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

OLR Case No. 03 of 2024 (Section 23-A, OLR Act)

Rasanand Dehuri and another … Petitioners v. Dola Dehury … Opposite Party
Decided on 9 May 2025

Odisha Land Reforms Act, 1960 – Section 23-A – Homestead land of Scheduled Tribe raiyats occupied by non-ST person. On proof that the land is recorded in the name of Scheduled Tribe raiyats and is occupied by a non-ST person without any right, eviction and restoration follow under section 23-A after giving the occupant an opportunity of being heard.

Result: Petition allowed. Eviction ordered; Tahasildar to restore the land within one month.

ORDER

Order and the initial of the Officer

1. The case is taken up today for order. The brief case of the case is that one Rasanand Dehuri and Biswamitra Dehuri S/O- Arakshita Dehuri, caste Kandha, resident of village Kiakata under Kiakata Station of Angul District submitted a petition stating that one Dola Dehury S/O- Sana Dehury, resident of Tusar Kiakata Angul, 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 | Kampala | 74 | 395 | 0.05 | Gharbari

3. After this notice was issued to the petitioner and the defendants, the hearing was concluded on 25/04/2025.

Statement of the defendant

4. The defendant said his forefather has been residing in the case land for the last fifty years. The case land has been used as homestead land since then. The present petitioner was aware of the facts for the previous forty years, but he has never made any complaint thereof. He further said that he is neither ready to pay the consideration amount nor to vacate the same.

Statement of the petitioner

5. The petitioner said that the opposite parties have not yet paid any consideration value for his property and are enjoying the same. Therefore, he prayed to restore the property in his name.

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Report of the Tahsildar Athamallik

6. The Tahsildar Athamallik, vide his letter number 978 dated 22.04.2025, submitted his opinion that he conducted an inquiry through Revenue Inspector Tusar. It reveals that late Arakhita Dehuri S/O- Madha Dehuri, caste- Kandha, who is the father of the present petitioner, namely Rasanand Dehuri, is the owner of the khata number 74, plot number 395, area 0.05 acres, Kissam- Gharbari. As per field verification, the case land has one Dalagobinda Dehury, Uma Dehury S/O/D- Sarat Dehury and Satyabhama Dehury W/O- Sarat Dehury. They have constructed a dwelling house and

cattle shed over the case land.

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

8. 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 –*

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

10. 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.

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11. (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."

12. 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 category. As such, the defendants have violated the provision as stated above.

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

14. 23a. Eviction of the person in unauthorised occupation of property.

15. - "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 his heir by the provisions of Sub-section (3) of Section 23".

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16. Reasonable opportunities have been given to the defendants. The caste of the defendants is also confirmed, and they belong to non-SC/ST communities.

17. Their possession without any rights is also confirmed. As such, I am inclined to think that the defendants must be evicted from their possession to hand over the restoration of the case land to the petitioner.

18. The defendants are directed to remove their structures from the case land and hand over the case land to the petitioner. The Tahsildar Athamallik is directed to restore the case land and submit the compliance within one month.

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.