COURT OF THE REVENUE OFFICER-CUM-SUB-COLLECTOR, ATHAMALLIK

OLR Case No. 01 of 2019 (Section 23-A, OLR Act)

Chenu Padhan … Petitioner v. Dolagobinda Dhala and others … Opposite Parties

Decided on 9 May 2025

Odisha Land Reforms Act, 1960 – Section 23-A – Civil court status quo order over the land. Even where unauthorised occupation of a Scheduled Tribe raiyat's land by non-ST persons is made out, the Revenue Officer will not order eviction while a civil court's order to maintain status quo on possession is in force. The case is dropped, to be revived after the status quo is vacated.

Result: Case dropped for the present; to be put up after the status quo is vacated.

ORDER

Order and the initial of the Officer

09.05.2025

1. The case is taken up today for order. The brief case of the case is that one Chenu Padhan S/O- late Beda Padhan, caste -Kandha, resident of village Urukula under Handapa Police Station of Angul District submitted a petition stating that one Dolagobinda Dhala, Dullaba Dhala & Dutia Dhala, all are sons of late Balabhadra Dhala, caste: - Chasa, who belongs to a non-ST caste, has forcibly occupied her following land schedule.

2. LAND SCHEDULE | Mouza | Khata No | Plot No | Area in Ac | Kissam | Urukula | 145/19 | 1065 | 0.10 | Bagayat-2

3. After this notice was issued to the petitioner and the defendants, the hearing was concluded on 02.05.2025.

Statement of the defendants

4. The opposite parties have submitted their statement that the above case u/s 23a of the OLRA Act 2023 is not maintainable in the eyes of the law. The petitioner never possessed the case land at any point in time. The petitioner obtained the RoR fraudulently through manipulation. He has no right, title, interest, or possession of the case land. Rather, the opposite parties have the right title and interest. There is a civil suit no 89/2017 in respect to the case land pending in the court of the Honble Civil Judge Senior Division, Athmallik, where the opposite parties are plaintiffs and the petitioner is a defendant.

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5. An IA with number 51/2017 arising out of CS No 89/2017 was initiated against the petitioner/ defendant by the opposite parties/plaintiff wherein the Honble Court has been pleased to direct both the parties to maintain STATUS Quo about possession till disposal of the case after they prayed to drop the proceedings.

Statement of the petitioner

6. The petitioner said that the said IA No 51/2017 was dismissed on 05.02.2018.

Report of the Tahsildar Athamallik

7. The Tahsildar of Kishorenagar submitted his opinion that the petitioner Chenu Padhan S/O- Late Beda Padhan belongs to the Kandha caste, which comes under the ST category. The opposite party belongs to Chasa by caste and comes under the non-ST category. The case land is recorded in the name of the petitioner. The case land was allotted to the petitioner vide ceiling case numbers 222/1974 and 04/1984. After the demarcation of the case land, it was found that the opposite parties had encroached approximately 0.03 acres out of 0.10 acres.

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8. Section 22 of the OLR Act 1960 read as follows,

9. Restriction on alienation of land by Scheduled Tribes.

> *"(1)Any transfer of holding or part thereof by a raiyat, belonging to a Scheduled Tribe shall be void except where it is in favour of –*

10. a person belonging to a Scheduled Caste/Tribe;

11. a person not belonging to a Scheduled Caste/Tribe when such transfer is made with the previous permission in writing of the Revenue Officer: Provided that in case of a transfer by sale, the Revenue Officer shall not grant such permission unless he is satisfied that a purchaser belonging to a Scheduled Tribe willing to pay the market price for the land is not available, and in case of a gift unless he is satisfied about the bona fides thereof.

12. (3.) Except with the written permission of the Revenue Officer, no such holding shall be sold in execution of a decree to any person not belonging to a Scheduled Caste/Tribe."

13. During the hearing, it was confirmed that the defendants had not taken prior permission from the Revenue Officers prior to taking possession of the case land, nor had they taken any action thereafter to take effect. The caste of the defendants is Chasa which does not come under the SC/ST Caste. As such, the defendants have violated the provision as stated above.

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14. Section 23a of the OLR Act 1960 read as follows,

15. 23a. Eviction of the person in unauthorised occupation of property.

16. - "Where any person is found to be in authorised occupation of the whole or part of a holding of a raiyat belonging to a Scheduled Caste or of a raiyat belonging to a Scheduled Tribe within any part of the State other than a Scheduled Area, by way of trespass or otherwise, the Revenue Officer may either on application by the owner or any person interested therein, or on his own motion and after giving the parties concerned an opportunity of being heard, order eviction of the person so found to be in unauthorised occupation and shall cause restoration of the property to the said raiyat or to his heir in accordance with the provisions of Sub-section (3) of Section 23".

17. Reasonable opportunities have been given to the defendants. The caste of the defendants is also confirmed, and they belong to non-SC/ST communities. Their possession without any rights is also confirmed.

18. However, the IA No 51/2017 was dismissed on 05.02.2018 and read as follows

> *"The IA be and the same is dismissed on contest against the Ops but both the parties are directed to maintain status-quo with regard to possession till disposal of the case. No cost".*

19. A status quo order passed by a competent civil court generally restrains all parties from creating any change in the existing state of affairs concerning the property in dispute until the final disposal of the suit.

Order and the initial of the Officer

20. Since there is a status quo over the case land, I am inclined not to interfere until the disposal of the case. The case is accordingly dropped. Put up the case after the vacation of the status quo.

Revenue Officer- cum

Sd/-
Revenue Officer-cum-Sub-Collector, Athamallik

Odisha Revenue Laws · Revenue Court Orders. Reported for the reference of revenue officers. The order applies to its own facts; check the current law before relying on it.