

## Land Records Updation Programme in Telangana State – An Over View

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### Abstract

Land Records Updation Programme has envisioned rectifying the errors in land records and issuing new Pattadar Pass Books with high security features to Pattadars. The official teams have visited the villages, displayed land records in Gram Sabhas, requested the pattadars to furnish their anomalies. The team leaders have submitted their enquiry reports to concerned Tahasildars along with recorded statements on alleged irregularities. They also inspected all the Government interested lands fixed up boundaries once again and reconciled them with land records. The Tahsildars have updated land records through online, put their digital sign for issue of Pattadar Pass Books. The teams have once again visited the villages for distribution of new Pattadar Pass Books. The outcome, percentage of error free land records of the state has been increased from 65 to 93. The present paper will critically examine the objectives, implementation, inferences, and gaps of the programme, concluded with the comments.

**Keywords:** Land Records Updation Programme (LRUP); Records of Rights; Pattadar Pass Books.

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### Introduction

The Telangana State had been ruled by many dynasties such as Kakatiyas, Qutub shahies and Asif Jahies. The land has been very precious one to every body and it was the main source of livelihood of the people, while collection of land revenue was the main resource to the exchequer. The rulers were owners of the land and they appointed middle-men to collect the land revenue tax from the peasants.

In the regime of H.E.H. Nizam, the ruler of Hyderabad State, the significant changes occurred in the land administration and many reforms such as abolition of middle men, introduction of

Ryotwari system and initiation of land survey and settlement were introduced. The land was classified into two kinds one is Khalsa or Diwani (Government) and other is Non-Khalsa (Non-Government). The Khalsa or Diwani lands were classified into 9 divisions such as pattedari, pot-Pattedari, Shikmidar (Tenants), Asami-Shikmi, Tahud or Sarbasta, Pan Makhta, Ijara Tenure, Banjardar and Kowldars and Agrahar. The Non-Khalsa lands were classified into 6 divisions such as Sarf-eKhas (Crown Lands), Samasthanas, Peshkash, Watandari, Jagirs and Inams. There are further classifications in Jagir and Inam lands like Paigah or Jammiat Jagirs, Al-Tamgha Jagirs, Zat-Jagirs, Masrooti Jagirs, Madad-i-Mash Jagirs, Tankha Mahalat, Chauth, Mocassa Jagir. In case of Inam lands the classification is that Inams to Hindu Institutions, Inam to Mohamadan Institutions, Ragatmaniyam, Inams granted to persons as remuneration for services rendered, Inams granted as means of subsistence merely for charitable considerations and Randi Maniyam. All the reforms were linked with land survey. To understand developments in land administration, classification and use, it is essential to know the history of land survey and settlement and its

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development.

### Land Survey in Nizam's Regime

The origin of the existing Survey and Settlement process was traced in the regime of H.E.H. Nizam, ruler of Hyderabad State. The Nizam, had adopted the Mughal Empire's systems in land administration and followed the procedure in computing the land revenue tax. There were appointed a number of middle men between the rulers and original cultivators and the middle men were remitting the small amount to the state exchequer out of the huge amount collected from the original cultivators. Resultantly, the financial position of the state had gradually declined and to overcome the financial crises, the ruler borrowed the funds from the bank by mortgaging the royal ornaments. In view of these state of affairs, the Ruler contemplated to strengthen the land revenue administration and then appointed Salarjung I as Diwan of Hyderabad State in 1853.

The Diwan of Hyderabad, Sri Salarjung-I, had conducted extensive exercise over the affairs of the state specially land administration and found that there were many dodges in the land administration. The tenures such as Sarbasta, Bilmakta and Panmakta were destructive to the land revenue which benefited neither state nor cultivators, they were only in favour of revenue collectors and wicked practice of revenue collections such as Amani and Sarbasta hampered the state land revenue collections. In 1866, the Diwan of Hyderabad State had abolished all tenures and wicked practices of revenue collection.

The Diwan of Hyderabad decided to conduct survey of the land and introduced Ryotwari system to regulate the land administration in the state. In 1875, the Survey and Settlement Department was established to conduct the Survey. Initially, a sample survey was conducted in some villages by using Zamindari system of the North West provinces and Bombay system and finally decided to carry out the land survey and settlements by using Bombay system which suited the prevailing conditions of the State. The Survey was conducted on the principles laid down by the Mr. Goldsmid and Lieut George Wingate who were the originators of surveys and settlements of Bombay Presidency.<sup>1</sup> In the first phase, the Survey was carried out by using simple method viz., chain which contains 33 feet and cross-staff. The survey teams ranged a base lines in the village and from that base, all

tracts were measured with chain and cross-staff and measurements were recorded in Guntas and Acres instead of Bigha and bams to make the survey maps correspond with the Trigonometrical survey maps. In second phase, the settlement work took place. The settlement work was divided into three stages (i) Classification of Soil, (ii) Preparation of Records, and (iii) carryout the Jamabandi work. The land was classified into Black Cotton Soil well known as Regad, Chalka known as Dry crops land, Wet and Bhagath (Garden Lands). The records of Pahani Plot, Prathi Book and Wasool baqui Registers besides Classer Akr, Map Checking, Uthara Book, Ruzuvath, classer Register, Darwari Register, pucca Naksha, Mushahida Report were prepared. In respect of Jamabandi work, Alif Namoonas, Statement, Zari yawar, natija Mali, Grouping and finally Jamabandi Report were prepared which reports A Jantri (scale for the rates to be applied in respect of different classes of soils and water), Classer Register, Darwari Register, Akarband Register and after taking appeals finally prepared the Setwar Register.

During the years 1932-34, the settlement and bundobust records were prepared and in 1954 the revenue officials collected khata wise details from the farmers and prepared revenue-village wise land records. In 1971 the then Government enacted the Records of Rights Act<sup>2</sup> and made Rules in 1989<sup>3</sup> with the objective of recording new khatahs, rectifying the existing ones, regularising certain alienated lands to marginal farmers under the land reforms, finally maintaining the land records duly issuing Pattadar Pass Books to every peasant for which the Act notified 18 forms in prescribed formats. All the updation of land records is based on the land survey and settlement only.

### Bhu Bharati Programme

In the undivided State of Andhra Pradesh, the then State Government has initiated two programmes viz., (i) Integrated Land Information System (ILIS) and (ii) National Land Records Modernization programme in the State with the financial assistance of Government of India in 2005 to undertake online compilation of the pattadar details, classification of land and owners' details, and extent of the land, so as to get the complete report of the land in one click.

The Integrated Land Information System programme was later on renamed as Bu Bharati.<sup>4</sup> The objectives of the programmes are to overcome the discrepancies in the maintenance of land

records, grant of conclusive title and to provide services to the farmers through single window for which undivided Nizamabad of Telangana State was selected for the pilot programme and survey was conducted and works are going on.

After formation of State of Telangana, the Government has observed that many errors in the land records, which include all government interested lands such as Bhoodan, Ceiling, Inam, Endowment, Forest and Wakf. These land records are causing too much litigation between farmers and government. Owing to errors in the land records, the government is being defeated in many cases, in-turn government losing their valuable lands. The farmers are also suffering from these litigations and land grabbers are getting benefited from the situation. Further, the Government has intended to launch various welfare programmes for the farmers in the state for which clear land records are needed.

Hence, the State Government decided to maintain error free land records for which a programme named 'Land Records Updation Programme' has been designed for updation of land records. In this programme, the Government and private lands records are updated reflecting the ground realities. The Government has taken all precautionary measures before its launch. The Government has formed the teams with all revenue functionaries in the state and conducted training programme for the team members at district level and supplied stationary and other materials.

The Government initiated the Programme through out the State except Hyderabad district. It had been conducted during the period from 15<sup>th</sup> September, 2017 to 31<sup>st</sup> December, 2017 in 10,823 villages of the State with 1,523 teams of revenue department. The teams distributed 1-B khatas to farmers in the Gram Sabhas, received their queries and updated the land records duly enquiring into the alleged irregularities. The teams also inspected all the Government interested lands and reconciled them with land records.

### Objectives of the LRUP

Land Records Updation Programme has been taken with the following objectives.

1. To inspect Government Lands, Acquired Lands, Forest Lands, Wakf, Endowment Lands, Bhoodan Lands, fix up the boundaries and verify the land records and update them

with ground reality;

2. To rectify the records viz., name, extent, survey numbers of the peasants in their khatas;
3. To record all Inam lands of peasants;
4. To record non-agricultural lands;
5. To remove double khatas;
6. To remove death khatas;
7. To undertake all the cases pertaining to fouthi and succession, mutation, partitions of peasants;
8. To consolidate land holdings;
9. To exchange lands (RadduBadili);
10. To collect the details of community lands; and
11. To link bank, mobile and aadhar numbers of peasant to their khatas.

### Implementation of the LRUP

The implementation of the programme has two stages; first stage is relating to filed inspection, enquiry and getting the feedback from the farmers; second stage relating to updation of records in the online and issue of Pattadar Pass Books cum Title Deeds to eligible pattadars.

The Government constituted the special teams with all functionaries of revenue department from Village Revenue Assistant to Tahsildars. The teams were headed by the Tahsildars, Naib Tahsildars and Girdavars while concerned Village Revenue Officers, Village Revenue Assistants and other employees of the revenue department of the Mandal were the part of the teams. The District administration trained the teams and supplied relevant material and allotted the villages to the teams.

The teams have prepared two lists, Part-A and Part-B. The Part-A list consists of litigation free lands, the cases have to disposed within the purview of ROR Act, while the Part-B list consists of the lands of litigation between parties, court cases and dispute over the title of every village allotted to them. The tour programme of the teams (with dates and time) was informed to the farmers well in advance through public address system in the villages. The teams had visited the villages and stayed there for two to three days depending upon the extent of land as well as survey numbers in a

village.

The teams held the Gram Sabha in the village and placed the list of 1-B register of that village and took the feedback of the double khatas, details of dead pattadars, notional khatas etc., The teams handed over two copies (with multiple colours) of the khatas of every peasant who had been recorded in the 1-B register with a request to verify their name, father's name, extent of land, classification etc., They had to record the correctness or otherwise of each item of information furnished in the 1-B khata and return one copy to the team head duly mentioning Bank Account Number, Mobile phone number there in and retain other copy with them.

All the feedback received from the peasants was enquired into by the teams and submitted the report along with statements of peasants wherever necessary to the Tahsildars for correction of records, sanction of mutation, succession/fouthi etc., The teams inspected the Government Lands, Acquired Lands, Forest Lands, Wakf, Endowment Lands, Bhoodan Lands, water bodies, fixed up the boundaries, removed the encroachments, verified the land records and submitted the reports to Tahsildars to update them with ground reality.

In second stage, the Mandal Tahsildars had verified all the reports of team leaders and issued Mutation Orders, Succession Orders, name corrections proceedings etc., and rectified the land records accordingly through the online. The Tahsildar put digital signature and issued Pattadar Pass Books to eligible peasants in the villages. In case of Inam lands, the detailed report was submitted to Revenue Divisional Officers.

The Government instructed all the teams to distribute the Pattadar Pass Books in the villages. The Date and time of the distribution was informed well in advance and the farmers were requested to collect their PPB with concerned teams. Once again, all the teams visited the villages and distributed the new digital Pattadar Pass Books to all eligible peasants.

### **Government Initiatives**

The Chief Commissioner of Land Administration has issued guidelines to the revenue functionaries from time to time through the series of circulars<sup>5</sup> for conducting the Land Records Updation Programme. The Chief Commissioner of Land Administration has instructed all recording authorities to follow the procedures laid down in

Land and Pattadar Passbook Act, 1971 in disposing the cases like issuing of pattadar passbooks without having physical position, partition cases, missing survey numbers in 1-B khatas etc., In the cases of splitting of joint pattas, the recording authorities must obtain the consent of all the farmers for the same.

The Chief Commissioner of Land Administration has issued orders to assign the Government land to eligible Shiva ijamadhars, re-assignment of lands to third party eligible cultivators as per the provisions of the T.S. Assigned Lands (Prohibition of Transfers) Act, 1977 and also dispose of the Sadabainama cases in the state except HMDA area. Further, with regard to all queries in Scheduled Area, the authorities have to invariably follow the provisions of the Telangana State (scheduled areas) Land Transfer (Amendments) Regulation, 1970.

The Government has taken utmost care to design Pattadar Passbook-cum-Title deed which has been designed with 17 high security features such as high-resolution Micro text printing, anti-copying feature, QR code, Bar Code non-tear able backing for long life specialized cover etc.

### **Success of LRUP**

The team members have examined the below mentioned cases and issued appropriate orders by the concerned Tahsildars.

- I. The team identified the death khatas and issued orders for granting of succession/fouthi;
- II. All pending petitions for granting of mutation and partitions were disposed.
- III. The queries received farmer got the enquiry and made the correction in respect of the Pattadar's name, father's name, extent and survey numbers;
- IV. Identified the double and above khatas and same has been merged into a khata.
- V. The required information collected to record consolidations of land holdings;
- VI. The teams identified the lands which are being used for non-agricultural purposes and same has been recorded in the prescribed format;
- VII. The required information collected to record community land details;
- VIII. All required data collected in respect of government lands;

- IX. The teams got enquired in respect Inam cases and report submitted to concerned Revenue Divisional Officer;
- X. The teams have recorded the data in respect of Bhoodan lands, Wakf lands, Endowment lands, forest lands, acquired lands and Government assets;
- XI. The teams collected the Aadhar and Mobile Numbers and recorded to the concerned khatahs; and
- XII. The concerned Tahsildars digitally signed for issue of PPB cum TDs and up-dation of land records.

On the whole, the teams segregated and recorded the total lands of the villages into three categories viz., Agricultural lands, Non-agricultural lands and Assets and structures. The teams verified the land records pertaining to 2,38,18,551 acres of the land in the state. After taking into consideration the queries from the peasants, it corrected and updated the land records to an extent of 2,21,65,130 Acres of the land and declared it error free, while the remaining land to an extent of 16,53,421, Acres was found as litigation land and the litigations have been pending before various judicial fora.

In respect of Agricultural lands, 59.7 lakh khatahs out of 72.00 lakhs belonging to pattadars have digitally signed and in respect of non-agricultural lands, 89,695 Khatahs belonging of pattadars have been digitally signed as Non-Agricultural lands with the Pattadar names and 50,924 khatahs pertaining to Government lands/Public assets have digitally been signed under various notional khatahs. The teams reconciled 8.10 lakh khatahs in Part-B list, recorded the reasons for that and finally digitally signed. In terms of percentage, the error free percentage has increased from 65 to 93, and after the completion of the process, 57,33,025 peasants or pattadars have got the newly designed PPB cum TD.

The land records are being used in implementation of existing schemes and a link has been provided to various departments in formulating the new schemes of the State Government.

### **Gaps of LRUP**

It became obvious that the decisions at Government level would have to solve the many problems which have been pending since long time. The farmers thought that the burning problems like

Ceiling, Bhoodan, Forest, Endowment and Wakf lands would be solved during the programme. But no action had been initiated by the Government to solve them and they remained as they were.

### **Ceiling Land Issue**

In respect of the ceiling lands the Government neither took them into possession nor issue the PPB and TD to the farmers. The marginal farmers have purchased these lands and cultivating since long time and depend on these lands for continuing their livelihood. On the contrary, the land records show that these lands have been in the name of the Government and in the custody of the Government. Thus, the department recorded such cases in the 22-A register also.

Another interesting phenomenon is that wherever ceiling issue is existing in the particular survey number, the total pattadars of that survey number were denied the PPB cum TDs, the reasons being that, the department has not identified the link of ceiling land in which the department has to issue notices to all pattadars to submit their registered documents or other document showing their possession of the lands. In some mandals, the notices were issued but the final orders were yet to be issued due to lack of response from the pattadars.

### **Bhoodan Land Issue**

The Bhoodan movement has been started by Sri Vinoba Bhave with the objectives to ensure balanced economic distribution and decentralisation of economic holdings and powers. Interesting thing is that, the movement started in Pochampally village of Telangana state. During the movement, the lands have been donated by the land lords to Sri Vinoba Bhave. At that time the Bhoodan Yagna Board handed over the lands on paper only and physically it did not happen and maps besides records of donations of lands were not incorporated in the land records. The names of landlords only reflected in the land records. Owing to discrepancies in the land records, the landlords or their legal heirs sold out the donated lands to farmers. There occurred many such transactions during the 60 years and farmers are cultivating the lands for their livelihood.

After formation of the Telangana State and after a lapse of 60 years, while enclosing a list of

bhoodan lands, the Bhoodan Board addressed a letter to Government and requested to include the same in revenue records. In turn, the revenue department modified the records and recorded them as Bhoodan lands in 22-A Register. Here also, the situation which was prevailing in respect of ceiling lands existed and wherever Bhoodan issue existing in the particular survey number, the total pattadars of that survey number were denied the PPB cum TDs, the reasons for that non-availability of maps and donation papers. Besides that, the department could not identify the specifically the donated lands.

The study reveals that, the lands stated to be the Bhoodan lands were neither in the custody of the Government nor Bhoodan Board. However, the farmers have purchased these lands from legal heirs of the donors and cultivating them for long time. Now the state government has to take a broad decision and settle the issue.

### **Wakf and Endowment Lands**

The papers of Endowment and Wakf lands are not reflecting the ground reality. In respect of wakf lands, the wakf board recorded the chillas, graveyards etc., but on the ground in most of the cases, the chillas are not existing and the graveyard are shrank to a meagre extent. In respect of endowment lands, the farmers are cultivating these lands and most of the land were encroached upon by the adjacent farmers. The land records are not tallying with the records of endowment and there are many variations in the extent of the lands and in some cases, the religious structures are not existed. On the whole, the farmers who are cultivating these disputed lands did not get the PPB cum TD.

### **Forest and other Lands**

Other crucial problem is that the records of revenue department and forest department are not tallying with each other. The boundaries between the two is not yet demarcated. The records of catchment area of many water bodies are not correlating with those of irrigation department and in many cases fixing of full tank level (FTL) is yet to done.

### **Conclusion**

The Land Records Updation Programme is a significant initiation of the State Government. The

percentage of error free land records rose from 65% to 93% and its outcome indicates the positive impact of the programme. A number of errors like name, father's name, extent and in typographical and numerical aspect were found in newly issued PPBs and it indicates that the updation of records was done in a little bit hasty manner. It has also indicated certain gaps in the programme, inability and dis-integrity of some concerning employees, most of whom do not possess proper knowledge of land laws, rules and procedures. Adding fuel to the fire, the traditional and age-old corruption in the departments has become an additional element for gaps in the LRUP. The primary records such as Sethwar, Khasra of many villages are not found. In the absence of these records the column wise details like the extent, pattadar and classifications are in question. In many cases, the Government is the first respondent and government is losing the cases due to its failure to produce proper records.

Two significant backdrops are abetting the errors, inaccuracy and legal disputes in respect of land records; one is age old survey and other is title disputes. In respect of survey of the land, it is necessary to examine the conditions and circumstances that prompted to take up the land survey in the State of Hyderabad. As mentioned earlier that the Hyderabad State was in severe financial crises and to regulate the financial position of the state, the then Diwan of Hyderabad State had initiated the land survey. The prime objective of the land survey was to measure the cultivable land of the cultivator and assess the nature of land for fixing the revenue tax, as it was the prime source of the state exchequer, besides establishing a direct relation between the Ruler and original cultivators without the media of middlemen. In that process, they have not given much priority to the accuracy in the measurement of the land, they had used the simple instruments viz., cross-staff and chain. The then administration was not bothered to use scientific methods to maintain accuracy in the measurements the lands and officially declared that five percent of errors in the measurement of land is admissible which shows that this age-old method made the modern principles of accuracy and perfection its main causality.

After completion of physical survey, the settlements process took place with other employees who lack known how in the survey process. They recorded the details like classification of land, extent of land into blocks and details of owners and cultivators. In these

processes, the errors occurred, in preparing the maps of the villages, computing the extent, preparing the plotting of the farmers and recording the title of the occupants. Owing to all these errors, overlapping, boundary disputes and errors in the extent of each survey number has become a common phenomenon in the field. It is obvious that the overlapping is occurring in the lands adjacent to the government lands, thus, the government has been losing its precious land in the process of protecting the interest of farmers.

It is a noteworthy point that, in case of patta lands, the farmers are encroaching upon the adjacent lands while cultivating their land, clearing the boulders, encroaching the water bodies besides changing the land usage from agriculture to non-agriculture purposes triggering the disputes. In respect of government lands, the government assigned the land to the landless poor, while assigning these lands, the proper care was not taken in computing the extent of assigned land and deleting from the total extent of government lands of the village. Owing to these errors, extent of government land has not been tallying with original figure. In addition to that the survey stones have not been available in the fields to fix-up the boundaries, due to which litigations are arising between the farmers. It is evident that a number of village land records are not correlating with the primary records like sethwar and khasra. All these errors have to be rectified in the land survey to be taken up subsequently.

In respect of title disputes, it is not out of place to mention here that, from ancient times, the rulers had been the original owners of the land and for their convenience they had appointed intermediaries such as Zamindars, Jagirdars and Inamadars etc., to collect land tax from the cultivators and remit it to them. The intermediaries are not the absolute owners of the land, but they have enjoyed the rights of ownership. In subsequent changes, during the Ryotwari settlement, the cultivators were made directly accountable to the Ruler and they were supposed to remit their tax directly to the exchequer.

After independence, the Government abolished the intermediaries and adopted the Ryotwari settlement in the country. In this settlement, the Government usually grants patta to the cultivators. The cultivators are enjoying a tenancy right, which can be inherited, sold or burdened for debt, in the same manner as if it were a property right, subject

to the payment of rent to the state.<sup>6</sup> The ryots are enjoying all the rights viz., they are purchasing, disposing and getting credits from the institutions. Government also enacted the Acts<sup>7</sup> and laid down the procedures to facilitate all these transactions.

Accordingly, all transactions of land are done through the Deed Registration system, where as in other countries like Australia and Canada it is done through Title Registration system. In Deed Registration process, the transaction of property is before the registration authority through the written conveyance deed by both the parties viz., vendor and purchaser but they do not have any title rights over the property. The transaction tantamount to recorded evidence only and it has no legal binding in the eye of land laws.

Thus, the revenue department also is recording their names through the Records of Rights process in case of agriculture lands. The record contains name of the owner, classification of the land, occupants of the lands, and present stage or use of the land. If the conditions laid in the ROR Act correlated, the owner of the land get the Pattadar Pass Book and which is not a final destination of their rights. The persons who are purchased the agriculture land or other lands or properties are not getting any title guarantees over the land or property. Owing to these conditions, much litigation were arising, the persons are approaching the courts to settle their grievances.

The Land Record Updation Programme is meant for purification of land records or to maintain error free land record only. The last land survey was done with traditional methods and the extent of land viz., government land, forest land, grazing land and barren land is still a question mark. There is an urgent need to take up physical land survey in the State and to compute original extent of the land therein. However, the process of the land survey preceded the reconciliation process viz., Land Record Updation Programme, the results would have been more fruitful.

All these various exercises taken up so far with regard to land records indicate the need of the 'Conclusive Title' enactment as emphasized by the National Commission to Review the Working of the Constitution. The enactment of a Comprehensive law with 'Conclusive Title' in the state to ensure title guarantee similar to Australian and Canadian enactments duly repealing the present Acts and the Rules is the need of the hour.

*Abbreviations*

|         |                              |
|---------|------------------------------|
| FTL ::  | Full Tank Level              |
| LRUP :: | LandRecordsUpdationProgramme |
| PPB ::  | Pattadar Pass Book           |
| POT ::  | Prohibition of Transfers     |
| TD ::   | Title Deed                   |

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