

The AP District Formation Act

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THE ANDHRA PRADESH DISTRICTS (FORMATION) ACT, 1974

[Act No. 7 of 1974 (As amended in year 1985)]

(Received the assent of the Governor on the 15th February, 1974. For Statement of Objects and Reasons see Andhra Pradesh Gazette, Extraordinary, dated the 24th January, 1974, Part IV-A).

An Act to provide for the formation of districts in the State of Andhra Pradesh and for alteration of areas or boundaries of the districts in the interests of better administration and development of the areas comprised there in and for matters connected therewith.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-fifth Year of the Republic of India as follows:—

1. Short title, extent and commencement:—

- (1) This Act may be called the Andhra Pradesh Districts (Formation) Act, 1974.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. Definitions:—

In this Act, unless the context otherwise requires,—

- '[(a) "Commissioner of Land Revenue" means the ^Commissioner of Land Revenue for Andhra Pradesh;] (b) "Government" means the State Government; (c)* "notification" means a notification published in the Andhra Pradesh Gazette and the expression 'notify' or 'notified' shall be constructed accordingly;
- (d) "prescribed" means prescribed by rules made under this Act ;
 - (e) "revenue division ²[Mandal] and village" means respectively any area which is notified as a revenue division, ²[Mandal] or village under this Act,

3. Division of State into districts, formation of new districts and alteration of areas, boundaries or names of existing districts:—

- (1) The Government may, by notification, from time to time, for the purposes of revenue administration, divide the State into such districts with such limits as may be specified therein; and each district shall consist of such revenue divisions and each revenue division shall consist of such ²[Mandals] and each Mandal shall consist of such villages as the Government may, by notification from time to time, specify in this behalf.

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1. Subs, for the words "Board of Revenue" by A.P. Act 14 of 1985.
2. Subs, for the words "Taluk, Firka" by A.P. Act 14 of 1985 (w.e.f. 11-1-1984)

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- (2) The Government may, in the interests of better administration and development of the areas, by notification, from time to time, and with effect on and from such date as may be specified therein—
- (a) from a new district, revenue division ¹ [or Mandal] by separation of area from any district, revenue division, ¹[or Mandal] or by uniting two or more districts, revenue divisions, ¹[or Mandal] or parts thereof or by uniting any area to a district, revenue division, ²[or Mandal²[or Mandal] or part there
 - (b)
 - (c)
 - (d)
 - (e)

increase the area of any district, revenue division, ¹[or Mandal]; diminish the area of any district, revenue division ¹[or Mandal]; alter the boundaries of any district, revenue division, ¹[or Mandal]; alter the name of any district, revenue division ¹[or Mandal]; [*Proviso Repealed by Act No 14 of 1985*].
- (3) The areas, boundaries and names, of the districts, revenue divisions, taluks, firks and villages in the State existing at the commencement of this Act shall be deemed to have been notified under sub-section (1) and shall continue until they are altered by the Government or the Board of Revenue, as the case may be.
- (4) The Board of Revenue may, in the interests of better administration and development of the areas and subject to such rules as may be prescribed, by notification, group or amalgamate any two or more revenue villages or portions thereof so as to form a single new revenue village or divide any revenue village into two or more revenue villages, or increase or diminish the area of any revenue village, or alter the boundaries or name of any revenue village.
- (5) Before issuing any notification under this section, the Government or the Board of Revenue, as the case may be, shall publish in such manner as may be prescribed, the proposals inviting objections or suggestions thereon from the persons residing within the district, revenue division, ¹[Mandal] or village who are likely to be affected thereby within such period as may be specified therein, and shall take into consideration the objections or suggestions, if any, received.
- (6) Any notification under this section may contain such supplemental incidental and consequential provisions (including provisions as to adaptation and construction of laws) as the Government or the ²Commissioner of land Revenue] as the case may be, may deem necessary.

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1. Subs, for the words "Taluk, Firka" by A.P. Act 1985 (w.e.f. 11-1-1984).
2. Subs, by Act 14 of 1985.

N.B.: Board of Revenue was abolished and in its place three posts of Commissioners are created. Commission of Land Revenue, Commissioner of Survey and settlement and Commissioner of Land reforms.

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CASE LAW

Section 3(2) – Scope – Formation of a new taluk – Preliminary notification proposing to form a new taluk consisting of certain Firkas and some villages and inviting objections from all persons residing within the villages who are likely to be affected. No objections filed for the said proposal. Final notification, giving a go-by to the preliminary notification and forming a new taluk with a different name deleting number of villages shown in the preliminary notification without providing any opportunity to the persons affected – Whether valid. *Sayani Srisailam vs. Gout. of A.P., 1981 APHN322.*

Section 3(1) and (2) and Constitution of new Revenue Mandal – Inclusion of certain villages in the proposed Mandal. Notification issued after considering the objections received for the draft notification. Cannot be challenged in a writ petition. Question as to whether inclusion of those villages is necessary. Not justiciable in Court. Government is free to decide which area should be included in which Mandal and in which District. *Y.C. Seshaiyah vs. Government of A.P., 1999 (1) ALT 25 = 1999 ALT (Rev.) 273.*

Section 3 (5) and Rule 5 of the Rules under the Act and Constitution of India, Art. 226 – Formation of the Taluk with head-quarters – Final notification issued by Government by adding some more villages and deleting some villages made in the preliminary notification. Cannot be questioned under Art. 226 of the Constitution. *G. Balakrishnaiah and others vs. Gout. of A.P., 1982 (1) ALT56NRC = 1982(1)APLJ 262 = 1982 (2) An.WR 166.*

Section 3 and Rule 5 of the Rules – Preliminary notification in respect of a Mandal which included certain villages. Final notification dropping the Mandal by the Government – Not legal. *Thattupallt Gram Panchayat & others vs. Gout. of A.P., 1986 (1) ALT 92 (NRC).*

4. Power to make rules and the Laying of notifications before the State Legislature:—

- (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.
- (2) Every notification made under this Section shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total*period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or in the annulment of the notification, the notification shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

5. Repeal Act I of 1865, Act VIII of 1317–F.:—

The Andhra Pradesh (Andhra Area) District Limits Act, 1865 and Section 5 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F. are hereby repealed.