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The Andhra Pradesh Tenancy Laws (Amendment) Act, 2002

Act 28 of 2002

Keyword(s):

Land, Rent, Tenant, Landlord, Tenancy, Estate, Land Revenue, Rate of cesses, Village cess, Jagirdar, Agricultural, Improvement



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ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 26th December, 2002 and the said assent is hereby first published on the 27th December, 2002 in the Andhra Pradesh Gazette for general information.

Act No. 28 of 2002.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH (TELANGANA AREA) TENANCY AND AGRICULTURAL LANDS ACT, 1950 AND THE ANDHRA PRADESH (ANDHRA AREA) TENANCY ACT, 1956.

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

1. (1) This Act may be called the Andhra Pradesh Tenancy Laws (Amendment) Act, 2002. Short title.

2. In the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, in section 102, after clause (f), the following shall be deemed always to have been added, namely:- Amendment of section 102. Act XXI of 1950.

“(g) to any agricultural land belonging to or given or endowed for the purpose of any charitable or Hindu religious institution or endowment as defined by the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act.”

3. In the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (hereinafter referred to as the principal Act),- Amendment of Act XVIII of 1956.

(1) in section 16 of the principal Act, in sub-section (1), the proviso shall be omitted;



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(2) in section 18 of the principal Act,-

(i) in sub-section (1), after clause (e), the following shall be deemed always to have been added, namely:-

“(f) to any agricultural land belonging to or given or endowed for the purpose of any charitable or Hindu religious institutions or endowment as defined by the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act.”

(ii) sub-section (2) shall be omitted.

Repeal of
Ordinance 8 of
2002.

4. The Andhra Pradesh Tenancy Laws (Amendment) Ordinance, 2002 is hereby repealed.

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



STATEMENT OF OBJECTS AND REASONS

Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 deals with the cancellation of leases of lands held by a person who is not a landless person. When this section has been challenged in the High Court, the same was set aside. Subsequently, the supreme Court in Civil Appeal Nos. 36394-3748 of 1996 in its Judgment dated 29-8-2001 (2001 (4) DT (SC) (406) held that the object of the cancellation of the land under section 82 of the said Act is not to deprive any one of his whether all provisions of the Tenancy Acts should be exempted in its application to the Charitable, or religious institutions or endowments in its entirety. Government have carefully examined the matter and considered that it is necessary that the lands belonging to the religious institutions and endowments should be exempted from the purview of the Tenancy Acts, so as to enable the executive authorities to lease out the lands for securing better rents.

To achieve the above objects in view, the Government have decided to amend the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and the Andhra Pradesh (Andhra Area) Tenancy Act, 1956, suitably.

As the Legislative Assembly of the State was not then in session having been prorogued, and it has been decided to give effect to the above decisions immediately, the Andhra Pradesh Tenancy Laws (Amendment) Ordinance, 2002 was promulgated by the Governor on the 24th August, 2002.

This Bill seeks to replace the said Ordinance.

P. ASHOK GAJAPATHI RAJU,
*Minister for Revenue, Relief and
Rehabilitation.*