

GOVERNMENT OF ANDHRA PRADESH
TRIBAL WELFARE DEPARTMENT

From: Smt. M. Chavaratan, I.A.S.,
Commissioner of Tribal Welfare,
Taluqu Samkshema Bhavan,
Masad Tank, A.P.
HYDERABAD 26.

To
The District Collector,
Khammam.

Doc. No. 1186/94/TRI/R.W. Dt. 19-5-1964.

Sub:- TFD-LTR 1/1959-Khammam District-Aswaraopet Mandal-
Auction of Cashew gardens- Contrary to the
provisions of LTR. 1/59-The auction confirmed by the
Vic-Chairman and Managing Director APFDC, Hyderabad
clarification-Regarding.
Ref:-1. Your Lr. Rc. No. C1(M) 2845/93. Dt. 10-11-1963.

I am to invite your attention to the reference cited and inform that A.P. Scheduled Areas Land Transfer Regulation, 1959, was extended to Aswaraopet Mandal with effect from 1.12.1963 by A.P. Scheduled Areas Laws (Extension and Amendment) Regulation, 1963, of immovable property by a person to any person other than Scheduled Tribe in the Scheduled Areas is null and void. The term 'immovable property' under Sec. 2(d) of the said regulation includes standing crops, timber and trees. In W.P. No. 3734/93 a Division Bench of A.P. High Court held that 'person' includes Government. Supreme Court of India in a case reported in AIR 1968 SC 360 held that the Government can not be excluded from the operation of a particular Act. The statute applies to a state too as much as it does to a Citizen unless it expressly exempts the State from its operation.

In view of the above, the A.P. Forest Development Corporation Limited, which is an undertaking of Government of Andhra Pradesh also constitutes a 'person'. Since the A.P. Forest Development Corporation Limited, is not expressly exempted from the operation of A.P. Scheduled Areas Land Transfer Regulation, 1959 the provisions of Regulation 1 of 1959 will also apply to the operations of A.P. Forest Development Corporation Limited, in Scheduled areas. In view of the definition of the immovable property under the said regulation which includes standing crops the open auctions, of A.P. Forest Development Corporation Limited in which the right to collect and remove cashew usufruct from cashew plantations situated in Naramvarigudem village of Aswaraopet Mandal situated in Scheduled area are null and void under Section 3(i) (a) of A.P. Scheduled areas Land Transfer Regulation, 1959.

Yours faithfully,
Sd/-M. Chavaratan,
Commissioner of Tribal Welfare,

//true copy//
SF. (LTR) (HA)

West Godavari Collectorate,
Eluru. Dt. 16-6-64.

Copy communicated to the Special Deputy Collector, (TF)
K. A. Puram, Revenue Divisional Officer, Kovvur, Mandal Revenue
Officers, Polavaram, Buttayagudem, Jeejugumilli for information
and guidance. in future.

Sd/-B. Venkataswara Rao.
for Collector.

1 t. c. b. o. //

Huzur Head Clerk-II.