



Telangana

Judicial Services Exam

CIVIL JUDGE (Junior Division)

Volume - 7

The Telangana Land Encroachment Act 1905, The Telangana Buildings (Lease, Rent and Eviction) Control Act 1960, Negotiable Instruments Act 1881, The Telangana Prohibition Act 1995, Telangana Excise Act 1968, The Juvenile Justice (Care and Protection of Children) Act 2015 & The Wildlife (Protection) Act 1972

The Telangana Land Encroachment Act, 1905

When was the Act originally enacted?

The **Telangana Land Encroachment Act, 1905** was originally the:

Madras Land Encroachment Act, 1905 (Act III of 1905)

Date of Original Publication (Enactment): 6 June 1905

(Published in the Fort St. George Gazette)

This is the **actual historical date** on which the law came into existence.

How did it apply to Telangana? (Historical Path)

1. 1905 – Madras Presidency

- ✓ The Act was enacted in the **Madras Presidency**, which included the coastal Andhra districts—but **not the Telangana region**, as Telangana was then part of the *Hyderabad State*.

2. 1956 – Formation of Andhra Pradesh

- ✓ After the States Reorganisation Act, 1956:
 - Andhra State (which inherited Madras laws like this Act) merged with Telangana from Hyderabad State.
 - The Act then became applicable in the new **Andhra Pradesh** as:
 - **“Andhra Pradesh Land Encroachment Act, 1905.”**

3. 2014 – Telangana Formation

- ✓ When Telangana state was carved out in 2014, all existing AP laws continued temporarily under Article 372 of the Constitution.

4. 2016 – Telangana Adaptation of Laws Order

- ✓ The law was formally renamed and adapted as:
- ✓ **“The Telangana Land Encroachment Act, 1905.”**

Therefore, the legally correct key date is:

Original enactment date: 6 June 1905

Telangana adoption: 2016 (Adaptation of Laws Order)

So, the Act, as in force today in Telangana, is historically rooted in the **Madras Land Encroachment Act, 1905**, and its **original date of commencement is 6 June 1905**.

It extends: Whole State of Telangana.

Section 1-A – Important Definitions

- **Collector** – Officer in charge of a revenue division; includes:
 - Deputy Collector, Sub-Collector, Assistant Collector.
- **Deputy Tahsildar** –
 - Deputy Tahsildar in independent charge of a taluk/sub-taluk,
 - Dependent DT of sub-taluk, or HQ Deputy Tahsildar,
 - Includes Special Deputy Tahsildar.
- **Tahsildar** – Tahsildar of the area, includes Special Tahsildar.

These three are the main **revenue authorities** under the Act.

Section 2 – Government’s Right over Roads, Waters, and Lands

(1) What is deemed Government property?

All the following are **Government property**, except where they fall under private rights:

- ✓ Public roads, streets, lanes, paths
- ✓ Bridges, ditches, dykes, fences on or beside them
- ✓ Bed of sea, harbours, creeks below high-water mark
- ✓ Beds of rivers, streams, nalas, lakes, tanks
- ✓ Canals, watercourses, standing & flowing water
- ✓ **All lands**, wherever situated, **save**:
 - Property of: Zamindar, poligar, mittadar, jagirdar, shrotriendar, inamdar or through/under them
 - Those paying shist, kattubadi, jodi, poruppu, quit-rent to above persons
 - Persons holding under **ryotwari tenure** and paying land revenue directly to Govt
 - Other registered holders in proprietary right
 - Persons holding land under **grant from Govt (not licence)**
 - And, as to lands, **temple sites, house-sites, backyards**.

Also subject to:

- ✓ Public rights of way, natural rights, easements, and customary rights.

(2) Public roads vested in local authority

- ✓ Even if a road/street is vested in a local authority, for this Act it is **deemed Government property**.
 - **Explanation – “High Water Mark”**
- ✓ Highest point reached by ordinary spring tides.
 - **Exam point:** Section 2 is the foundation: Govt’s title → encroachment = occupation of Government land.

Section 3 – Assessment on Unauthorized Occupation

Any person who **unauthorizedly occupies Government land** is liable to **pay assessment**:

(1) Assessed land (survey number or part):

- ✓ Pay **full assessment** for the whole period of occupation, or proportionate to area occupied.
- ✓ But Collector/Tahsildar/Deputy Tahsildar may, for special reasons, impose:
 - Full assessment of whole number, or
 - Any lesser sum, irrespective of area occupied.

(i) Unassessed land:

- ✓ Assessment on area occupied for the period:
 - At rate of similar quality land in neighbourhood, or
 - At highest dry/wet rate of village, or
 - As prescribed by rules.

(ii) Proviso:

Payment of this assessment **does not confer any right of occupancy**.

Explanation:

Occupation for **part of fasli year** may be treated as **whole fasli**.

(2) Extra rent/fee for lease-type lands

For lands ordinarily given on lease/licence:

- ✓ Govt may levy, **in addition**, an amount equal to **annual rent/fee normally realisable**.
- So, unauthorized occupation = **assessment + maybe equivalent rent/fee**.

Section 4 – Conclusiveness of Assessment

➤ Decision about **rate/amount of assessment/rent/fee** under s.3:

- ✓ Must be recorded in writing.
- ✓ **Cannot be questioned in any civil court.**

Important for **bar of civil interference on quantum**.

Section 5 – Penal Liability (Penalty in Addition to Assessment)

Person liable under s.3 may also be penalised:

(i) If land is assessed land:

- ✓ Penalty up to:
 - ₹5; or
 - If $10 \times \text{annual assessment} > ₹5$, then up to $10 \times \text{annual assessment}$.
- ✓ Ordinarily, **no penalty** for unauthorized occupation **not exceeding one year**.

(ii) If land is unassessed:

- ✓ Penalty up to:
 - ₹10; or
 - If $20 \times \text{annual assessment} > ₹10$, then up to $20 \times \text{annual assessment}$.

Assessment = compensation; penalty = **punishment for encroachment**.

Section 6 – Summary Eviction & Forfeiture

(1) Powers of eviction & forfeiture

Any person unauthorisedly occupying Govt land (liable under s.3) may be:

✓ **Summarily evicted** by:

- Collector, Tahsildar or Deputy Tahsildar.

Further:

✓ Any **crop/product** raised → liable to **forfeiture**.

✓ Any **building/structure/thing deposited**:

- If not removed after written notice → also liable to **forfeiture**.

Forfeiture is adjudged by the same officer and disposed of as they direct.

(2) Mode of eviction (procedure)

✓ Officer serves **notice** (as per s.7) to person in occupation or his agent:

- Asking to vacate within reasonable time.

✓ If not obeyed:

- Person may be removed by the officer or subordinate.

✓ If **resistance or obstruction** occurs:

- Collector holds **summary enquiry**.
- If resistance is without just cause and continues, Collector may:
 - Issue warrant for arrest; and
 - Commit person to **close custody (Collector/Tahsildar office)** or
 - Send him to **civil jail** for up to **30 days** (using warrant form in Schedule).

Proviso:

Person so committed/imprisoned cannot also be prosecuted under IPC ss.183, 186, 188 on same facts.

(3) Section 6(3) – Re-entry after Eviction

✓ If a person, after eviction under s.6, **re-enters and occupies** the land:

Punishment:

✓ Imprisonment up to **6 months**, or

Fine up to **₹1,000**, or both.

This prevents **habitual re-encroachment**.

Section 7 – Prior Notice

Before taking action under s.5 (penalty) or s.6 (eviction):

➤ Collector/Tahsildar/Deputy Tahsildar must serve **notice** to person reputed to be in unauthorized occupation of Government land:

✓ Specify the land, and

✓ Call upon him to **show cause by a certain date** why action should not be taken.

Mode of service:

- As per s.25 of **Telangana Revenue Recovery Act, 1864**, or
- Any other manner prescribed by Govt rules under s.8.

Natural justice: **show cause notice mandatory**.

Section 7-A – Encroachment by Groups (Mass Encroachment)

Special provision for **group encroachments** (e.g., organised occupation):

(1) Immediate eviction without notice

If **District Collector**:

- ✓ Knows or has reason to believe that a **group or groups** of persons, without entitlement,
- ✓ With **common object of occupying Government land**,
- ✓ Are occupying/have occupied such land, and
- ✓ They have **not vacated upon demand** by Collector or authorised officer,

Then:

- ✓ Collector may **order immediate eviction without notice**.
- ✓ Authorised officer may evict by **force with police help** and take possession.

(2) Presumption of Government property

In proceedings under s.7A:

- ✓ Any land in question is presumed to be **Government property**,
- ✓ Unless the contrary is **proved**.

(3) Finality

- ✓ Subject to s.12-A (Govt revisional power), an **eviction order under s.7A(1) is final**.
- ✓ **Not challengeable in any court**.

Very powerful provision for **“land grabbing” by groups**.

Section 8 – Rule-Making Power

State Government may make **rules/orders**:

- Regulating assessment/rent/fee under s.3
- Regulating penalties under s.5
- Declaring particular lands or classes of Govt land as **not open to occupation**
- Regulating service of notices.
- General rules/orders require **previous publication**.

Section 9 – Recovery as Arrears of Land Revenue

Amounts of:

- Assessment,
- Rent,
- Fee,
- Penalty

imposed under the Act are **deemed land revenue** and can be recovered as **arrears of land revenue** under the Telangana Revenue Recovery Act, 1864.

So recovery is through **revenue recovery machinery, not ordinary suit.**

Section 10–12 – Appeals & Revision

Section 10 – Appeals & Revisions (Important for exam)

1. **Appeal lies:**

- ✓ To **Collector** from orders of Tahsildar/Deputy Tahsildar.
- ✓ To **District Collector** from orders of Collector (other than on appeal).
- ✓ To **Board of Revenue** from orders of District Collector (other than on appeal).

2. **No further appeal** against appellate orders of Collector/District Collector.

3. **Revision powers:**

- ✓ District Collector can **revise** any order of DT/Tahsildar/Collector.
- ✓ Board of Revenue can **revise any order** of any officer under the Act.

4. **Pending appeal/revision:**

- ✓ Execution may be **suspended** by the appellate/revisional authority.

Section 11 – Limitation for Appeal

- Appeal must be filed within **60 days** from date of decision/order.
- Time taken to obtain copy is **excluded**.
- Delay can be condoned if sufficient cause shown.

Section 12 – Document to Accompany Appeal

- Appeal petition must be accompanied by:
 - ✓ Original decision/order, or
 - ✓ An **authenticated copy**.

Section 12-A – Govt’s Revisional Power

- **State Government** may, **suo motu or on application**, at any time:
 - ✓ Call for and examine records of any decision/order/proceeding of any subordinate officer,
 - ✓ To see **legality, propriety, or regularity**.
 - ✓ Pass such order as it thinks fit.
- Govt may also **stay execution** pending such revision.
Highest supervisory control vested in **State Government**.

Section 13 – Saving of Other Laws

- This Act does **not exempt** an unauthorized occupier from being proceeded against under any other law (e.g., criminal trespass etc.).
- **Proviso:** If penalty under s.5 has been imposed, then **no similar penalty** under any other law for same occupation.

Section 14 – Bar of Civil Court Jurisdiction (Very Important)

- No decision/order/proceeding under this Act, by any officer/authority/State Govt, **shall be questioned in civil court**,
 - ✓ **Unless it affects title to land** (because text says: those not affecting title cannot be questioned).
- No injunction shall be granted against:
 - ✓ Any proceeding taken or to be taken under this Act.

So, **procedural/executive actions** cannot be challenged in civil suit; only pure **title disputes** survive.

Section 15 – Validation of Past Penal Assessments

- Any penal/prohibitory assessment recovered **before this Act came into force** is deemed valid.
- But:
 - ✓ Does **not affect pending suits** at that time or existing decrees.

Section 15-A – Certain Persons Deemed Unauthorized Occupants

This is a deeming clause for **post-expiry/termination possession**:

You are deemed to be an **unauthorized occupant** (for s.3–15) if:

1. **Lease of Govt land expires or is terminated**, and:
 - ✓ Lessee or any other person **continues in possession** after expiry/termination, OR
2. Land granted by Govt with conditions (grant liable to resumption) and:
 - ✓ Grant is **resumed** by Govt for breach/non-observance, and
 - ✓ Grantee or other person **continues in possession** after resumption order.

These persons are treated like **encroachers** under this Act.

Section 16 – Saving for Escheat/Reversion Lands

- Except where s.15-A applies, the Act does **not apply** to lands claimed by **right of escheat or reversion**,
- Until Govt actually takes **possession** of such lands.

Power to Remove Difficulties & Effect of Other Laws

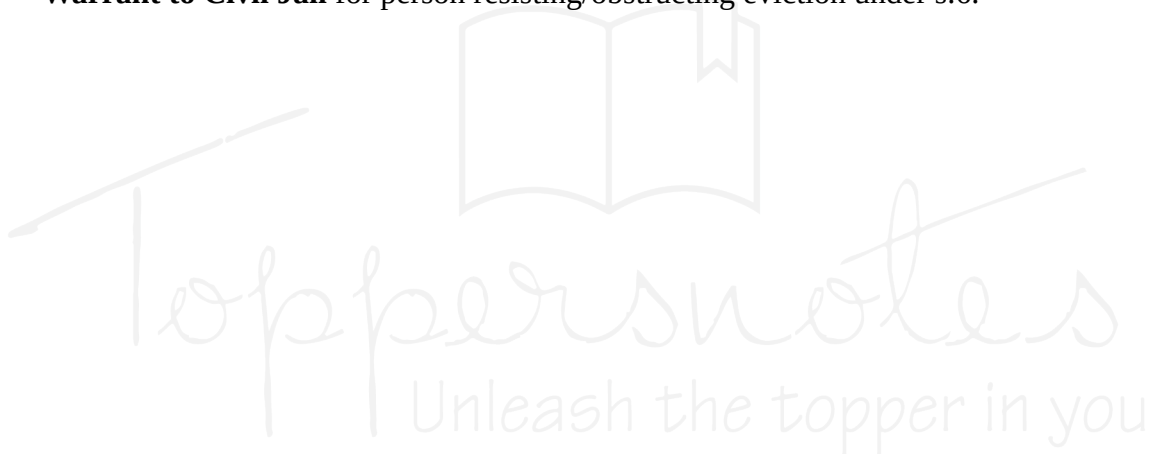
From the amendment provisions:

- State Govt may issue orders to **remove difficulties** in applying the Act to transferred territories.
- Hyderabad Land Revenue Act does **not apply** to matters covered by this Act after amendment, except for things already done.

(Not usually a high-priority exam area, but good to know.)

Schedule – Warrant Form under Section 6

- Provides model form for:
 - ✓ **Warrant to Civil Jail** for person resisting/obstructing eviction under s.6.



The Telangana Buildings (Lease, Rent and Eviction) Control Act, 1960

Background

Originally, this was the **Andhra Pradesh Buildings (Lease, Rent & Eviction) Control Act, 1960**.

After the Telangana state was formed in 2014, the Act was **adapted to Telangana in 2016**.

- This law controls **rent, leasing, and eviction** of buildings in Telangana.
- The government can choose to apply it to new areas anytime.
- One part (Section 3(2)) applies only when the government issues a special notification.

Section 1 – Short Title and Where the Act Applies

1. Name of the Act

The name of this law is **The Telangana Buildings (Lease, Rent and Eviction) Control Act, 1960**.

2. Where does this Act apply?

The Act does **not** automatically apply to the whole state. It applies in different places in different ways:

(a) Main application areas

This Act (except Section 3(2)) applies to:

- ✓ Hyderabad city
- ✓ Secunderabad city
- ✓ Visakhapatnam Municipal Corporation
- ✓ Vijayawada Municipal Corporation
- ✓ **All other municipal corporations and municipalities in Telangana**

Meaning: Most towns and cities in Telangana follow this Rent Control Act.

(b) Special rule — Section 3(2)

Section 3(2) will apply **only if** the Telangana Government issues a **notification in the Gazette** for that specific area.

In short:

Section 3(2) is *not automatically applied*.

Government must activate it through a notification.

(c) Government power to extend the Act

The Telangana Government can:

- ✓ **Apply this Act to any other area** in Telangana by issuing a notification
- ✓ **Change or cancel** that notification anytime

Meaning: Government has flexibility to add new areas or remove areas from the Act's coverage.

Section 2 –Definitions

This section explains the meanings of important words used in the Act.

(i) Andhra Area

Areas that were part of the old Andhra State before **1 Nov 1956**.

(ii) Authorised Officer

An officer appointed by the Government under Section 3 to look after vacancy notices and allotment of buildings.

(iii) Building

A building means:

- ✓ Any house or hut or part of it
- ✓ Given on rent for **residential or non-residential use**

It includes:

- ✓ Gardens, grounds, garages, out-houses attached to the building
- ✓ Furniture or fittings provided by the landlord

Does NOT include → a room in a hotel or a boarding house.

(iv) Controller

An officer (not below Tahsildar rank) appointed by the Government to decide rent, disputes, eviction etc.

(v) Government

Means **State Government of Telangana**.

(vi) Landlord

Anyone who:

- ✓ Owns the building, or
- ✓ Receives or is entitled to receive rent
- ✓ (Even as agent, trustee, executor, guardian, etc.)

Note:

A tenant who sub-lets the building becomes a “landlord” **for his sub-tenant.**

(vii) Prescribed

Means “as per rules made under this Act”.

(viii) Telangana Area

Areas defined under the States Reorganisation Act, 1956.

(ix) Tenant

Means a person who pays rent for a building.

Includes:

- ✓ The spouse, son, or daughter of a tenant who lived with the tenant until the tenant died
- ✓ A person who stays even after termination of tenancy

Does NOT include:

- ✓ Someone put in possession by the tenant (i.e., illegal occupant)
- ✓ A person collecting rent of market, shops etc. leased by local authority.

Section 3 – Notice When a Building Becomes Vacant

What the landlord must do when a building becomes vacant?

- When a building becomes empty because:
 - ✓ Tenant leaves
 - ✓ Landlord stops using it
 - ✓ Tenant is evicted
 - ✓ It is released from government use
- The landlord must send **written notice within 10 days** to the authorised officer.

Important Explanation

- If landlord gets possession under Section 10(3), but again gives it to a new tenant →
- **He is treated as if he did NOT give vacancy notice.**

What happens after landlord gives notice?

- Government gets **15 days** to decide if they need the building for:
 - ✓ Government offices
 - ✓ Local authority
 - ✓ Public institutions
 - ✓ Officers' accommodation
- If Government wants the building → landlord must give possession.
- If Government does NOT reply in 15 days → landlord can rent it to anyone.

If tenant leaves the building for 3 months

- If a tenant lets someone else occupy the building and does not come back within **3 months**:
 - ✓ The tenancy ends automatically
 - ✓ Tenant and landlord must inform the authorised officer within **7 days**
- With permission, tenant can be allowed **6 months** instead of 3.

Government becomes deemed tenant

If Government takes the building, they are treated as **tenant from the date landlord gave notice**.

Rent payable:

- If fair rent is fixed → that rent
- If not fixed → reasonable rent decided by the authorised officer

Penalties for not giving possession

- If landlord refuses to hand over possession:
 - ✓ The Government becomes tenant only from the date landlord finally gives possession
 - ✓ Government can use force to take possession
 - ✓ Landlord may have to pay expenses of eviction

Cases where this section DOES NOT apply

- This section does not apply to:
 1. Residential building with rent \leq ₹25 per month
 2. Non-residential building with rent \leq ₹50 per month
 3. Buildings owned by firms/companies meant for staff housing

Section 4 – Fixing Fair Rent

- Either landlord or tenant can apply to the Controller to fix "fair rent".
- While fixing fair rent, the Controller considers:
 - ✓ Rent in the locality before 5 April 1944
 - ✓ Property tax rental value
 - ✓ Money taken as premium after 5 April 1944
- Different % increases allowed for residential and non-residential buildings depending on old rent value.

Section 5 – Increase or Decrease in Fair Rent

- Fair rent can only increase if:
 - ✓ Landlord makes improvements, additions, or alterations
 - ✓ Tenant asked for those improvements

Increase = max **6% per year** of cost of improvements.
- Fair rent can be reduced if:
 - ✓ Facilities or space are reduced.

Section 6 – Increase in Rent Because of Higher Taxes

- If municipal taxes increase:
 - ✓ Landlord can claim **half of the excess tax** from tenant.

Section 7 – Landlord Cannot Take Extra Money

- If fair rent is fixed:
- **Landlord cannot charge:**
 - ✓ Premium
 - ✓ Excess rent
 - ✓ More than one month advance
- Any extra amount must be **refunded** to tenant.
- If fair rent is NOT yet fixed:
- Landlord still cannot charge:
 - ✓ Any premium (except one month advance)

Section 8 – Tenant's Right to Receipt & How to Pay Rent

- **Tenant must get a written receipt for rent/advance.**
- If landlord refuses rent:
 1. Tenant sends written notice asking for bank details
 2. If landlord gives bank name → tenant deposits rent there
 3. If no response → tenant sends rent by Money Order
 4. If landlord refuses Money Order → tenant deposits rent with authorised authority

Section 9 – When Landlord's Address is Unknown / Dispute Exists

- Tenant may deposit rent with the authority when:
 1. Landlord's address is unknown
 2. Landlord refuses to accept rent
 3. There is a dispute about who is the real landlordController decides who will take the deposited rent.

Section 10(1) – General Protection to Tenant

- A tenant **cannot be evicted** just like that.
- Eviction is allowed **only**:
 - ✓ as per **Section 10**, or
 - ✓ in some special cases under **Sections 12 and 13**.

Denial of title / Permanent tenancy claim

- If the tenant says:
 - ✓ “You are not my landlord” (denies title), or
 - ✓ “I have permanent tenancy right”
- Then:
 - ✓ The **Controller will first decide** whether this denial/claim is **bona fide (honest)** or not.
 - ✓ If Controller finds it **bona fide**, then:
 - The landlord can file an **eviction suit in Civil Court**.
 - The Civil Court can pass a decree for eviction on any of the grounds of this Act, **even if**:
 - ☞ There is no forfeiture of lease, or
 - ☞ The tenant's claim is actually wrong.

Section 10(2) – Grounds of Eviction (Fault of Tenant)

- Landlord has to apply to **Controller** for eviction.
- Controller will give tenant a chance to reply.
- If Controller is satisfied about any of these grounds, he can order eviction.

Grounds:

1. Non-payment of rent (Default in rent)

- ✓ Tenant did not pay or tender rent:
 - within **15 days** after the due date in the agreement, or
 - if no agreement → **by last day of the next month**.
- ✓ Then, this is a valid ground of eviction.
- ✓ **But**, if Controller feels:
 - The default is **not wilful** (i.e. not intentional), then:
 - He may give tenant **extra time (max 15 days)** to pay all due rent.
 - If tenant pays within that time → **case is rejected** (no eviction).

2. Unauthorised transfer or sub-letting / Change of use

After specified dates (1945 for Andhra area, Hyderabad Rent Order in Telangana), if tenant:

- ✓ **Without written consent of landlord:**
 - Transfers his rights under lease, or
 - Sub-lets whole or part of the building **when lease does not allow it**, or
 - Uses the building for a **different purpose** than agreed (e.g., residential turned into shop)
 - Landlord can seek eviction.

3. Acts of waste (damage to property)

- ✓ Tenant has done such acts which:
 - materially reduce the **value or utility** of the building
 - (e.g., structural damage, reckless alteration).

4. Nuisance

- ✓ Tenant's acts or behaviour cause:
 - Serious nuisance to others in same building, or
 - To neighbours in nearby buildings.

5. Alternative accommodation / Not using the building

- ✓ Tenant:
 - Has got another building (alternative accommodation), **or**
 - Has stopped living/using this building for **continuous 4 months** without reasonable cause.

6. Denial of title / Permanent tenancy (not bona fide)

- ✓ Tenant denies landlord's title or claims permanent tenancy,
- ✓ And Controller finds this claim **not bona fide (false / mala fide)**.
- ✓ In all above cases, Controller **shall order eviction**.
- ✓ If he is not satisfied → **application rejected**.

Section 10(3) – Eviction for Landlord's Own Use (Bona fide Requirement)

Here eviction is **not because of tenant's fault**, but because **landlord needs the building**.

Landlord can apply to Controller:

(a) For Residential Building

Landlord can seek eviction if:

1. He **does not have any residential building of his own** in that city/town/village and needs this one to live in; **or**
2. He has **more than one building**, lives in one, and:
 - **Bona fide requires another one instead**, for his own residence.

(b) For Non-Residential Building – Garage / Vehicle Use

- ✓ If building is used or suitable for keeping a vehicle; and
- ✓ Landlord:
 - Needs it for his own use, and
 - Is not already occupying such a building of his own in that town.

(c) For Other Non-Residential Use – Business

- ✓ Landlord is **not occupying any non-residential building of his own** in that town, and needs this building:
 1. For a **business he is already running**, or
 2. For a **business he genuinely wants to start** (Controller must be satisfied it is bona fide).

Important Provisos:

- If a person becomes landlord **by a registered document** (sale deed etc.) **after tenant already in occupation**, he cannot apply under this clause for **3 months** from registration.
- If landlord has already got one building under this clause:
 - ✓ If he got a **residential building**, he **cannot again** seek another residential building.
 - ✓ If he got a **non-residential building**, he **cannot again** seek another non-residential building.

(a) Institutions as Landlord

- ✓ If landlord is a **religious/charitable/educational/public institution**
- ✓ And building is required for the **purposes of the institution**,
- ✓ It can also apply for eviction.

(b) Landlord wants additional accommodation in same building

- ✓ If landlord is already occupying part of the building (residential or non-residential)
- ✓ And needs **more space** in same building (for living or business),
- ✓ He can seek eviction of tenant from remaining part.

BUT: Controller will compare **hardship**:

- ✓ If hardship to tenant > benefit to landlord → Controller must **reject** application under clause (c).

(c) Fixed Period Tenancy

- ✓ If lease is for a **fixed term**, landlord cannot file under 10(3) **before that period ends**.

(d) Controller's Duty

- ✓ If Controller finds landlord's need **bona fide**, he orders eviction and gives a **date to vacate**.
- ✓ He can give reasonable time to tenant, but total time to vacate **cannot exceed 3 months**.

Section 10(4) – Special Protection

- No eviction under 10(3):
 1. If tenant is in **essential service** (notified by Government),
 - unless landlord himself is also in essential service.
 2. If building is used as an **educational institution**,
 - and is **recognized** by Government or authorised body,
 - eviction not allowed **as long as recognition continues**.