Mokhasadar'

(h) 'Muttadar' means a person who holds a mutta under a sanad granted by the Government subject to the payment of a fixed amount of land revenue to the Government and who assists the Government in maintaining law and order in the mutta and

(i) 'Notified dates in relation to a mutta means the date appointed by a notification issued under sub-section (4) of section 1, as the date on which the provisions of this Regulation shall come into force in the mutta; or a sub-Muttadar, or a Mokhasadar and includes their successors-in-interests".

(j) 'Prescribed' means prescribed by rules made under this Regulation;

(k) 'Settlement Officer' means the officer appointed as such by the Government

3. Consequences of notification of mutta:-

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

1. Inserted by A.P. Regulation I of 1989.

2. Added by ibid

(a) all rights & interests of muttadar in the mutta, created under the sanad granted to him by the Government 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 relating to rights in or over land and land revenue applicable to ryotwari areas shall apply to the mutta:

(b) all rights and interests created in or over the mutta before the notified date by the muttadar shall, as against the Government cease and determine:

(c) the Government may after removing any obstruction that may be offered, forthwith take possession of the mutta, and all the accounts, registers, pattas, maps, plans and other documents relating to the mutta which the Government may require for the administration thereof:

Provided that the Government shall not disposses any person of any agricultural land in the mutta in respect of which they consider that he is prima facie entitled to a ryotwari patta under this Regulation subject to his paying the assessment due on the land, pending a final decision under section 8;

(d) the muttadar whose rights and interests stand transferred to, and vest in, the Government under clause (a) or of any other person whose rights and interests cease and determine under clause(b), shall be entitled to compensation from the Government as provided in this Regulation;

(e) the ryots or tenants in the mutta and persons holding under them shall, as against the Government be entitled only to such rights and privileges as are recognised or conferred on them by or under this Regulation, and any other rights and privileges which may have accrued to them in the mutta before the notified date against the muttadar thereof, shall cease and determine and shall not be enforceable against the Government or such muttadar.

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 Settlements to carry out survey and settlement operations in muttas 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 more Settlement Officers to carry out the functions and duties assigned to them under this Regulation.

(3) The Settlement Officer 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 the orders, or proceedings of the Settlement Officer.

(5) The Board of Revenue shall have power-

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

(ii) to issue instructions for the guidance of the Director of Settlements and the Settlement Officer; and

(iii) to cancel or suo motu or on appeal any order decision or proceedings 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 an opportunity of making a representation.

5. Lands in which ryot is entitled to ryotwari patta:-

Every ryot in a mutta shall with effect on and from the notified date, be entitled to a ryotwari patta in respect of all agricultural lands held by him, such lands having been in his lawful possession for a continuous period of not less than one year immediately before the notified date and have been properly included in his holding or ought to have been properly included in his holding and which are not lands in respect of which any other person is entitled to a ryotwari patta under this Regulation.

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

(a) such ryot has been in lawful possession or occupation of the land for 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.

6. Lands in which muttadar is entitled to aryotwari patta:-

Every muttadar shall, with effect on and from the notified date be entitled to a ryotwari patta in respect of the agricultural lands lawfully held by him in the mutta which have been under direct cultivation by himself or by his own hired servants in the ordinary course for a continuous period of not less than eight years immediately before the notified date.

7. Pattas not to be granted in respect of certain lands:-

Notwithstanding anything contained in this Regulation, no ryotwari patta shall be granted for lands which exceed ten percent gradient and in respect of beds and bunds of tanks and of supply drainage surplus or irrigation channels, thrashing floors, cattle stands village-sites and other communal lands; and all such lands shall vest in Government free from all encumbrances.

8. Determination of lands in which a ryotwari patta is claimed:-

The settlement Officer shall enquire into the nature and history of all lands in respect of which a ryotwari patta is claimed under section 5 or Section 6 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 decision of the Settlement Officer within sixty days from the date of communication of decision of the Settlement Officer. An appeal shall also lie to the Board of Revenue against the decision of the Director of Settlements within 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 mutta:-

1) Every building situated within the limits of mutta, which immediately before the notified date, belonged to any muttadar thereof and was then being used by him exclusively 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) If any question arises whether any building falls or does not fall within the scope of sub-section (1) it shall be referred to the Board of Revenue whose decision shall be final and shall not be questioned in any Court of law.

Explanation :- In this section 'building' includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.

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

(1). Where, before the notified date, the muttadar has validly created in respect of any land other than agricultural land any right other than the transfer of ownership of such land, in favour of any person whether by way of lease or otherwise including rights in any forest, fisheries or ferries, the transaction under which such right was created shall be deemed to be valid; and all rights and obligations arising thereunder 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 right created on or after the 1st day of July, 1960, 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 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 communication of the notice.

2).The person whose right has been terminated by the Government shall be entitled to compensation from the Government which shall be determined by the Board of Revenue in such manner as may be prescribed having regard to the value of right and the 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 lands in muttas:-

1) All the lands in the mutta or part thereof may be surveyed in accordance with the provisions of the Andhra Pradesh Survey and Boundaries Act, 1923.

2) So much of the cost of 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:-

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

(i). 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 notification as standardised by the standard rates of assessment levied under the Andhra Pradesh (Andhra Area) Land Revenue Assessments (Standardisation) Act, 1956 as in force on the date of coming into force of this Regulation in the district or tract in which the mutta 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 mutta 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 powers 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 mutta:-

1) The Settlement Officer shall effect a ryotwari 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 Settlements against the order of settlement Officer 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. Liability to pay assessment, etc. to Government:-

Every person who becomes entitled to a ryotwari patta under the Regulation in respect of any land shall, with effect from the date on which the settlement rate of assessment become effective, be liable to pay the Government such ryotwari or other assessment, as may be lawfully imposed on the land in pursuance of a ryotwari settlement effected under section 14.

16. Application of A.P. Land Revenue (Enhancement) Act (VII of 1967):-

Upon effecting the ryotwari settlement under section 14, such of the provisions of the Andhra Pradesh Land Revenue (Enhancement) Act, 1967, as relates 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' within the meaning of the said Act.

17. 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 a mutta be calculated as follows:

(a) In respect of any land in the possession and enjoyment of person other than the muttadar, on the basis of the rent which would have been payable to the muttadar or a person authorised by him immediately before the notified date;

(b) in respect any land in the possession and enjoyment of the muttadar the land revenue at such rate as the Government may by general or special order determine having due regard to the land revenue payable for land of similar classification in the vicinity.

(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.

18. Payment of compensation:-

1) The compensation payable to the persons referred to in clause (d) of Section 3 shall be determined in accordance with the principles specified in the Schedule.

2) The compensation shall be determined for the mutta as a whole and not separately for each of the rights or interests therein.

19. Appointment of Compensation Officer:-

The Government shall for the purpose of determination of compensation under section 18 appoint Settlement Officer, as Compensation Officer.

20. Submission of statement of claim by muttadar:-

1) Every muttadar or other person entitled to compensation under clause (d) of Section 3, shall within such period as may be prescribed, file a statement of claim in such form containing such particulars as may be prescribed.

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

21. Determination of compensation:-

1) On receipt of statement of claim, or if no such claim is received within the prescribed period, the Compensation Officer shall, after making an inquiry in the manner prescribed and after giving muttadar or other person an opportunity of making representation by an order determine within two years from the notified date the amount of compensation payable in respect of each mutta in accordance with the principles specified in the schedule.

2) A copy of every order passed under sub-section (1) shall be communicated to the muttadar or other person whom the Compensation Officer considers to be interested.

3) Subject to the provisions of Sections 22, and 23 the decision of the Compensation Officer in respect of quantum of the compensation payable shall be final and shall not be questioned if any Court of law.

22. Appeal:-

Any person aggrieved by an order of the Compensation Officer under section 21, may within sixty days from the date of communication of the order, appeal to the Agent and the Agent shall, after giving the appellant an opportunity of making representation pass such order on the appeal as he thinks fit which shall, subject to the provisions of section 23, be final

23.Revision:-

The Board of Revenue may suo moto at anytime, or on an application made to it by any person within one year of the date of any order passed or proceeding recorded by Compensation Officer under section 21, or the Agent under section 22 call for and examine the records of any such order or proceedings for the purpose of satisfying itself as to the legality or property of such order or as to the regularity of such proceeding, and pass such order in reference thereto as it thinks fit;

Provided that the compensation payable in respect of any mutta shall not be modified by the Board of Revenue without giving every muttadar and other person concerned, including the person who has made an application under this section, an opportunity of making representations.

Provided further that where an appeal is preferred against the order passed by the Compensation Officer under section 21 and is pending before the Agent under section 22, the Board of Revenue shall not exercise the powers under this section until such appeal is disposed of.

24. Deposit of compensation in the Court:-

1) Where the amount of compensation payable in respect of each mutta is finally determined, the Government shall, as soon as may be, deposit it in the court with interest thereon at the rate of four per cent per annum from the notified date to the date of 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.

25. Claims to be made within six months:-

1) Every muttadar and other person claiming the compensation so deposited or any portion thereof, members of his family claiming any portion of such compensation, whether by way of a share or by way of maintenance or otherwise and 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 not exceeding one year as the Court may in its discretion allow.

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

26. Duty of Court:-

The Court shall, after giving notice to all persons who have applied under section 25 and to any other person whom it considers interested, make an enquiry 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.

27. Compensation to be apportioned by the Court:-

1) The Court shall apportion the compensation among the muttadar and any other persons entitled for compensation under clause (d) of Section 3 in accordance with the value of their respective interests in the mutta.

2) 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 mutta;
- (ii) the number of persons to be maintained out of the mutta;
- (iii) the nearness of relationship of the claimant;
- (iv) the other sources of income of the claimant; and
- (v) the circumstances of the family of the claimant

28. Claims of creditors:-

After the compensation has been apportioned among the persons referred to in Section 27 or where it is more convenient so to do, pending such apportionment, the Court shall take into consideration the applications of the creditors and decide the amount to which each such creditor is entitled and the person or persons out of whose share or shares of compensation such amount should be paid.

29. Appeal:-

Any person aggrieved by any order of the Court made under section 27 or Section 28 may within sixty days from the date of the order, prefer an appeal to the High Court.

30. Disbursement of compensation:-

All payments made out of the compensation deposited in the Court under section 24 shall be made by it in accordance with its orders and decisions, subject to the modifications if any, made on appeal under section 29.

31. Wrong and excess payments 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 such person or to be in 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 arrears of land revenue.

32. Transitional provision in regard to other liabilities of muttadar etc:-

1) No claim or liability enforceable immediately before the notified date against the muttadar or against any other person whose rights and interests stand transferred to, and vest in the Government or cease and determine shall, on or after the said date, be enforceable against the interest he had in the mutta and all such claims and liabilities shall be enforceable 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 shall, on or after the notified date, order or continue execution in respect of any decree or order

passed against the muttadar or any other person against the interest he had in the mutta, except 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.

33. Protection to 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.

34. Regulation to override other laws, etc:-

The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith in any 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.

35. 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 purpose of this Regulation;

(c) the production of documents;

(d) the holding of inquires, the evidence to be taken thereat and the enforcement of attendance of the persons at such inquires and their examination;

(e) the delegation of the powers conferred by this Regulation on the Government or any authority, officer or person

(f) any other matter, which has to be or may be prescribed.

The Schedule

(Section 18 and 21 (1)]

1) The compensation payable to a muttadar and other person interested in respect of a mutta shall be twenty times the basic annual sum as denoted hereunder.

2) The basic annual sum shall be computed at eight percent of the net annual income derived by the muttadar as computed under paragraph 3. The deduction of twenty percent of the net annual, income represents:-

(i) the cost of charges for the collection of land revenue by the muttadar under the sanad and;

(ii) the cost of charges for the rendering of assistance to the Government by the muttadar in respect of the maintenance of law and order.

3. The net annual income derived by a muttadar shall be the average of the total amounts which he, under the terms and conditions of the sanad granted to him by the Government was allowed to retain as his emoluments every year for a period of three consecutive fasli years immediately preceding the fasli year in which this Regulation is brought into force in the mutta. In computing the net annual income, the income derived from the lands in respect of which the muttadar is entitled to ryotwari patta under this regulation shall be excluded.