

## Land Encroachments

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### **DESCRIPTION:**

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[Procedure for eviction and conditions to be fulfilled](#)

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Unauthorized Occupation of Government Lands constitutes an encroachment. There are two types of encroachments. For unobjectionable encroachments the collector will do regularization after due enquiry from MRO/RDO. In case of poor persons encroached land will be regularized free of cost. For people above poverty line land will be given on payment of market value.

For objectionable encroachments MRO takes action. Penalties are levied or evicted under Land encroachment Act.

The District Collectors, R.D.O's and M.R.O.'s are vested with powers to enforce the provisions of the A.P. Land Encroachment Act, 1905. An Officer incharge of a revenue division is defined as Collector under this Act. Encroachments are classified as (i) Unobjectionable and (ii) Objectionable. The principles for charging assessment and penalty and further action to be taken in such cases are listed out below.

**UNOBJECTIONABLE CASES :**

Assessed Waste	Taram Assessment
Unassessed Waste	Adjoining wet rate or adjoining dry rate as the case may be.
Porambokes	In cases covered by provisional pattas, adjoining wet rate or adjoining dry rate as the case may be.

In other cases of occupation by eligible sivaijamadars, highest wet rate or highest dry rate, as the case may be.

Action shall be taken to assign the occupied lands classified as unobjectionable encroachments (BSOs 15(7) 15(36) and 21).

**OBJECTIONABLE CASES :**

Assessed Waste : In case of occupation by ineligible persons, Taram Assessment plus, penalty u/s (5). The penalty leviable u/s (5) is a sum not exceeding five rupees or when ten times the assessment payable for one year u/s(3) exceeds five rupees, a sum not exceeding ten times such assessment provided that no penalty shall ordinarily be imposed in respect of unauthorised occupation of such land for any period not exceeding one year.

Un assessed Waste : Highest wet rate/ Highest dry rate plus penalty u/s 5(ii). i.e. a sum not exceeding ten rupees, or when twenty times the assessment payable for one year exceeds ten rupees, a sum not exceeding twenty times such assessment. The encroacher is also liable for eviction

**PETTY ENCROACHMENTS:**

Encroachments in porambokes the assessment of which would not exceed Rs.0.13 paise in each case and small extents say upto 0.20 cents in each case in assessed/unassessed waste lands should as a rule be ignored.

**Procedure for eviction and conditions to be fulfilled :**

- i) The Land encroached upon must be shown to be Government land.
- ii) Notice should be issued u/s 7 of L. E. Act and should be served on each of the encroachers to show cause before a specified date why he should not be evicted u/s 7 of the Act.
- iii) On service of such notice and if sufficient cause is not shown, a notice should be served u/s 6 of the Act requiring the encroacher to vacate the land within such reasonable time as may be fixed.
- iv) If such notice is not complied with, the M.R.O. shall pass orders directing removal of the person from such land.
- v) If such encroacher resists or obstructs, a summary enquiry by the Collector shall be held and; if he is satisfied that the obstruction or resistance is without any just cause, he could issue a warrant for his arrest and on his appearance convict him to close custody for a period not exceeding 30 days in a near by Civil Jail.

Whenever eviction is ordered, forfeiture of everything found on an encroached land should also be

ordered. The encroacher may, however, be permitted to take the food crops raised by him on lands other than objectionable porambokes for the first time, with a warning that they would be evicted immediately after the harvest of such crops. (B.S.O. (7)).

A person who continues to be in possession of the land leased out to him after termination of the lease, can be evicted under the provisions of the L.E.Act.(Section15-A)

An order of eviction does not lapse and can be enforced even after the close of the fasli in which it is issued, without further notice.

Under Section 7-A of the Act, the District Collector is empowered to order immediate eviction, without any notice, when a group or groups of persons have unauthorisedly occupied Government land and have not vacated the land on demand by the District Collector or any Officer authorised by him in this behalf. Such Authorised Officer shall evict the encroachers from the land by force by taking police assistance, if necessary, and take possession of the land.

The expenditure connected with the eviction by a Rev. Officer should be borne by the Government. The Officer who orders eviction is competent to sanction the said expenditure debitable to "253 Dist. Admn. (b) other Establishments (iii) Taluk Establishments-26 other charges" (B.S.O.26(7) & Note there under).

**Section 10 (Appeal) :**

Officer who passed original order	Appellate Authority	Period of Limitation
1. M.R.O	R.D.O. (Collector under the Act)	Within 60 days Delay can be condoned by the Appellate Authority at his discretion

2. R.D.O.	District Collector	
3. Dist. Collector	CCLA	

There shall be no appeal against a decision/order passed by the R.D.O. or District Collector on appeal, but the District Collector may revise any order/decision passed by a M.R.O. or R.D.O. and the Chief Commissioner Land Administration may revise any order or decision passed by any subordinate officer, under the L.E.Act. (Section 10(1)&(2)).

U/s 12-A, Government may either suo-motu or on an application call for and examine the records relating to any decision/order passed or proceedings taken by the subordinate officer and pass such orders as they may deem fit.

U/s. 14, Civil Courts are barred from entertaining any suit or pass any injunction for any acts done under this Act.

Local bodies are responsible for dealing with encroachments on roads and streets vested in them. Inspecting Revenue Officer should report to the Collector cases in which objectionable encroachments have been leased or licensed by local bodies without reference to Collector: The final decision whether an encroachments is objectionable or not vests with the Collector and he may intervene at any time with the proceedings under the L.E.Act, whether requested to take action by the Local Authority or not.

## **ACTS**

[A.P. Land Encroachment Act, 1905](#)

[A.P. Land Encroachment \(Extension and amendment\) Act, 1959](#)

[A.P. Land Encroachment Rules, 1976](#)