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INFORMATION

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 36] AMARAVATI, FRIDAY, 27th OCTOBER 2023.ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 18th October, 2023 and the said assent is hereby first published on the 27th October, 2023 in the Andhra Pradesh Gazette for general information :

ACT No. 36 of 2023.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
CHARITABLE AND HINDU RELIGIOUS INSTITUTIONS AND
ENDOWMENTS ACT, 1987.

Be it enacted by the legislature of the State of Andhra Pradesh in the Seventy - fourth Year of Republic of India as follows, -

1. (1) This Act may be called the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, 2023.

Short title and
commencement

(2) It shall be deemed to have come into force on and from the 26th June, 2023.

2. In the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (herein after referred to as the Principal Act), in section 6, -

Amendment
of section 6.
Act No. 30 of
1987.

(1) in sub-clause (ii) of clause (a), after the words "exceeds Rupees twenty five lakhs", the words "or such amount as may be fixed

by the Government from time to time as notified in the official gazette" shall be added.

- (2) in sub-clause (ii) of clause (b), after the words "twenty five lakhs", the words "or such lower and higher limits of income as may be fixed by the Government from time to time as notified in the official gazette" shall be added.

Substitution of
section 83.

- (3) In the Principal Act, for section 83, the following shall be substituted, namely,-

"83. Encroachment of land, building, or any property belonging to a charitable or religious institution or endowment and the eviction of encroacher,

- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the encroachment of land, building, or any property of a charitable or religious institution or endowment is prohibited.
- (2) The Executive Officer of the Charitable or Religious Institution or Endowment or the Assistant Commissioner or any authority higher in rank thereof, shall, by notice, require the encroacher to remove the encroachment as hereinafter provided.

Provided that the encroacher shall be entitled to submit reply/ explanation to such notice within one week from the date of receipt of such notice, which shall be duly considered and appropriate orders thereon shall be passed, -

- (a) either withdrawing the notice issued and dropping further proceedings; or
- (b) affirming the notice and duly stipulating the time within which such encroachment shall be removed.
- (3) If the encroacher fails to remove the encroachment within such stipulated period, the authority who issued the notice shall remove the encroachment with police assistance, if necessary and recover the cost of removal from the encroacher.
- (4) For the purposes of securing police assistance, the authority concerned shall approach the jurisdictional Superintendent of Police/ Commissioner of Police who shall thereupon provide

such police assistance as is deemed necessary for the removal of encroachment.

- (5) Any act of encroachment including the attempt to encroach shall be a cognizable offence, non-bailable and triable as a warrant case, in accordance with the provisions of Code of Criminal Procedure, 1973, punishable with imprisonment for a term which shall not be less than three years but which may extend to eight years and with fine which may extend to Rupees one lakh.

Explanation: (i) For the purpose of this Chapter the expression 'encroachment means every activity by a person or group of persons, without any lawful entitlement and with a view to illegally take possession of lands, buildings or property of an endowment institution:

- (a) Occupy the said lands buildings or property, without the approval of the competent authority sanctioning lease/ mortgage/ license, or continued occupation of land buildings or property after the expiry or cancellation of the lease, mortgage or licence or permission in respect thereof.
- (b) enter into or create illegal tenancies or lease and licences, agreement or any illegal document of title in respect of such property.
- (c) Construct un-authorised structures thereon for sale or hire or for his/her own use and includes an attempt to encroach in the manner indicated above.
- (ii) The term encroacher shall be construed accordingly.
- (iii) This shall be in addition to the provisions herein above contained empowering the removal of encroachment in the manner provided in this section.

- (6) Any person aggrieved by the orders passed by the authority under sub section (2) above shall have a right of appeal to the Endowments Tribunal within fifteen days from the date of receipt of the said orders.

(7) During the pendency of the appeal, the Endowment Tribunal is competent to pass such interim orders in the interests of justice including any direction to the encroacher to deposit such amount, either as rentals or otherwise, as may be specified by it in consideration of the use and occupation of the properties in question.

(8) If any encroacher fails to remove the encroachment, within such stipulated period mentioned in the eviction orders already passed by Endowments Tribunal, the Executive Authority of the Institution or the Assistant Commissioner having jurisdiction over the District shall remove the encroachment with such police assistance, if necessary and recover the cost of removal from the encroacher.

Omission of Sections 84, 85 and 86.

4. In the Principal Act, sections 84, 85 and 86 shall be omitted.

Amendment of section 91.

5. In the Principal Act, in section 91,-

(1) after clause (iv), the following clause shall be inserted, namely, -

“(v) Which has been decided by the Endowment Tribunal under section 83(6) of the Act.”.

(2) After clause (v) as so inserted, after the words “if such Court or the Government”, the words “or Endowments Tribunal” shall be inserted.

Amendment of section 93.

6. In the Principal Act, in section 93, in sub-section (1), for the existing proviso, the following shall be substituted, namely,-

“Provided that the Government may pass ex parte interim orders as per the circumstances and no final orders shall be passed prejudicial to any party unless he has had an opportunity of making his representation”

Substitution of section 94.

7. In the Principal Act, for section 94, the following shall be substituted, namely,-

“94. Review: - (1) “The Government may, at any time, either suomotu or on application from any person interested, review any order passed by it, under the provisions of this Act, if it was passed under any mistake, whether of fact or of law, or in ignorance of any material fact, and in the interests of charitable or religious institution or endowment.

(2) It shall be competent for the Government to keep the order under review in abeyance, pending disposal of the review.

Provided further that no such final order in review shall be passed without affording an opportunity to the person aggrieved or likely to be aggrieved by the said exercise of power”.

8. (1) The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2023 is hereby repealed.

Repeal and
savings.

Ordinance
No.5 of 2023.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

G. SATYA PRABHAKARA RAO,

Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.