

Top Priority
By Fax / e-Mail

Government of Odisha
Revenue & Disaster Management Department

REN

No. RDM-CHS-POLICY-0013-2021L. No. 92.20 / R & DM dated. 8 MAR 2021

From

Shri Bishnupada Sethi, IAS
Principal Secretary to Government

To

All Collectors

Sub: Guidelines for demarcation

Ref: This Department letter No.38869 dt.13.12.2016

Madam/Sir,

I am to say that a lot of grievance petitions are being received in the Department everyday in connection with demarcation. In fact, issue on demarcation constitutes about 15% of all grievances received in the Department. In the letter under reference, it was made clear that disputes over boundaries among the tenure holders, creation of new plot(s) due to partition and alienation of land after closure of the proceedings under settlement/ consolidation operation lead tenants to approach Tahasildars for demarcation. In addition, Tahasildars sometimes receive orders from competent courts, requests from other Departments and requisition from the police etc. for demarcation of specific plots or land holdings.

Recently, Government have provided online facility for demarcation in respect of industries/ corporate houses in sync with

Ease of Doing Business (EoDB). However, demarcation in respect of all other applications is handled off line. The Government understands that thousands of demarcation cases are pending at tahasil level for years together, thereby affecting delivery of public services. The Amins are inadequate in field. When the Government is taking steps to fill up the vacancies, the problem of demarcation has been partly addressed by the deployment of Licensed Surveyors. It may be noted that R&DM Department have notified the fee structure and job description of Licensed Surveyors vide Gazette Notification No.396 dt.27.02.2020 which has been communicated to you earlier (copy enclosed). The DLRS vide his letter No.2446 dt.07.9.2020 has specified the duties to be performed by the Licensed Surveyors u/s 16 and 17 of OSS&S Act, 2012 read with Rule 18, 19 and 20 of OSS&S Rules of 2012. The Department has clearly advised Collectors vide letter No.31302 dt.28.10.2020 to instruct Tahasildars for deployment of Licensed Surveyors as per guidelines communicated. But it appears, the situation has not improved in the field.

Therefore, the following instructions are issued :

1. Tahasildar can initiate proceeding for the demarcation:
 - a. On receipt of application from the recorded tenant/ his/her legal heirs.
 - b. On instructions from the competent court
 - c. On receipt of written requisition from other Departments
 - d. On receipt of written requisition from Police
 - e. On any other ground as deemed expedient
2. Tahasildar shall ensure that alongwith application for demarcation, copy of the latest RoR, trace map of the plot (in

case of part plot) are attached. Tahasildar shall also ensure that detailed postal address of the boundary tenants are provided and the applicant has deposited necessary processing fee/ user charges as prescribed from time to time.

3. A register shall be maintained for demarcation applications containing Sl. No. of application with date, name, address and contact number of applicant, land particulars, date(s) of order by Tahasildar, date of demarcation and disposal particulars.
4. If Tahasildar finds that the application for demarcation is in order, then he shall issue individual notice to boundary tenants immediately inviting objections, if any, and fix a date for hearing. Notice can be issued in similar form as has been prescribed for mutation proceedings under Appendix-II of Odisha Mutation Manual, 1962. The notice period, however, will be maximum 05 days. Applicant will also be required to furnish an undertaking to Tahasildar that there is no prohibitory order on the plot (s) applied for demarcation.
5. After hearing of objection, if any, the Tahasildar shall pass necessary order directing RI/ ARI/ Amin/ Licensed Surveyor to demarcate the land in presence of all boundary tenants on the date and time as decided by him. At the time of hearing, the boundary tenants shall

be intimated the date and time of demarcation. No separate notice needs to be issued for the purpose. This procedure can be suitably varied in case of order received from competent court and requisition received from Police.

6. Tahasildar shall see to it that demarcation proceeding is a summary proceeding and unnecessary adjournments are not allowed either to the applicant or boundary tenants unless there are pressing reasons as the demarcation proceeding will be disposed of within a fortnight. At the time of objection hearing, Tahasildar shall consider the objection carefully and pass appropriate orders. In case of rejection of demarcation application, a reasoned order is to be recorded.
7. Deployment of RI/ ARI/ Amin/ Licensed Surveyor for the demarcation will be as per convenience of the Tahasildar. However, in case Licensed Surveyor is deployed, necessary fees as stipulated will be deposited by the applicant.
8. Demarcation schedule shall be strictly adhered to unless there are emergent grounds to postpone the demarcation. In that case, all concerned shall be intimated by the Tahasildar.
9. In case of requisition filed by the police, the presence of police is absolutely necessary.

10. After demarcation is over, a trace map and memorandum of demarcation will be prepared in Odia and signature of applicant, boundary tenants, police officials and any other person(s) present, if any, will be taken both on trace map and memorandum.
11. If any party refuses to sign the memorandum, the fact shall be recorded in the memorandum.
12. In case of demarcation of boundaries between Government and private land, the same may be carried out in presence of Revenue Supervisor and if possible Addl. Tahasildar may be informed to remain present.
13. On completion of demarcation, the report by the RI/ ARI/ Amin/ Licensed Surveyor will be submitted to Tahasildar. This shall be ensured within **24 hours** of the demarcation and the said report shall always form a part of the case record.
14. In case there is law and order situation in presence or absence of police on the spot, demarcation may be postponed and the details thereof will be reported to Tahasildar who will be competent to decide further course of action, either by postponement of the demarcation or cancellation of the same, citing cogent grounds.

15. In case it turns out during the demarcation that there was some prohibitory order of any competent court in connection with plot/ plots applied for demarcation and the matter was concealed by the applicant, then Tahasildar in his discretion may reject the application on merits.

16. ***Under no circumstances, a demarcation proceeding will be kept pending beyond 15 days from the date of filing of application.*** Pending availability of online facility for demarcation, the Tahasildar, in addition to manual register, shall also maintain a digital register on demarcation in his office. He shall submit quarterly returns to concerned Sub-Collector regarding disposal of demarcation cases. All senior officers during their visit will record their remarks in the Demarcation Register.

This supersedes all previous instructions in the matter. The field officers may be instructed accordingly.

Yours faithfully,

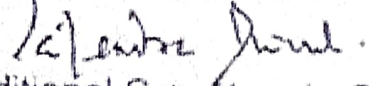

Principal Secretary to Government

Memo No. 9221 /

Dt 18 MAR 2021

18/3/2021

Copy forwarded to the Secretary, BoR, Odisha, Cuttack for information and necessary action.


Additional Secretary to Govt 18/3/2021

Memo No. 9222 / Dt 18 MAR 2021

Copy forwarded to DLRS, Odisha, Cuttack for information and necessary action..

S. J. J. J. 15/3/21
Additional Secretary to Govt.

Memo No. 9223 / Dt 18 MAR 2021

Copy forwarded to all Revenue Divisional Commissioners, for information and necessary action.

S. J. J. J. 15/3/21
Additional Secretary to Govt.

Memo No. 9224 / Dt 18 MAR 2021

Copy forwarded to all Sub Collectors /all Tahasildars for information and necessary action..

S. J. J. J. 15/3/21
Additional Secretary to Govt.

Memo No. 9225 / Dt 18 MAR 2021

Copy forwarded to the Joint Secretary, e-Governance for information and necessary action. She is requested to upload this letter in R & DM website.

S. J. J. J. 15/3/21
Additional Secretary to Govt.

OFFICE OF THE COLLECTOR AND DISTRICT
MAGISTRATE, KALAHANDI

Memo No. 1139 dt. 26/03/2021

Copy forwarded to all Tahasildars of Kalahandi district / ~~all~~ Sub-Collector, Dharamgarh & Bhawanipatna for information and necessary action.

S. J. J. J. 21
Asst. Collector
Revenue Section
Collectorate, Kalahandi