VOLUME 3

Government Land, Homestead & Bebandobast

OGLS Act & Rules · OPLE Act · OPP Act · lease & alienation · homestead & Vasundhara · Bebandobast

03

COMPILED BY

Upendra Luha, OAS

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About this volume

This volume brings together the Acts and the Government of Odisha orders, circulars, notifications and resolutions on Government land settlement, encroachment, lease, protection, homestead and Bebandobast land that are published on odisharevenuelaws.com. Each document is reproduced as issued, in its original form. Use the Contents page or the PDF bookmarks to jump to any document. Page numbers at the foot of each page run continuously through the volume. This is a compilation for ready reference only; for official purposes, please rely on the notified text and the latest orders of the Government.

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The Orissa Government Land Settlement Act, 1962

An Act to provide for settlement of Government land in the State of Orissa

[Published vide Orissa Gazette Ext. No. 684/26.11.1962-O.A. No. 33 of 1962.
For Statement of Objects and Reasons, see Orissa Gazette Ext. No. 463/11.9.1962.]

Be it enacted by the Legislature of the State of Orissa in the Thirteenth Year of the Republic of India, as follows:

Statement of Objects and Reasons-At present settlement of Government waste lands is being made according to the executive instructions issued from time to time and also according to provisions in various Acts, Rules, Orders, customary practices and usage in force in various parts of the State. The power to reserve land for communal and other public purpose, levy of Salami, charging of rent, application fees and other fees and the authority to dispose of such applications are different according to the laws and Rules in force in different parts of the State. This makes its administration difficult and gives cause for complaint by the public due to lack of uniformity. The present Bill is therefore proposed to be enacted as a general legislation formulating a set of uniform principles regarding lease of Government waste lands overriding provisions of various Acts, Rules, Orders, customary practices and usage in force in various parts of the State instead of tinkering with the individual laws with the primary objective of governing the settlement of waste lands in a planned manner uniformly throughout the State.

REFERRED TO:

O.G.L.S. Act, 1962-Objective and purpose of the Act Case covered under approved Lease Principles does not come under the Act: 78 (1994) CLT 467: AIR 1994 Ori. 310.

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1. Short title, extent and commencement-(1) This Act may be called the Orissa Government Land Settlement Act, 1962.

(2) It shall extend to the whole of the State of Orissa.

(3) The sections shall come into force at once and the remaining provisions of this Act shall come into force [Sections 2 to 9 came into force w.e.f. 1.1.1965 vide Notfn.No. 43 GD (GL) 425/64-R.] on such date as Government may, by notification, appoint in that behalf.

2. Definitions-In this Act unless the context otherwise requires-

[Inserted vide Orissa Act No.5 of 1974.][(a) "Collector" shall include an Additional District Magistrate;

[Re-lettered ibid.][(aa) "Government" means the State Government of Orissa ;]

(b) **"Government land"** means any waste land belonging to Government whether cultivable or not, recorded as House site, Anabadi, Chot Jungle, Puratan Patit, Nutan Patit, Parityakta Bedakhali [Inserted vide Orissa Act No. 48 of 1975.] [Gochar] or by any other description whatsoever;

[Inserted vide Orissa Act No. 1 of 1991.] [Explanation- The expression "any other description, whatsoever" shall include-

(i) Khasmahalland, that is to say Mahals held under Khas which are treated as Government estates and the rents of which are payable under Section 3 of the Bengal Land Revenue Settlement Regulation, 1822 [Bengal Regulation VII of 1822] or under Section 4 of

the. Bengal Land Revenue Settlement Regulation [Inserted vide Orissa Act No. 1 of 1991.] [Bengal Regulation IX of 1825];

(ii) Nazullands situated in the State;

(iii) Gramakantha Parambok lands in the ex-Madras areas; and

(iv) Anabadi lands situated in the State;

[Substituted vide Orissa Act No.2 of 1990.][(b-l) "landless agricultural Labourer" means a person who has no means of livelihood other than agriculture, provided

(i) he or any member 'of his family owns no land excluding homestead; and

(ii) his total annual income, together with the total annual income of all the members of his family who are living with him in common mess from all sources does not exceed rupees three thousand and six hundred or an amount which the State Government may, by notification from time to time, specify in that behalf ;]

[Inserted ibid.][(b-2) "person" means any person, the total extent of whole land excluding homestead, together with lands held by all the members of his family who are living with him in common mess is less than one standard acre and whose total annual income together with the total annual income of all the members of his family living with him in common mess, does not exceed rupees three thousand and six hundred or an amount which the State Government may, by notification from time to time, specify in that behalf ;]

(c) **"prescribed"** means prescribed by rules made under this Act;

[Inserted vide Orissa Act No.5 of 1974.][(d) "Revenue officer" means any officer appointed as such by the Government to discharge any of the functions of a Revenue Officer under the provisions of the Orissa Land Reforms Act, 1960, (Orissa Act 16 of 1960);

(e) **"Tahasildar"** includes and Additional Tahasildar,]

REFERRED TO:

Sec. 2 - Judicial notice of misuse of power by Tahsildar High Court's direction to Government to conduct enquiry: 81 (1996) CLT 513.

3. Reservation and settlement of Government land-[Re-numbered ibid.][(1) Notwithstanding anything to the contrary in any law or any custom, practice or usage having the force of law, Government shall hot be deemed to be debarred from exercising all or any of the following powers in respect of Government lands, namely:

(a) to reserve such portion of the lands as they deem proper for the purpose of being used as house-sites or for any communal or industrial purpose or for any other purpose whatsoever

(b) to charge premium for settlement of any such land

(c) to charge rent for the lands so settled;

(d) to charge fees on applications for settlement of lands and such other fees as may be necessary for or incidental to the disposal of such fees shall be payable in the prescribed manner; and

[Substituted vide Orissa Act No.5 of 1974.][(e) to authorize any officer of Government not below the rank of a Tahasildar to dispose of applications for settlement of lands and to settle the same in such manner as may be prescribed and subject to the provisions of Sub-sections (2) and (3) :]

[Inserted vide Orissa Act No. 48 of 1975.][Provided that the Government land recorded as Gochar shall be reserved for any purpose mentioned in Clause (a) or settle under Clause (e) without being de-reserved in accordance with the provisions contained in Section 3-A.]

[Inserted vide Orissa Act No. 48 of 1975.][(2) In the settlement of lands under Clause (e) of Sub-section

(1). Seventy per centum thereof shall be settled with the persons belonging to the Scheduled Tribes and the Scheduled Castes in proportion to their respective populations in the village in which the lands are situated and the remaining lands shall be settled with the other persons not belonging to the aforesaid categories:

Provided that if sufficient number of persons belonging to the aforesaid categories are not available in the village in which the lands are situated, or being available, are not willing to accept the settlement of land so much of the land reserved for the said persons as cannot be settled with them may be settled with other persons.]

[Inserted vide Orissa Act No. 18 of 1981.][(2-a) The maximum extent of land to be settled under this section with any person for purposes of homestead shall be such as may be determined by Government from time to time.]

[Inserted vide Orissa Act No.5 of 1974.][(3) The settlement of land under this section shall be made in the following order of priority, namely:

(a) co-operative farming societies formed by landless agricultural labourers;

(b) any landless agricultural labourers of the village in which the land is situate or of any neighboring village;

(c) ex-servicemen or members of the Armed Forces of the Union, if they belong to the village in which the land is situated;

(d) raiyats who personally cultivate not more than one standard acre of [Deleted vide Orissa Act No. 18 of 1981.][* * *] Land;

Explanation-In this clause the expression "Standard Acre" has the meaning assigned to it in the Orissa Land Reforms Act 16 of 1960 ; and

(e) in the absence of person belonging to any of the foregoing categories, any other person.]

[Inserted vide Orissa Act No.1 of 1991.][(4) Notwithstanding anything to the contrary contained in the preceding subsections or in any law or any custom, practice or usage having the force of law

(a) any Khasmahalland or Nazulland, except where such land is used as homestead in any urban area, which has been leased out prior to the appointed date, shall whether the lease, where it had already expired, has been renewed or not prior to such date, be deemed to have been leased out under this Act to the person holding such land whether as a lessee, or as a sub-lessee either under the lessee or under a sub lessee: Provided that-

(a)(i) any such lessee who is entitled to receive any rent from sub-lessee under him, or

(ii) any such sub-lessee who is entitled to receive any rent from a subsequent sub-lessee under him, under any instrument executed for such lease or sub-lease, as the case may be, shall be paid a compensation by the sub-lessee or subsequent sublessee, as the case may be, equivalent to ten times the solid rent in the manner as may be prescribed.

(b) the compensation so payable shall, if not paid by the concerned sub-lessee or subsequent sub-lessee, as the case may be within the prescribed period, be recoverable from him by the Tahasildar having jurisdiction over the area as arrears of land revenue and be paid to the concerned lessee or sub-lessee as the case may be, in the manner as may be prescribed;

(c) any Gramakantha Parambok land or Abadi land, except where such land is used as homestead in any urban area, which is in occupation by any person for not less than five years as on the appointed date, shall be settled with the said person in such manner, by such officer and subject to such terms and conditions as may be prescribed:

Provided that any such land which is situated in an urban area shall be settled on lease-hold basis and in case of other lands settlement shall be on raiyati basis:

(c) any Khasmahalland, Nazulland, Gramakantha Parambok land or Abadi land, which is used and in occupation by any person as homestead in any urban area for not less than five years as on the appointed date, shall, subject to the payment of compensation in the case of Khasmahal and Nazulland as mentioned in the proviso to Clause (a), be settled

(i) in the case of Khasmahal or Nazul land, with the person lawfully holding such land on and from the date the compensation is paid; and

(ii) in the case of Gramakantha Parambok and Abadi land with the person in occupation of such land on and from the appointed date, on permanent basis with heritable and transferable rights.]

Explanation-For the purposes of this Sub-section, the expression 'appointed date' shall mean the date of publication of the Orissa Government Land Settlement (Amendment) Act. 1990 in the Official Gazette.

Referred To:

(i) Sec. 3 - Issue of public notice inviting objection for lease of land - Does not apply to urban land in Bhubaneswar - General Administration Department - Competency to sanction lease: 85 (1998) CLT 319.

(ii) Power and scope of appellate authority indicated.....When provisions do not indicate any restriction in exercise of powers of appellate authority then it must be assumed that it is as wide as that of the original Authority.....

When application is made for settlement of land for the purpose of excavating a tank to be used by the villagers, Tahsildar has no jurisdiction to settle the land for construction of a house: 64 (1987) CLT 348.

(iii) Suit for partition with regard to settled Bhogra land is not maintainable as the Bhogra lands are Government lands and the same are to be settled with the persons in possession: 55 (1983) CLT 305.

(iv) Authorities directing to pay salami and accepting the same but omit to grant patta-Held, that plaintiff has valid title to the land (See Index No. 894) Judicial Index to the cases to the O.H.C. 521 and also set : 34 (1968) CLT 1169: 1973 (2) CWR 987: ILR 1965 Cult. 22 (Dist).

[Inserted vide Orissa Act No.5 of 1974.][3-A. Power to do-reserve land-(I) The Government may, by notification in the Official Gazette, authorize any officer, not below the rank of a Collector, to de-reserve any land which has been reserved under Clause (a) of Section 3 [Inserted vide Orissa Act No. 48 of 1975.][of any Government land recorded as gochar] or any portion thereof.

(2) Any officer authorized under Sub-section (1) shall subject to such conditions and limitations as may be prescribed, have power to de-reserve any land referred to in that Sub-section or any portion thereof as the case may be

(a) is no longer required for the purpose for which it was reserved: or

(b) can no longer serve the purpose for which it was reserved;

(c) is in excess of the reasonable requirement for the purpose for which it was reserved:

[Inserted vide Orissa Act No. 48 of 1975.][Provided that the officer so authorized shall in assessing the reasonable requirement for the purpose of gochar follow the prescribed principles laying down the extent of gochar land to be set apart for use by the community.]

3-B. Resumption of land and imposition of penalty - (1) Any officer authorized under Clause (a) of Section 3 may resume any land settled by him, if he has reasons to believe that the person with whom the land was settled has used it for any purpose other than that for which it was settled and may impose a penalty of an amount not exceeding one hundred rupees on such person:

Provided that no order under this Sub-section shall be passed without giving such person a reasonable opportunity of being heard in the matter.

(2) [Deleted vide Orissa Act No. 18 of 1981.][* * *]

Note-In Sections 3-A and 3-B there is reference to Clause (n) and Clause (e) of Section 3 with regard to de-reservation and resumption of the Government land, but after going through Section 3 it would be seen that there is no such Clauses (a) and (e) of Section 3 respectively rather the same would indicate and means to Clause (a) and Clause (e) of Sub-section (1) of Section 3-Legislature must have meant the same -But somehow mistake has crept into.

4. Settlement of char and diara lands-Nothing in any other law or custom or usage having the force of law shall debar the Government from making a settlement of any char or

diara land coming into existence after the date of commencement of this Act such persons and subject to such terms and conditions as Government may deem fit:

[Added ibid.][Provided that nothing in this section shall apply to any char land which may form part of the holding of a raiyat under Section 21 of the Orissa Land Reforms Act 1 6 of 1960.

Explanation-For the purpose of this section

(a) "Char" means a gradual accretion to the bank formed by alluvialdeposits in a river,

(b) "Diara" means an island formed in the bed of a river or any land formed by the recession of a river.]

5. Section 61 of Orissa Tenancy Act, 1913 not to apply to Government lands-The provisions of Section 61 of the Orissa Tenancy Act (Bihar and Orissa Act 2 of 1913) shall not apply to any Government land.

[Inserted vide Orissa Act No.5 of I 974-after Section 5 by President's Act No. 22 of 1973.][5-A. Preparation of schemes for management and development of gochar lands-Notwithstanding anything to the contrary contained in any other law or in any custom, practice or usage having the force of law

(a) the Government may, in the prescribed manner, prepare a scheme for the management and development of gochar lands and different schemes may be prepared in respect of gochar lands situated in different areas

(b) where any such scheme has been prepared in respect to any gochar land which vests in a Grama Sasan constituted under the Orissa Grama Panchayat Act, 1964 (Act I of 1965) the concerned Grama Panchayat shall manage the gochar land in accordance with such scheme; and

(c) the Government may, if it deems fit, take over any gochar land for management and development in accordance with the scheme prepared in respect of such land.]

6. Revision during settlement proceedings-The rent payable in respect of any Government land shall be liable to revision during settlement proceedings under the Orissa Survey and Settlement Act, 1958 (Orissa Act 3 of 1959).

[Substituted vide Orissa Act No.5 of 1974.][7. Appeal-(1) An appeal shall lie against any order made under Section 3 or Section 3-B

(a) where such order is made by an officer below the rank of a Sub-Divisional Officer, to the Sub-Divisional Officer;

(b) where such order is made by a Sub-Divisional Officer, to the Collector; and

(c) where such order is made by a Collector to the Revenue Divisional Commissioner.

(2) No appeal shall be entertained under Sub-section (1) unless it is preferred within thirty days from the date of the order appealed against:

Provided that appellate authority may admit an appeal preferred after the expiration of the aforesaid period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring it within that period.

(3) Every appeal preferred under this section shall be heard and disposed of in such manner as may be prescribed.]

Referred To:

Scope of power of the appellate authority - Enumerated-There is no restriction on the power of the appellate authority while hearing an appeal against an order made under Section 3 of the Act: 64 (1987) CLT 348.

[Inserted vide Orissa Act No. 38 of 1976.][7-A. Revision-(l) The Collector may revise any order made under Sub-section (1) [Inserted vide Orissa Act No. 38 of 1976.][or under Sub-section (3)] of Section 7 by a Sub-Divisional Officer and the Revenue Divisional Commissioner may revise any order made under that Sub-section by the Collector, if an application is made by the aggrieved person within a period of ninety days from the date of the order:

Provided that the Collector or the Revenue Divisional Commissioner, as the case may be, may admit an application under this Sub-section after the expiration of the aforesaid period of ninety days if he is satisfied that the applicant had sufficient cause for not making the application within that period.

(2) All applications for revision under Sub-section (1) shall be heard and disposed of in such manner as may be prescribed.

[Substituted vide Orissa Act No. 18 of 1981.][(3) The Collector may, of his own motion or otherwise, call for and examine the records of any proceeding in which any authority, subordinate to it has passed an order under this Act for the purpose of satisfying himself that any such order was not passed under a mistake of fact or owing to a fraud or misrepresentation or on account of any material irregularity of procedure and may pass such order thereon as he thinks fit :]

Provided that no order shall be passed under this Sub-section unless the person affected by the proposed order has been given a reasonable opportunity of being heard in the matter:

[Substituted vide Orissa Act No. 38 of 1976.][Provided further that no proceeding under this Sub-section shall be initiated after the expiry of fourteen years from the date of the order.]

REFERRED TO:

(i) Sec. 7-A(3) read with Sec. 2(b) - Cancellation of lease -Lessee being a Govt. employee drawing a salary of Rs. 400/- per month not coming under the definition of landless agricultural labourers - Held, cancellation of lease justified.

The pre-amended provision shows that the applicant must be a landless agricultural labourers who has no profitable means of livelihood other than agriculture - Admittedly the lessee was a Government employee and was drawing a salary of Rs. 400/- per month at the relevant time - That means he cannot be said to be a person with “no profitable means of

livelihood" - Thus, under the pre-amended provision the lessee was not entitled to he settled with any Government land: 90 (2000) CLT 877.

(ii) Sec. 7-A(3) - Addl. Dist. Magistrate can cancel-a lease on the ground of mistake of fact or fraud or misrepresentation or material irregularity in the procedure - But in the instant case where lease is based on possession, entries in settlement records and records of consolidation proceedings, cancellation is not proper simply because the lower Court records are missing inasmuch as a party was serving in office of Tahsildar - Also there is no material to show that case of ex-servicemen of armed forces, landless agricultural labourers or Raiyats cultivating was ignored - No allegation by villagers - The consolidation case was also contested by State - Cancellation improper: 83 (1997) CLT 680.

(iii) Sec. 7-A(3) vis-a-vis Government lease principles - Rules framed under the Act provide the procedure for settlement of land under the Act it has a purpose different from lease principles - If a particular land has been leased out or settled in favour of an applicant, either under the approved lease principle or otherwise but not under the provisions of the Act, the settlement or lease cannot be set aside exercising jurisdiction under Sec. 7-A(3) of the Act - Position of law explained: 1997 (1) OLR 52: 83 (1997) CLT 55.

(iv) 1996 (II) OLR 182.

(v) 1996 (I) OLR 532.

(vi) Sec. 7-A(3) - Revision quashing Tahsildar's order settling land in question in contravention of the mandatory provisions - High Court exercising writ jurisdiction held not io interfere as the revisional authority correctly exercised its powers: 81 (1996) CLT 513.

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(vii) 1995 (1) OLR 439.

(viii) 1994 (II) OLR 149.

(ix) 1994 (I) OLR 507.

(x) Sec, 7-A - Settlement of land without complying with Rule 3(5) of OGLS Rules, 1974 - Priority for settlement was not kept in mind - Cancellation of settlement by suo motu revision is justified: 71 (1991) CLT 786.

(xi) 1990 (I) OLR 22.

(xii) 1990 (I) OLR 22.

(xiii) 1989 (II) OLR 302.

(xiv) 1989 (I) OLR 302.

(xv) 1988 (I) OLR 359.

(xvi) When appellate order is not challenged, it becomes final and as such the same cannot be interfered with by the provisional authority: 64 (1987) CLT 348.

(xvii) 1986 (I) OLR 28.
(xviii) 1986 (I) OLR 28.
(xix) 1986 (I) OLR 28.

[Substituted vide Orissa Act No.5 of 1974.][7-B. Bar of jurisdiction of Civil Courts-No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which any officer or authority is empowered by or under this Act to determine and no injunction shall be granted by any Civil Court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act].

[Inserted vide Orissa Act No.2 of 1990.][8. Delegation of power-The Government may by notification in the Official Gazette direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by any authority not below the rank of a Revenue Officer.]

[Substituted vide Orissa Act No.5 of 1974.][S-A. Power to make rules-(1) The Government by notification in the Official Gazette and after previous publication make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules in respect of all or any of the following matters, namely:

(a) the rate of fees to be charged under this Act and the manner of payment thereof;

(b) the form and the manner in which an application for settlement of lands may be made and the manner of settlement of lands:

(c) the conditions and limitations subject to which lands may be dereserved;

(d) the preparation of schemes for management and development of gochar lands;

[Substituted vide Orissa Act No. 18 of 1981.][(e) the procedure to be followed in the settlement of land and in the disposal of appeals and revision; and

(f) any other matter which has to be or may be prescribed.

(3) All rules made under this section shall, as soon as may be after they are made laid before the Legislative Assembly for a total period of fourteen days which may be comprised in one or more sessions and if during the said period, the Legislative Assembly make modifications if any therein the rules shall thereafter have effect only in such modified form, so however, that such modifications shall be without prejudice to the validity of anything previously done under these Rules.]

REFERRED TO:

Section 8-A - Settlement of land-Sub-Divisional Officer nor making settlement - Remitting matter for fresh settlement to the Tahasildar - Show cause notice to Government department is not necessary: AIR 1993 Ori. 77.

9. Removal of doubts or difficulties-If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may as occasion may require, by order, do anything not inconsistent with the provisions of this Act or rules made there under, which appears to them necessary for the purposes of removing the doubt or difficulty.

SAVINGS

(ORISSA ACT 5 OF 1974)

8. Repeal-(1) The Orissa Government Land Settlement (Amendment) Act. 1973 (President's Act 22 of 1973) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Act shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

9. Validation of actions taken by Tahsildars-Notwithstanding: anything to the contrary contained in the principal Act, no action taken or order passed by a Tahasildar being a. Chief Officer in-charge of the revenue administration of a Tahasil, under the principal Act within the period from the 1st day of February, 1974 to the date of commencement of this section shall be deemed to be invalid merely on the ground that such Tahasildar was not duly authorized under the principal Act and all such actions taken and orders passed, shall be deemed to have been taken or passed, as the case may be, by a Tahasildar duly authorized under the principal Act as amended by this Act.

(ORISSA ACT 48 OF 1975)

5. Validation of certain actions-Notwithstanding anything contained in the principal Act no de-reservation of any gochar land and the subsequent thereof made by the Collector of any district prior to the 8th day of October. 1975 in the belief or purported belief that such de-reservation or settlement was authorized under the principal Act, shall be questioned in any Court of law or otherwise be open to challenge merely on the ground that the de-reservation

and the settlement were not authorized under the principal Act and all such de-reservation and settlement shall be deemed to have been validly made in exercise of the powers conferred by or under the principal Act as amended by this Act.

6. (1) The Orissa Government Land Settlement (Amendment) Ordinance, 1975 is hereby repealed.

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

REVENUE DEPARTMENT NOTIFICATION

[Published vide Orissa Gazette Ext No. 161/31.1.1974.]

(29th January, 1974)

No. 6171-GF-3/74-In exercise of the powers conferred by Sub-section (2) of Section I of the Orissa Government Land Settlement (Amendment) Act. 1973 (President's Act 22 of 1973), the State Government do hereby appoint the 1st day of February, 1974 as the date on which the provisions of the said Act shall come into force.

No. 6172-GE(GL) 3/74-In exercise of the powers conferred by Subsection (3-A) of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), the State Government do hereby authorize all the Collectors of the State to de-reserve any land which has been reserved under Clause (a) of Section 3 or any portion thereof within the district under their respective jurisdiction.

No. 6173-GE(GL)-74-4-R -In exercise of the powers conferred by Clause (a), Sub-section (1) of Section 3 of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962) the State Government do hereby authorize all the. Tahsildars of the State to dispose of applications for settlement of lands and settle the same in the prescribed manner within their respective jurisdiction.

Orissa Government Land Settlement Act, 1962 came into force with effect from 1.1.1965-vide Orissa Gazette Extraordinary No. 2/1.1.1965.

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1974

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*THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1974

[*Received the assent of the Governor on the 29th June 1974, first published in an extraordinary issue of the* Orissa Gazette, *dated the 6th July 1974*]

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962 AND TO VALIDATE ACTIONS TAKEN BY CERTAIN OFFICERS

BE it enacted by the Legislature of the State of Orissa in the Twenty-fifth Year of the Republic of India, as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa Government Land Settlement (Amendment and Validation) Act, 1974.

(2) Section 9 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of February 1974.

Amendment of section 2, Orissa Act 33 of 1962.

2. In section 2 of the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), Orissa Act 33 of 1962.—

(*a*) clause (*a*) shall be re-lettered as clause (*aa*) and before that clause as so re-lettered, the following clause shall be inserted, namely:—

"(*a*) 'Collector' shall include an Additional District Magistrate; " ;

(*b*) after clause (*c*), the following clauses shall be inserted, namely:—

"(*d*) 'Revenue Officer' means any officer appointed as such by the Government to discharge any of the functions of a Revenue Officer under the provisions of the Orissa Land Reforms Act, 1960 ; Orissa Act 6 of 1960.

(*e*) 'Tahsildar' includes an Additional Tahsildar.".

Amendment of section 3, Orissa Act, 33 of 1962.

3. Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(*i*) in sub-section (1) as so re-numbered, for clause (*e*) including the explanation thereunder the following clause shall be substituted, namely:—

"(*e*) to authorise any officer of Government not below the rank of a Tahsildar to dispose of applications for settlement of lands and to settle the same in such manner as may be prescribed and subject to the provisions of sub-sections (2) and (3);";

* For the Bill *see Orissa Gazette*, Extraordinary, dated the 6th June, 1974 (827).

(*ii*) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) In the settlement of lands under clause (*e*) of sub-section (1), seventy *per centum* thereof shall be settled with the persons belonging to the Scheduled Tribes and the Scheduled Castes in proportion to their respective populations in the village in which the lands are situated and the remaining lands shall be settled with the other persons not belonging to the aforesaid categories:

Provided that if sufficient number of persons belonging to the aforesaid categories are not available in the village in which the lands are situated, or being available, are not willing to accept the settlement of land, so much of the land reserved for the said persons as cannot be settled with them may be settled with other persons.

(3) The settlement of lands under this section shall be made in the following order of priority, namely :—

(*a*) co-operative farming societies formed by landless agricultural labourers;

(*b*) any landless agricultural labourers of the village in which the land is situate or of any neighbouring village;

(*c*) ex-servicemen or members of the Armed Forces of the Union, if they belong to the village in which the land is situate ;

(*d*) raiyats who personally cultivate not more than one standard acre of contiguous land;

Explanation—In this clause the expression "Standard Acre" has the meaning assigned to it in the Orissa Land Reforms Act, 1960; and Orissa Act 16 of 1960.

(*e*) in the absence of persons belonging to any of the foregoing categories, any other persons.".

Insertion of new sections 3-A and 3-B, Orissa Act 33 of 1962.

4. After section 3 of the principal Act, the following sections shall be inserted, namely :—

Power to de-reserve land.

"3-A. (1) The Government may, by notification in the Official Gazette, authorise any officer, not below the rank of a Collector, to de-reserve any land which has been reserved under clause (*a*) of section 3 or any portion thereof.

(2) Any officer authorised under sub-section (1) shall, subject to such conditions and limitations as may be prescribed, have power to de-reserve any land referred to in that sub-section or any portion thereof, if such officer is satisfied that such land or portion thereof, as the case may be,—

(*a*) is no longer required for the purpose for which it was reserved ; or

(*b*) can no longer serve the purpose for which it was reserved ; or

(*c*) is in excess of the reasonable requirement for the purpose for which it was reserved.

Resumption of land and imposition of penalty.

3-B. (1) Any officer authorised under clause (*e*) of section 3 may resume any land settled by him, if he has reasons to believe that the person with whom the land was settled has used it for any purpose other than that for which it was settled and may impose a penalty of an amount not exceeding one hundred rupees on such person :

Provided that no order under this sub-section shall be passed without giving such person a reasonable opportunity of being heard in the matter.

(2) Nothing in sub-section (1) shall apply to any land settled for agricultural purposes under a permanent lease.".

Insertion of new section 5-A, Orissa Act 33 of 1962.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

Preparation of schemes for management and development of Gochar lands.

"5-A. Notwithstanding anything to the contrary contained in any other law or in any custom, practice or usage having the force of law,—

(*a*) the Government may, in the prescribed manner, prepare a scheme for the management and development of Gochar lands and different schemes may be prepared in respect of Gochar lands situate in different areas ;

(*b*) where any such scheme has been prepared in respect of any Gochar land which vests in a Grama Sasan constituted under the Orissa Grama Panchayat Act, 1964, the concerned Grama Panchayat shall manage the Gochar land in accordance with such scheme ; and Orissa Act No. 1 of 1965.

(*c*) the Government may, if it deems fit, take over any Gochar land for management and development in accordance with the scheme prepared in respect of such land.".

Substitution of new sections for section 7, Orissa Act 33 of 1962.

6. For section 7 of the principal Act, the following sections shall be substituted, namely :—

Appeal.

"7. (1) An appeal shall lie against any order made under section 3 or section 3-B—

(*a*) where such order is made by an officer below the rank of a Subdivisional Officer, to the Subdivisional Officer ;

(*b*) where such order is made by a Subdivisional Officer, to the Collector ; and

(*c*) where such order is made by a Collector, to the Revenue Divisional Commissioner.

(2) No appeal shall be entertained under sub-section (1), unless it is preferred within thirty days from the date of the order appealed against:

Provided that the appellate authority may admit an appeal preferred after the expiration of the aforesaid period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring it within that period.

(3) Every appeal preferred under this section shall be heard and disposed of in such manner as may be prescribed.

Revision.

7-A. (1) The Collector may revise any order made under sub-section (1) of section 7 by a Subdivisional Officer and the Revenue Divisional Commissioner may revise any order made under that sub-section by the Collector, if an application is made by the aggrieved person within a period of ninety days from the date of the order :

Provided that the Collector or the Revenue Divisional Commissioner, as the case may be, may admit an application under this sub-section after the expiration of the aforesaid period of ninety days if he is satisfied that the applicant had sufficient cause for not making the application within that period.

(2) All applications for revision under sub-section (1) shall be heard and disposed of in such manner as may be prescribed.

(3) The Board of Revenue may of its own motion or otherwise call for and examine the records of any proceedings in which any authority subordinate to it has passed an order under this Act for the purpose of satisfying itself that any such order was not passed under a mistake of fact or owing to fraud or misrepresentation, and may pass such order thereon as it thinks fit :

Provided that no order shall be passed under this sub-section unless the person affected by the proposed order has been given a reasonable opportunity of being heard in the matter :

Provided further that no order shall be revised under this sub-section after the expiry of one year from the date of the order."

Substitution of new sections for section 8, Orissa Act 33 of 1962.

7. For section 8 of the principal Act, the following sections shall be substituted, namely:—

Delegation of powers.

"8. The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by any authority not below the rank of a Revenue Officer.

Power to make rules.

8-A. (1) The Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules in respect of all or any of the following matters, namely :—

(*a*) the rate of fees to be charged under this Act and the manner of payment thereof ;

(*b*) the form and the manner in which an application for settlement of lands may be made and the manner of settlement of lands ;

(*c*) the conditions and limitations subject to which lands may be de-reserved;

(*d*) the preparation of Schemes for management and development of Gochar lands;

(*e*) the procedure to be followed in the disposal of appeals and revisions; and

(*f*) any other matter which has to be, or may be prescribed.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before the Legislative Assembly for a total period of fourteen days which may be comprised in one or more sessions and if during the said period, the Legislative Assembly makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form, so, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.".

Repeal

8. (1) The Orissa Government Land Settlement (Amendment) Act, 1973 is hereby repealed. President's Act No. 22 of 1973.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Act shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

Validation of actions taken by Tahasildars.

9. Notwithstanding anything to the contrary contained in the principal Act, no action taken or order passed by a Tahasildar being the Chief Officer in charge of the revenue administration of a Tahasil, under the principal Act within the period from the 1st day of February, 1974 to the date of commencement of this section shall be deemed to be invalid merely on the ground that such Tahasildar was not duly authorised under the principal Act and all such actions taken and orders passed shall be deemed to have been taken or passed, as the case may be, by a Tahasildar duly authorised under the principal Act as amended by this Act.

ORISSA ACT 48 OF 1975

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1975

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*THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1975

[*Received the assent of the Governor on the 3rd December 1975, first published in an extraordinary issue of the* Orissa Gazette, *dated the 12th December 1975*]

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962 AND TO VALIDATE CERTAIN ACTIONS

BE it enacted by the Legislature of the State of Orissa in the Twenty-sixth Year of the Republic of India, as follows:—

Short title.

1. This Act may be called the Orissa Government Land Settlement (Amendment) Act, 1975.

Amendment of section 2.

2. In section 2 of the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), in clause (*b*), after the words "Parityakta Bedakhali", the comma and the word "Gochar" shall be and shall be deemed always to have been inserted. Orissa Act 3 of 1962.

Amendment of section 3.

3. In section 3 of the principal Act, after sub-section (1), the following proviso shall be and shall be deemed always to have been inserted, namely:—

"Provided that no Government land recorded as Gochar shall be reserved for any purpose mentioned in clause (*a*) or settled under clause (*e*) without being de-reserved in accordance with the provisions contained in section 3-A.".

Amendment of section 3-A.

4. In section 3-A of the principal Act,—

(*a*) In sub-section (1), after the word and figure "section 3", the words "or any Government land recorded as Gochar" shall be and shall be deemed always to have been inserted ;

(b) to sub-section (2), the following proviso shall be and shall be deemed always to have been added, namely :—

"Provided that the officer so authorised shall, in assessing the reasonable requirement for the purpose of Gochar, follow the prescribed principles laying down the extent of Gochar land to be set apart for use by the community.".

*For the Bill see *Orissa Gazette*, Extraordinary, dated the 10th November, 1975 (No. 1784).

Validation of certain actions.

5. Notwithstanding anything contained in the principal Act, no de-reservation of any Gochar land and the subsequent settlement thereof made by the Collector of any district prior to the 8th day of October, 1975 in the belief or purported belief that such de-reservation or settlement was authorised under the principal Act, shall be questioned in any court of law or otherwise be open to challenge merely on the ground that the de-reservation and the settlement were not authorised under the principal Act and all such de-reservation and settlement shall be deemed to have been validly made in exercise of the powers conferred by or under the principal Act as amended by this Act.

Repeal and savings.

6. (1) The Orissa Government Land Settlement (Amendment) Ordinance, 1975, is hereby repealed. Orissa Ordinance No. 7 of 1975.

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

Frequently Asked Questions

on

Odisha Government Land Settlement Acts/ Rules

(Training Materials)

Question: What is the Statement and object of OGLS Act?

Answer: Before 1962 Settlement of Government Land was made by way of executive instructions, various Acts, Rules, Orders, Customary practices and usages in force in various parts of the state. In order to settle Government Land in a planned and uniform manner throughout the state this Act was enacted and Rules thereof was framed.

Question: When did OGLS Act, 1962 and OGLS Rules, 1983 came in to force?

Answer: The OGLS Act, 1962 came into force w.e.f. 26.11.1962 and OGLS Rules, 1983 came in to force w.e.f. 06.03.1984.

Question: What is the distinction between Act and Rules?

Answer: Act is the statute passed by Legislature and assented by Governor/ President as the case may be. But "Rules" is the procedure to be followed for implementation of provisions of Act.

Question: What is the definition of Government Land?

Answer: Government Land means any waste land belonging to Government whether cultivable or not, recorded as house site, Anabadi, Chot Jungle, Puratan Patita, Nutan Patita, Parityakta, Bedakhali, Gochar or by any other description whatsoever. The expression "any other whatsoever" includes Khasmahal, Nazul, Gramkantha Parambhoke, Anabadi land. (Section-2(b) of OGLSAct,1962)

Question: What is the definition of landless Agricultural Labour?

Answer: Landless Agricultural Labour means a person who has no means of livelihood other than agriculture, provided any member of his family owns no land excluding homestead land and his total income together with annual income of his family does not exceed Rs. 40,000/- per annum.[Section-2(b-1) of OGLS Act,1962]

Question: What is the definition of Homestead-less person?

Answer: Homestead less person means a person whose annual income together with annual income of all the members of his family living in a common mess from all sources does not exceed Rs. 40,000/-, does not have any homestead land in the state and owns less than one standard acre of agricultural land. [Rule-2(dd) of OGLS Rules, 1983]

Question: What is the definition of Urban Area?

Answer: Urban Area means an area within limit of a Municipal Corporation, Municipal or Notified Area Council, the area within jurisdiction of Development Authority, such other area as notified by Government from time to time. [Rule-2(h) of OGLS Rules, 1983]

Question: What is the definition of Rural Area? [Rule-2(e) of OGLS Rules, 1983]

Answer: Rural Area means an area other than Urban Area.

Question: Who is competent to dispose of application for settlement of Government Land?

Answer: Government can authorize to any officer not below the rank of Tehasildar to dispose of application for settlement of Government land. The power to sanction settlement of Government land and extent of land that can be settled by different Revenue Authority has been explained in schedule-II (Rule 11 of OGLS Rules, 1983) of OGLS Rules, 1983.(Rule-5 of OGLS Rules, 1983)

Question: Is there separate Rules for urban areas for settlement of Government Land?

Answer: Except Rourkela Civil Township, Sunabeda Township and Bhubaneswar Municipal Corporation area, the power to settle Government land will be guided by OGLS Rules, 1983 and power can be exercised as per schedule-II of OGLS Rules, 1983.

But for settlement of Government Land in Rourkela Civil Township there is a separate set of Rules called as "Rules for allotment of Government Land in Civil Township of Rourkela Notified Area". It is effective from dt. 20.10.1987. Similarly for Sunabeda Township and Bhubaneswar Municipal area there is separate set of Rules called as "Allotment of Government Land in Sunabeda Township" and "Government Grants Act, 1896" respectively.

Question: What is the manner of settlement of Government Land?

Answer:

- All applications for settlement of Government land irrespective of purpose of lease or the extent of area involved either in urban area or rural area shall be filed before Tehasildar having jurisdiction over the area in which land is situated.
- On receipt of application, Tehasildar shall cause an enquiry/ verification with respect to ROR & Map, ascertain whether land is free from encroachment and whether any dereservation is required. If after verification/enquiry it is found that land can not be settled then he can reject the application with a reasoned and speaking order.

- If after necessary verification Tehasildar finds that land can be settled then Tehasildar shall publish a proclamation (by beat of drum, affixing a copy in his Notice Board, affixing a copy in G.P. office Notice Board), inviting objection, fixing a date for hearing the said objection, if any. The proclamation period is 30 days.
- After expiring of 30 days the Tehasildar shall dispose of objection if received by way of a reasoned and speaking order and may recommend for settlement or may reject the settlement. If no objection is received he will proceed for settlement of the land and after appeal period is over he will submit case record to such officer as empowered under schedule-II of OGLS Rules, 1983.

Question: What is meaning of de-reservation and why it is required?

Answer: Government has power to reserve such portion of land as deemed proper for the purpose of being used as house-site or for any communal or industrial purpose. (Section-3 of OGLS Act, 1962)

Similarly if Government feels that the land so reserved is no longer required for the purpose it has been reserved, or the said reserved land no longer serves the purpose for which it was reserved or the said reserved land is in excess of the reasonable requirement, then Government can de-reserve the said land. Collector of the Dist. has been empowered to de-reserve the land. That de-reserved land can be settled following provisions of OGLS Act and OGLS Rules. (Section-3-A of OGLS Act, 1962)

Question: What is the principle of de-reservation and who is competent to de-reserve?

Answer:

- Collector of the District is competent to de-reserve the land reserved for specific purpose.
- Tehasildar shall prepare a case record with land plan and land scheduled proposed to be de-reserved.
- Then Tehasildar shall go for issuing proclamation inviting objection if any from general public. The proclamation period is 30 days and proclamation should by way of beat of drum with copy to Notice Board of Tehasildar, Notice Board of G.P/ ULB.
- If no objection is received during proclamation period Tehasildar shall submit his proposal to Collector for de-reservation giving justification for the same.
- If any objection is received during proclamation period he shall hear the party fixing date and time and after hearing is completed, the summary of his hearing along with his recommendation, he shall submit case record to Collector for final disposal.

- While de-reserving Gochar land, Tehasildar shall assess the requirement of Gochar which shall not be less than five percent of effective area. Effective area means the total extent of private agricultural land plus Government lands consisting of Gochar, village forest and waste land in the village multiplied by 20/23.

Question: What is the priority in settlement Government Land in Rural Area?

Answer:

- Seventy percent of land available should be settled with ST/SC community and rest land with other people residing in that village.
- If sufficient number of ST/SC persons is not available then priority should be given to Co-operative farming society followed by landless agricultural labourers, Ex- Servicemen, raiyats who personally cultivates not more than one standard acres of land, and any other persons.
- Land covered under section-2(II) of Forest (Conservation Act, 1980) cannot be settled.

Question: Can the land of category of Khasmahal, Nazul, Gramakantha Parambhok or Abadi be settled? (Section-3 of OGLS Act, 1962) (Rule-5-B of OGLS Rules, 1983)

Answer: Yes. The land of category of Khasmahal, Nazul, Gramakantha Parambhok or Anabadi, wherever situated and used for any purpose, may on application, be permanently settled with heritable and transferable right with the person who is in occupation of such land either on the basis of lease/ Sub-lease or otherwise for a period of last 3 years prior to appointed date (26.02.2009)

Question: What is the principle of settlement of government land in urban area? (Rule-3 of OGLS Rules, 1962)

Answer:

- No land for agricultural purpose be settled in urban area.
- In urban area land can be settled for homestead purpose.
- The available government land for house-site be divided in to contiguous sub-plots in consultation with urban bodies, Town Planning Authorities subject to approval by RDC. In this process future requirement of Government and other public Institutions be kept in view.
- Urban Government plots be assigned for the purpose of ---------- (i) house site for lower income groups (LIG), (II) house site for middle income group (MIG), (iii) land required for future requirement of Govt., (iv) land to be settled by public auction, (v) land to be reserved for setting up small and medium scale industries.

- In addition to it land in urban area can be settled on lease basis by public auction, in favour of Development Authority, Housing Board, Company or Corporation owned by Government for the purpose of housing or commercial scheme, in favour of any other Government Department, Corporation or any other Institution/ Organization.

Question: Can the land settled be resumed?

Answer: Yes. If the authorized officer found that land settled is not used for the purpose it has been settled, then land so settled for period exceeding three years, he can resume the land and can also impose penalty not exceeding one thousand rupees.

Question: Can land settled on lease basis be cancelled?

Answer: Yes. Under Section- 7-A of OGLS Act, 1962 Collector on his own motion or on an application can call for any case record and examine the same as to whether the order for settlement has been made on mistaken of facts, fraud or misrepresentation of facts or on account of mistaken of material irregularities then he can pass appropriate order. But before passing any order reasonable opportunity should be given to party likely to be affected by such order and it is within limitation period of 14 years.

Question: Is there any provision for temporary settlement?

Answer: Yes. Collector with prior approval of RDC can give temporary lease for specific purpose. (Rule-9 of OGLS Rules, 1983)

Question: Is there any provision for permissive possession?

Answer: Yes. Collector can give permissive possession for plantation purpose. (Rule-9-A of OGLS Rules, 1962)

Question: Is there any provision for Advance Possession?

Answer: Yes. If it is felt by Government that it is necessary or expedient in the public interest, it may allow grant of advance possession pending finalization of grant of lease.

Question: Is there any provision for conversion of lease hold land to free hold land?

Answer: Yes. There is provision for conversion of lease hold land in to free hold of Government land leased out for homestead/house-site purpose in urban area of the state except Bhubaneswar and Sunabeda Township. (Rule-5-C of OGLS Rules, 1983)

Question: Is homestead and agricultural land settled in Rural area is transferable?

Answer: When lease is granted the status of tenant is "Leasee"/ "Pattadar". He was not conferred with any transferable right, unless it is made free hold (Sthitiban/ Rayati status). But as per provision of Section-6-A of OLR Act, after expiry of 10 years of lease granted for agricultural purpose in Rural Area, it can be transferred.

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GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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NOTIFICATION

No. GE (GL)-S-10/2013-46106 /R&DM dated the 4th Dec., 2013

Whereas the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required by sub-section (1) of section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), in an extraordinary issue of the Odisha Gazette No. 881 dated the 9th May, 2013 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No. GE (GL)-S-10/2013—16825 dated the 7th May, 2013 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the Odisha Gazette;

And whereas no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely: —

1. (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2013.

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Government Land Settlement Rules, 1983, (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), for clause (h), the following clause shall be substituted, namely : —

"(h) 'urban area' means an area within the limits of—

(i) a Municipal Corporation, Municipality or Notified Area Council;

(ii) the area of jurisdiction of a Development Authority; or

(iii) such other area as the Government may, by notification, decide from time to time.".

3. In the said rules, in rule 3, after sub-rule (3), the following sub-rule shall be inserted, namely: —

"(4) Notwithstanding anything contained in sub- rules (1) and (3), any land in urban area may be settled on lease basis, —

(i) by public auction, by such authority in such manner, following such procedure and subject to such condition as the Government may decide;

(ii) in favour of a Development Authority or the Odisha State Housing Board or any other Corporation or Company owned by the Government for the purpose of a housing or commercial scheme for eventual allotment to eligible persons or organizations on sub- lease basis subject to such condition as the Government may, by notification, decide;

(iii) in favour of any Government Department, Corporation or authority or any other organization or institution for such purpose and on such condition as may be decided.".

4. In the said rules, in rule 5, in sub-rule (2), after the word and figure 'Form – 1', the following words, commas and the figure shall be inserted, namely: —

"or as the case may be, in Form 1-A.".

5. In the said rules, in rule 8, for sub-rule (5), the following sub-rule shall be substituted, namely: —

"(5) Public auction of land under clause (iv) of sub-rule (3) of rule 3 shall be conducted in the following manner, namely: —

(a) the public auction shall be conducted by the Collector or such other officer or authority as the Government may direct;

(b) before public auction is held, a notice, giving at least clear twenty- one days time, shall be published fixing the date, hour and place of the public auction in two daily newspapers having wide circulation in the State and in such other manner as may be considered necessary for wide publicity;

(c) the notice shall also specify the upset price for the land below which no bid shall be entertained and the upset price will be fixed by the Collector with the approval of the Revenue Divisional Commissioner;

(d) the persons desirous of participating in the public auction shall deposit five per centum of the upset price as earnest money before the time fixed for commencement of public auction which will be refunded to the unsuccessful bidders at the end of the bid;

(e) the successful bidder shall be required to deposit balance amount up to five per centum of the winning bid amount on the same working day as earnest money and the balance of the bid amount shall be payable within thirty days or such other period as may be specified in the notice, failing which the earnest money shall be forfeited and it shall be a disqualification for participating in any further auction for a period of one year;

(f) the land shall be settled in favour of the highest bidder on lease basis or, for the reasons to be recorded in writing, put to fresh auction.".

6. In the said rules, after rule 8, the following rule shall be inserted, namely: —

"8-A. Auction of land in rural areas. —(1) Notwithstanding anything to the contrary in these rules, where the Revenue Divisional Commissioner is of the view that any plot of land in a rural area is suitable for commercial or residential purpose for High Income Groups having regard to its location and market potential, he may allow such land to be settled by public auction.

(2) Public auction of such land shall be conducted by the Collector in the manner provided in sub- rule (5) of rule 8.".

7. In the said rules, after rule 9, the following rule shall be inserted, namely: —

"9-A. Permissive possession.—(1) Permissive possession of land may be granted by the Collector for the purpose of plantations subject to such terms and conditions and on payment of ground rent, cess and such amount of fee as may be decided by the Government by a general or a special order.

(2) Collector may, by a written order, cancel the permissive possession on violation of any of the terms and conditions of the grant of such possession, and all the immovable properties including trees or structures and any other improvement on the land shall be forfeited to the Government on passing of such order:

Provided that no such order shall be passed without giving reasonable opportunity of being heard to the party concerned.

(3) Collector shall have power to terminate the permissive possession, at any time, if the land is required for the purpose of settlement for any purpose under these rules, without payment of any compensation.".

8. In the said rules, after rule 11, the following rule shall be inserted, namely: —

"11-A. Sanction of advance possession.—(1) Wherever the power to settle land vests with an authority above the rank of Collector and the Government is satisfied that it is necessary or expedient in the public interest so to do, it may allow grant of advance possession of land by

sending to the Tahasildar concerned, a speaking order for such purpose and subject to such conditions as may be specified in such order.

(2) On receipt of an order under sub-rule (1), the Tahasildar shall handover advance possession of land to the applicant on fulfillment of the conditions specified in the order and submit the lease case records to the Collector within sixty days of giving such advance possession through the Sub-Divisional Officer.

(3) In all cases where advance possession has been granted, the Collector shall directly send the lease case records to the authority competent to settle the land.".

9. In the said rules, after Form 1, the following Form shall be inserted, namely: —

"Form I A
[See rule 5 (2) of the Odisha Government Land Settlement Rules, 1983]
APPLICATION FOR SETTLEMENT OF LAND BY THE APPLICANTS OTHER THAN INDIVIDUALS

To

The Tahasildar,.....

1. Type of the Applicant: (Strike out whichever is not applicable)

(a) Central Government Ministry or Department

(b) State Government Department

(c) Corporation or Company or Society or Agency owned by Central Government

(d) Corporation or Company or Society or Agency owned by State Government

(e) Public Limited Company or Private Limited Company other than those in (c) or (d)

(f) Registered Society or Trust other than those in (c) or (d)

(g) Any other entity (please specify):

2. Address of the applicant organization:

   (a) Headquarters:

   (b) Local office in Odisha [if other than (a)]

3. Particulars of the authorized representative of the applicant organization:

   Name

   Father's Name

   Designation

   Address

4. Detailed particulars of the land applied for :

   Name of Village / Urban Area
   Holding No, if any
   Plot No
   Area applied for
   Boundary

5. Purpose for which the land is required:

Declaration

I solemnly affirm that the particulars given above and the documents enclosed with the application are correct and true to the best of my knowledge.

Office seal of the authorized representative or organization

Signature of the authorized representative with name and designation

Date

Documents to be enclosed

(i) Authorization of the organization in favour of the representative;

(ii) Attested true copy of the certificate of incorporation or Registration, if applicable;

(iii)Attested true copy of Memorandum or Articles of Association, if applicable;

(iv) Copy of audited statement of accounts for last three years; and

(v) Land Utilization Plan, if available.

Note: Documents at sl. no. (ii) to (iv) shall not be required in respect of applicant organizations of State Government or Central Government as described at (a) to (d) of Serial No. 1 of the Form.".

10. In the said rules, in Schedule II, —

(i) for serial number 14 and entries appearing against it under columns (2), (3), (4) and (5), the following serial number and the entries against it in the respective column, shall be substituted, namely : —

"(1)	(2)	(3)	(4)	(5)
14.	For Brackish water pisciculture/ Prawn culture	(i) Collector	Not exceeding ten hectares on the recommendation of District Level Committee	Nil
		(ii) Government	Full powers	Full powers"

(ii) after serial No.15, the following serial and entries against it shall be inserted under appropriate column, namely : —

" 15 A	In favour of a Department or Authority of the State Government or Central Government for execution of project whose layout has been approved by the Administrative Department concerned of the State Government, being a linear project for laying of a highway, road or railway line	Collector	Full powers	Full powers"

including a bridge or flyover, drainage or sewerage line.

11. In the said rules, for Schedule III, the following Schedule shall be substituted, namely: —

"SCHEDULE III
(See Rule 12 of the Odisha Government Land Settlement Rules, 1983)
Fees payable in course of proceedings under the Act

Sl. No.	Nature of documents, etc.	Fees to be charged
(1)	(2)	(3)
1.	Application for settlement -	
	(i) Application fees	Rs. 100.00
	(ii) Proclamation fees	Rs. 50.00 (Up to three persons in each village and Rs. 15 for each additional person in a village)
	(iii) Measurement fee per plot	Rs. 100.00
2.	Petition of objection to the sanction of any settlement	Rs. 20.00
3.	Fee for service of notice on appropriate parties, respondents or dependants on summoning witness-	
	(i) In every case where personal or substituted service of any notice is required for service of the same documents	Rs. 50.00 (On not more than three persons in each village and additional fee of Rs. 15 for each additional person in a village)
	(ii) Fee for Issue of a general notice	Rs. 50.00

4.	Fee for incidental charges like establishment cost, contingencies etc. in case of lease or alienation of Government land in favour of any Department of Government for commercial purposes, in favour of any company, corporation or other organization for any purpose and in favour of any individual for any purpose other than agriculture and homestead.	At the rate of 10 percent of the premium subject to a minimum of Rs.1000 per acre"

By order of the Governor

4.12.13

Additional Chief Secretary to Government

Memo No. 46107 / R&DM dated 4.12.13

Copy forwarded to Odisha Secretariat Gazette Cell, c/o Commerce Department for information and necessary action. They are requested to publish the notification in an extraordinary issue of the Odisha Gazette and supply 100 (One hundred) copies to this Department for reference.

This notification shall bear S.R.O number as it is a statutory one.

4/12/13
Joint Secretary to Government

Memo No. 46108 /R&DM dated 4.12.13

Copy forwarded to all Departments of Government/ Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors/ Land Reforms Commissioner, Odisha, Cuttack/ Director, Land Records, Surveys and Consolidation, Odisha, Cuttack/ Commissioner, Land Records and Settlement, Odisha, Cuttack/ Inspector General of Registration, Odisha, Cuttack for information and necessary action.

4/12/13
Joint Secretary to Government

Memo No. 46109 / R&DM dated 4.12.13

Copy forwarded to Addl. Chief Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue & D. M, Odisha for kind information of Hon'ble Chief Minister and Hon'ble Minister respectively.

4/12/13
Joint Secretary to Government

Memo No. 46110 / R&DM dated 4.12.13

Copy forwarded to Chief Secretary, Odisha/ Addl. Chief Secretary to Government and Development Commissioner, Odisha for kind information.

4/12/13
Joint Secretary to Government

Memo No. 46111 /R&DM dated 4.12.13

Copy forwarded to all Addl. Secretaries/ Joint Secretaries/ Deputy Secretaries/Under Secretaries to Government, Revenue & DM Department/ CH & S Branch/ LR (A) and (B) Branch/ Registration Branch and all seats of LR & GE (A), (B), and (C) Branch of Revenue & DM Department for information and necessary action.

4/12/13
Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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NOTIFICATION

No. RDM-LRGEA-STATUT-0001-2022- 5730 /R&DM Dated 13 FEB 2023

Whereas the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required by sub- section (1) of section 8 A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), in the Extra-ordinary issue of the Odisha Gazette No. 9, dated the 3rd January, 2023 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No.43604-RDM-LRGEA-STATUT-0001-2022/R&DM., dated the 22nd December, 2022 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the Odisha Gazette;

And whereas no objection or suggestion on the said draft has been received by the Government during the period specified in the said notification;

Now, therefore, in exercise of the powers conferred by section 8 A of the said Act, the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely:—

1. **Short title and Commencement . —** (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), in clause (i) of sub-rule (1) of rule 4 for the words "thirty days" the words "fifteen days" shall be substituted.

3. In the said rules, in rule 5, --

(a) in sub-rule (5), after the words "by beat of drum" and before the words "and by affixing" the words "or through loud speaker" shall be inserted;

(b) in sub-rule (5), after the words "shall be published" and before the words "by affixing in the Notice Board of the Tahasil Office", the words "in the District website and" shall be inserted;

(c) in sub-rule (6), the words "thirty days" wherever they occur, the words "fifteen days" shall be substituted and

(d) after sub-rule (7), the following sub-rule shall be inserted, namely:--

"(8) lease of land for different projects may be sanctioned for a period of not less than 20 years and not more than 99 years depending on the nature and type of the project, as may be notified by the Government from time to time:

Provided that such lease may be renewed before expiry of the lease period for such period and on such terms and conditions by the Government depending on tenure and performance of the project:

Provided further that, in no case, the tenure of lease shall exceed 99 years:

Provided also that, the Government shall decide the amount of premium to be paid by the lessee at the time of sanction of original lease and at the time of sanction of the renewal of lease."

4. In the said rules, in FORM-III, for the words "thirty days", the words "fifteen days" shall be substituted.

By order of the Governor

13/2/23

Additional Chief Secretary to Government

Memo. No. 5731 /R&DM, Dated 13 FEB 2023

Copy along with soft copy (CD enclosed) forwarded to Deputy Director, Odisha Secretariat Branch Press, At-Kharavela Nagar, Bhubaneswar for information and necessary action. They are requested to publish the notification in an Extra-ordinary issue of the Odisha Gazette and supply 10 (Ten) copies to this Department for reference.

This notification shall bear S.R.O number as it is a statutory one.

13/2/23

Special Secretary to Government

Memo. No. 5732 /R&DM, Dated 13 FEB 2023

Copy forwarded to all Departments of Government / Secretary, Board of Revenue, Odisha, Cuttack / all RDCs / all Collectors / Land Reforms Commissioner, Odisha, Cuttack / Director, Land Records, Surveys and Consolidation, Odisha, Cuttack / Commissioner, Land Records and Settlement, Odisha, Cuttack / Inspector General of Registration, Odisha, Cuttack for information and necessary action.

13/2/23

Special Secretary to Government

Memo. No. 5733 /R&DM, Dated 13 FEB 2023

Copy forwarded to Principal Secretary to Chief Minister, Odisha / P.S to Minister, Revenue & DM for kind information of Hon'ble Chief Minister and Hon'ble Minister, Revenue & DM respectively.

13/2/23

Special Secretary to Government

Memo. No. 5734 /R&DM, Dated 13 FEB 2023

Copy forwarded to O.S.D to Chief Secretary, Odisha / P.S to Development Commissioner-cum-Addl. Chief Secretary to Government for kind information of Chief Secretary and Development Commissioner respectively.

13/2/23

Special Secretary to Government

Memo. No. 5735 /R&DM, Dated 13 FEB 2023

Copy forwarded to CH & S Branch / LR (A) and (B) Branch / Registration Branch and all seats of LR & GE (A) / (B) / (C) Branch of Revenue & DM Department for information and necessary action.

13/2/23

Special Secretary to Government

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 532 , CUTTACK, FRIDAY, MARCH 25, 2022 / CHAITRA 4, 1944

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 25th March, 2022

S.R.O. No. 187/2022—The following draft of certain rules, further to amend the Odisha Government Land Settlement Rules, 1983 which the State Government propose to make in exercise of the powers conferred by Section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962) is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of thirty days from the date of publication of this notification in the *Odisha Gazette*;

Any objection or suggestion which may be received from any person with respect to the said draft before expiry of the period so specified will be considered by the State Government.

DRAFT

1. Short title and Commencement.--(1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), in rule 4, in sub-rule (2), in clause (i), the following provisos shall be inserted, namely:--

"Provided that if the Collector is satisfied that sufficient extent of land is not available in the village for the purpose of housing scheme for homesteadless person, he may

de-reserve the Gochar land for the said purpose but which shall not be reduced to less than three per cent of the effective area of the village after such de-reservation;

Provided further that such de-reservation shall not be made within three kilometres from the boundary of reserve forest or notified Eco-Sensitive Zone (ESZ) of protected area without the concurrence of the Principal Chief Conservator of Forest and Head of Forest Force, Odisha (HoFF) or Principal Chief Conservator of Forest (Wildlife and Chief Wildlife Warden), as the case may be."

3. In the said rules, in rule 5-B, for the words and figures "26th day of February, 2006", the figure and the word "22nd October, 2018" shall be substituted.

4. In the said rules, in rule 5-BB, for the words and figures "26th day of February, 2009", the figure and the words "22nd October, 2021" shall be substituted.

5. In the said rules, in rule 8, in sub-rule (4), for the Notes, the following Note shall be substituted, namely:—

"Note :- Each application for house site for middle and poor class people, shall accompany by a declaration duly signed or Left Thumb Impression (LTI) of the applicant in the form as prescribed in Schedule I along with a copy of the identity proof like Voter Card or Aadhaar Card, etc."

6. In the said rules, in rule 9-A, in sub-rule (1), after the words "for the purpose of plantation" and before the words "subject to such term", the words "and any other purposes like construction of bridge over the rivers, canals, Nalas and road" shall be inserted.

7. In the said rules, after rule 10. the following rule shall be inserted namely--

"10-A. Allotment of Homestead land in favour of Next of Kin.—Notwithstanding anything contained in these rules, homestead land in areas other than Bhubaneswar Municipal Corporation upto one-twenty-fifth of an acre in any urban area or one tenth of an acre in rural area, may be settled in favour of the next of kin of the police personnel including the members of Central Armed Police Force (CAPF), Paramilitary Forces belonging to this State, who have lost their lives during discharging their duties in anti-naxalite operations and in favour of next of kin of such other persons who sacrifices their lives in an inspiring and

exemplary humanitarian act and for such other purposes as may be decided by Government, from time to time."

8. In the said rules, for rule 12, excluding the proviso thereto, the following rule shall be substituted, namely:--

"12- Fees -- Fees in respect of matters referred to in clause (d) of sub-section (1) of section (3) may also be payable through electronic mode by using of any electronic device including payment made online banking system and shall be at the rate as specified in Schedule III."

9. In the said rules, for Schedule I, the following Schedule shall be substituted, namely—

"SCHEDULE - I

[See Note below Rule 8(4)]

Declaration I,Shri .....aged ..... son of ..... village……

P.O .....…..P.S .....……in the district of……..…….. at

present ……by profession ….....……... do hereby declare

that.....

1. my income from all sources is Rs. ..... (Rupees) only;

2. I or any of my family members do not own or possess any residential house/ building or homestead land in the jurisdiction of ..... town

3. I own or possess a residential house/building or homestead in the jurisdiction of town but this has inadequate accommodation the extent of the homestead land being cents;

4. my family consists of besides myself,

(i) Husband

(ii) Wife

(iii) Sons

(iv) Unmarried daughters

(v) Widowed and dependent daughters

(vi) Brothers below. .. . . years and unmarried sisters

(vii) Father

(viii) Mother

(ix) Step Children

(x) …….

(xi) ……...

5. my continued stay in this town is necessary in the interest of my employment, business/trade, profession and avocation;

6. I have not been considered for any homestead plot in the town earlier and that my application has been rejected;

That I hereby declare that the above information are true to my knowledge, and not concealed anything regarding existing property, owned either by me or by any of my family members mentioned above.

Date: Signature of Applicant (Declarant)".

10. In the said rules, in Schedule -II, -

(i) Against serial No.1, for the words "In favour of Educational" appearing under Column (2), the words "In favour of Educational other than Educational Institution mentioned in serial Nos,1B and 10 shall be substituted;

(ii) after serial No.1-A, the following serial number and entries against it shall be inserted under appropriate columns, namely:—

"1B	In favour of Higher Education or School & Mass Education Department with marfat of concerned Government Degree Colleges, Higher Secondary Schools and High Schools.	Collector	Full Power	Full Power

“1C	In favour of Higher Education or School & Mass Education Department with marfat of concerned Aided Degree Colleges, Higher Secondary Schools and High Schools.	Collector	Not exceeding fifteen acre	Not exceeding ten acre”.

11. In the said rules, in Schedule V, in clause (1), in sub-clause (b), in the proviso, for item (i), the following item shall be substituted, namely: —

"(i) the person, including his lawful predecessor-in-interest, was in possession of such land for a period of at least three years prior to the commencement of the Odisha Government Land Settlement (Amendment) Act, 2021 and submits a valid application for such settlement within a period of six months from the date of publication of the Odisha Government Land Settlement (Amendment) Rules, 2022 or within such further period as the Government may, by notification, specify for such settlement of land;"

12. In the said rules, in Schedule V-A, in clause (1), in sub-clause (b), in the proviso, item (i), the following item shall be substituted, namely: ---

"(i) the person, including his lawful predecessor-in-interest, was in possession of such land for a period of at least three years prior to the commencement of the Odisha Government Land Settlement (Amendment) Act, 2021 and submits a valid application for such settlement within a period of six months from the date of publication of the Odisha Government Land Settlement (Amendment) Rules, 2022

or within such further period as the Government may, by notification, specify for such settlement of land;".

13. In the said rules, in Schedule-VI, —

(a) in the opening portion the words "excepting Bhubaneswar and Sunabeda" shall be omitted;

(b) in clause 1, ---

(i) in sub-clause (d), the words but shall not apply to the lands leased out to the agencies like Development Authorities, Improvement Trusts or the Housing Board for execution of various housing schemes" shall be omitted;

(ii) in sub-clause (i),

(A) in item (i), after the words and figure in Form No.2, the words "duly attested by Notary or an Executive Magistrate" shall be omitted;

(B) in item (ii), for the words and figure "Affidavit in Form No.3 sworn before the Notary or an Executive Magistrate", the words and figure " a Self Declaration in Form No.3 along with a copy of his identity proof like Voter Card. Aadhaar Card etc.", shall be substituted;

(c) in Form No.2, in the opening portion, for the words and figure "stamp paper of Rs.2.00", the words and figure "stamp paper of Rs.10.00" shall be substituted and the words "duly attested by Notary Public/Executive Magistrate" shall be omitted; and

(d) for Form No.3, the following Form shall be substituted, namely:--

"FORM No.3

[See clause (1) (i)(ii)]

Declaration

I……S/o., D/o., W/o., Shri ..... resident of..... do hereby declare that---

1. I am the lessee / allottee in physical possession of the plot No…….Khata No……..... village…….. ..... in Tahasil of .....……..District.

OR

I am in physical possession, under a valid conveyance / lease deed, dated executed in my favour in respect of the plot

No……Khata No…… ……..village …….. in Tahasil of ……..... District.

2. There prescribed use of the aforesaid property, as per the lease/letter of allotment is only residential.

3. There is no unauthorised construction in the aforesaid property.

OR

There is unauthorised construction in the aforesaid property as described below:

.....

.....

4. The above referred property is being used only for residential purpose.

5. That I or any my wife/ husband/ dependent children /dependent relations/parents do not own or in part any residential plot/flat in the State nor have sold any leasehold residential plot in the State during the last 10 years not do I or my wife/husband/dependent children/dependent relations/parents have membership of any Co-operative House Building Society / Co-operative Group Housing Society in the State.(This Para is applicable only if conversion is sought in favour of a person other than the lessee/allottee).

6. That up-to-date ground rent has been paid in respect of the above referred property.

7. The contents of the accompanying application for conversion of leasehold rights into free hold rights in respect of the above referred property are true and correct and the documents annexed thereto are genuine.

8. That the facts stated in paragraphs 1 to 7 of this self-declaration are correct to my knowledge and belief. Nothing contained herein in untrue and nothing material is concealed therefrom.

Date ..... Signature of Applicant (Declarant)".
Place

[No. 9599—RDM-LRGEA-STATUT-0001-2021/R&DM.]

By Order of the Governor

SATYABRATA SAHU

Additional Chief Secretary to Government

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The Odisha Gazette

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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 14th August, 2023

S.R.O. No.529/2023 ─ Whereas, the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required by sub-section (1) of Section 8- A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962) in the Extraordinary issue of the *Odisha Gazett* No.1294, dated the 6th June, 2023 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No.20506-RDM-LRGEA-STATUT-0002-2023/R&DM., dated the 5th June, 2023 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the *Odisha Gazette*;

And, whereas, the suggestions received from the public on the said draft rules have been considered by the Government;

Now, therefore, in exercise of the powers conferred by section 8-A of the said Act, the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely:─

1. Short title and Commencement.─ (1) These rules may be called the Odisha Government Land Settlement (Second Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), after rule 5-C, the following rule shall be inserted, namely:─

" 5-D. Notwithstanding anything contained in rules 3, 5, 5-A, 5- AA, 5-B, 5-BB, 5-C, 8, 11, 12, 13 and 14, the Government land settled on leasehold basis with the Odisha State

Housing Board constituted under section 3 of the Odisha Housing Board Act, 1968 (Odisha Act 11 of 1968) and the Development Authorities constituted under sub-section (3) of Section 3 of the Odisha Development Authorities Act, 1982 (Odisha Act 14 of 1982) for development of housing or residential projects before coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023 may be converted into free hold on permanent basis with transferable rights and the Government land leased out after coming into force of the said Amendment Rules may be settled with such Board and such Development Authorities on free hold on permanent basis with transferable rights for development of housing or residential projects in an application made in the manner prescribed in the Schedule VII.".

3. In the said rules, in the Schedule V, in clause 6, for sub- clause (e), the following sub- clause shall be substituted, namely:–

" (e) For the purpose of determining the amount payable under sub- clause (a), the purpose of land shall be deemed to be homestead if,–

(i) in case of Khasmahal and Nazul category of lands, not more than thirty per centum of the constructed area on land applied for is being used for non-residential purpose and the entire remaining portion of the land is being used for homestead purpose;

(ii) in case of Gramakantha Paramboke and Abadi category of lands situated in a rural area, the land applied for is being used partially for 'homestead purpose and the rest of the portion of land being used for purposes other than homestead and shall also include complete vacant land; and

(iii) in case of Gramakantha Paramboke and Abadi category of lands situated in an urban area applied for where more than fifty per centum of the construction area is being used for homestead purpose.

Explanation I: In case of Gramakantha Paramboke and Abadi category of lands situated in an urban area, if more than fifty per centum of the construction area is being used for purposes other than homestead, then the entire land including the vacant portion, if any, shall be treated as land being used for purposes other than homestead and agriculture and the provisions of the Schedule V-A shall be applicable for settlement of such lands;

Explanation II : In case of Gramakantha Paramboke and Abadi category of lands situated in an urban area, if the land is completely vacant, the land shall be treated as being used for purposes other than homestead and agriculture and the provisions of the Schedule V-A shall be applicable for settlement of such lands;

Explanation III: In case of Gramakantha Paramboke and Abadi category of lands situated either in rural area or in urban area, if the land is being used exclusively for commercial or industrial or institutional (other than charitable as prescribed under clause 6 (a) (i) of the Schedule V-A), then the land shall be treated as being used for purposes other than homestead and agriculture and the provisions of the Schedule V-A shall be applicable for settlement of such lands;

Explanation IV: In case of Gramakantha Paramboke and Abadi category of lands situated either in rural area or in urban area, if the land or any portion thereof has been used for construction of apartment as defined under clause (a) of Section 3 of the Odisha Apartment Ownership Act, 1982, then the land shall be treated as being used for purposes other than homestead and agriculture and the provisions of the Schedule V-A shall be applicable for settlement of such lands; and

Explanation V: Homestead purpose means residential dwelling unit used for own residence by the applicant and his family members or rented out on monthly rental basis to a tenant for residential use but shall exclude renting out of residential building as a hotel or guest house. In case of any doubt whether the particular building is used for homestead purpose or not, the Tahasildar shall prepare a report on the factual aspects of the use in the case record and the matter will be referred to the Collector whose decision shall be final.".

4. In the said rules, in the Schedule V-A,-

(a) in clause 6,-

(i) for sub- clause (a), the following sub- clause shall be substituted, namely:-

" (a) Amount at the following rates shall be payable as Salami for settlement of Gramakantha Paramboke, Abadi, Khasmahal and Nazul category of lands under this Schedule, namely:–

(i) One per centum of the market value of the land as per the guidelines prescribed under the Odisha Stamp Rules, 1952, if the land is to be settled in

favour of a charitable and “not- for- profit” organization for the purposes of running Odia medium school, charitable dispensary, orphanage, old age home etc.;

(ii) Two per centum of the market value of the land as per the guidelines prescribed under the Odisha Stamp Rules, 1952, for purposes other than those in item (i)**:**

Provided that in case of Gramakantha Paramboke and Abadi category of lands, where the competent authority has passed order for settlement of land prior to coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023 but the applicant has not made payment of the salami fixed for such settlement, the competent authority shall re-assess the salami as per item (i) or item (ii), as the case may be, and pass revised order for settlement of such land;”

(ii) for sub- clause (c), the following sub- clause shall be substituted, namely:-

“ (c) After settlement of the land, the applicant shall be liable to pay annual land revenue as per the fair and equitable rent fixed under the Odisha Survey and Settlement Rules, 1962 in respect of a similar kisam of land with similar advantages in the vicinity:

Provided that where the land has been settled with an eligible applicant prior to coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023, the case shall be re-opened and annual land revenue shall be re-assessed as per this sub- clause.”

(b) after sub- clause (e), the following sub- clause shall be inserted, namely:-

“(e-1) In case of Khasmahal or Nazul category of land, if the applicant is an Organization or Institution and is a lessee in favour of whom such land has been validly leased out by the competent authority for the purpose for which the land is presently being used or has purchased the land from the lessee with prior permission of the competent authority and is using it for the purpose for which the original lease was granted, as the case may be, and the lease has expired and if the Government due to sufficient and good reason is of the opinion that such lease should be renewed, it may, instead of settling the land, renew such lease for such further period subject to such terms and conditions and on

payment of such ground rent, cess and such amount of fee as may be decided by the Government by a special order:

Provided that the Government may, by a written order, cancel the renewed lease on violation of any of terms and conditions of such lease and all the immovable properties including trees or structures and any other improvement on the land shall be forfeited to the Government, on passing of such order:

Provided further that no order of cancellation as above shall be passed without giving a reasonable opportunity of being heard.".

5. In the said rules, in the Schedule VI, in clause 1, in sub- clause (a), after the words "A leaseholder" and before the word "who", the words "other than Odisha State Housing Board and a Development Authority" shall be inserted.

6. In the said rules, after the Schedule VI, the following Schedule shall be inserted, namely:-

"SCHEDULE- VII

(*See* rule 5-D)

Rules for conversion of lease hold into free hold of Government land leased out to Odisha State Housing Board or a Development Authority before coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023 and settlement of Government land on free hold basis in favour of the Board or Authority for development of housing or residential projects after coming into force of the said Amendment Rules.

Chapter- I

Conversion of lease hold land into free hold

1. Conditions for allowing conversion.–(a) The facility of conversion under this Chapter shall apply to those leasehold lands which have been taken on lease by the Odisha State Housing Board or a Development Authority, as the case may be, from the Government or from the competent authority under the provisions of the Odisha Government Land Settlement Act, 1962 and rules made thereunder for development of housing or residential projects.

(b) No conversion shall be allowed in respect of any land which has been taken on lease by the Odisha State Housing Board or a Development Authority, as the case may be, for development of any project other than housing or residential projects.

(c) No conversion shall be allowed in respect of any land the title of which is under dispute or is questioned in any Court of law.

(d) No conversion shall be allowed under this Chapter if any dues towards lease of the land such as annual ground rent, cess etc. along with interest thereon, if any, payable to the State Government is pending for payment by the Odisha State Housing Board or a Development Authority, as the case may be.

(e) In case the land or any part thereof is mortgaged, the application for conversion of such land shall be considered only after submission of "No objection Certificates(s)" from the mortgagee. Where there are more than one mortgagee, "No objection Certificates" from all the mortgagees are required to be submitted.

2. **Filing of application, enquiry into application, recommendation and allowing of conversion**.–(1) The Odisha State Housing Board or a Development Authority, as the case may be, which is desirous for conversion of its lease hold land into free hold with permanent and transferable rights may, through its authorized representative, apply in Form 1 along with the fees specified in clause 4 of this Schedule to the Tahasildar under whose jurisdiction the land is situated, for such conversion.

(2) Upon receipt of application for conversion, the Tahasildar shall register the same and open a Case Record and thereafter, shall enquire either himself or through any of his sub-ordinate officer into the contents of the application, about the genuineness of the information given in such application and such other matters as are relevant to the question of conversion of lease hold land into free hold with reference to the existing Record- of- Rights.

(3) If after necessary verification, as mentioned in sub- clause (2), the Tahasildar is of the opinion that conversion of the lease hold land into free hold should be allowed, he shall publish a proclamation in Form 2 for a period of fifteen days and invite objections from the general public fixing a date for hearing the said objections, if any.

(4) The proclamation shall be published by affixing a copy of the same at a conspicuous place in the Mouza in which the land is situated and also be announced through loud

speaker. If the Mouza is uninhabited, the proclamation shall be affixed at a conspicuous place in the nearest inhabited Mouza and also be announced through loud speaker in that inhabited Mouza. The proclamation shall also be uploaded in the District Official Website and by affixing in the Notice Board of the Tahasil Office and a copy of the same shall be sent to the office of the GramaPanchayat or Notified Area Council or Municipality or Municipal Corporation, as the case may be.

(5) On expiry of fifteen days from the date of publication of the proclamation, the Tahasildar shall hear objections, if any, received during the proclamation period. After hearing objections or immediately after fifteen days from the date of publication of the proclamation where no objection has been filed, the Tahasildar shall, if he is satisfied that the case is deserving and there is no objection to conversion of the lease hold land into free hold, record his recommendation in the case record and send it to the Collector through the Sub- Collector.

(6) On receipt of the case record, the Collector shall verify all the records and after being satisfied, shall record his recommendation in the case record and send it to the Revenue and Disaster Management Department through proper channel.

(7) On receipt of the case record, the Revenue and Disaster Management Department shall place the proposal before the Government for appropriate orders.

(8) If Government agrees to the proposal, the Revenue and Disaster Management Department shall, though a speaking order, intimate the same to the Board of Revenue, Odisha, Revenue Divisional Commissioner, the Collector, the Sub- Collector, the concerned Tahasildar and also to the Odisha State Housing Board or the Development Authority, as the case may be. A copy of such speaking order shall also be furnished to the Housing and Urban Development Department of the State Government.

3. Deposit of Conversion fee by the applicant, execution of deed and correction of records.–(1) Soon after receiving the order under sub-clause (8) of clause 2, the Tahasildar shall intimate the Authorized Representative of the Odisha State Housing Board or the Development Authority, as the case may be, to deposit the conversion fee, wherever applicable, within fifteen days from the date of receipt of intimation and to execute the Conveyance Deed in Form 3 within a period of one month.

(2) The conveyance deed shall be executed and registered at the cost of the Odisha State Housing Board or the Development Authority, as the case may be**:**

Provided that in case the land has been leased out to such Board or the Development Authority, as the case may be, for the purpose of development of an affordable housing project, the conveyance deed shall be executed on free of cost basis**:**

Provided further that in case the land has been leased out to such Board or the Development Authority, as the case may be, for development of any housing or residential project including affordable housing project the lease deed in respect of which has been executed prior to coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023, the conveyance deed shall be executed on free of cost basis;

Provided also that in order to avail exemption of cost of registration of the conveyance deed, Odisha State Housing Board or the Development Authority, as the case may be, shall obtain a certificate from the Housing and Urban Development Department of the State Government to the effect that the housing project is an affordable housing project and attach the certificate with its application in Form 1 specified in sub- clause (1) of clause 2 of this Schedule;

(3) On deposit of the conversion fee, wherever applicable, and upon execution of the conveyance deed, the Tahasildar shall arrange correction of Records- of- Right maintained in his office as well as in the office of the concerned Revenue Inspector under whose jurisdiction the land in question is situated.

(4) After correction of Records-of-Right, the Tahasildar shall send to the Odisha State Housing Board or the Development Authority, as the case may be, an intimation in Form 4 regarding conversion of its lease hold land into free hold.

Explanation: For this Schedule, “Affordable Housing Project” shall mean a housing project declared as such by the Housing and Urban Development Department of the State Government through Notification.

4. Fees payable.– The fees payable at the time of application made for conversion of lease hold of land to free hold under this Chapter shall be as follows:–

(i) Application fee .. Rs.5,000/-

(ii) Proclamation fee .. Rs.500/-

(iii) Measurement fee .. Rs.1,000/-

5. Conversion fee.– In case, the land has been leased out to the Odisha State Housing Board or a Development Authority, as the case may be, for the purpose of

development of a housing or residential project other than an affordable housing project, the fee for conversion of the land into free hold shall be at the rate of ten per centum of the prevailing market value of the land:

Provided that no conversion fee shall be charged for that portion of land which has been leased out to the Odisha State Housing Board or a Development Authority, as the case may be, for the purpose of development of an affordable housing project**:**

Provided further that in case the land has been leased out to the Odisha State Housing Board or a Development Authority, as the case may be, for development of any housing or residential project including affordable housing project the lease deed in respect of which has been executed prior to coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023, no conversion fee shall be payable by such Board or the Development Authority, as the case may be**:**

Provided also that in order to avail exemption of conversion fee, the Odisha State Housing Board or the Development Authority, as the case may be, shall obtain a Certificate from the Housing and Urban Development Department of the State Government to the effect that the housing project is an affordable housing project and attach the certificate with its application in Form 1 specified in sub- clause (1) of clause 2 of this Schedule.

6. Transfer of free hold land to individual allottees.– After conversion into free hold, the Odisha State Housing Board or the Development Authority, as the case may be, may transfer such portion of the land, as would be decided by that Board or Authority, in favour of individual allottees for residential purpose on free hold basis subject to execution of Deed as required under the provisions of the Registration Act, 1908 (Act No. 16 of 1908).

7. Conversion of lease hold land into free hold by individual allottee.– Notwithstanding anything contained in clause 3, in cases where the Odisha State Housing Board or the Development Authority, as the case may be, has allotted certain extent of the leased out land in favour of an individual allottee and Records- of- Right has been prepared on lease hold basis in the name of such allottee prior to coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023, soon after receiving the order under sub- clause (8) of clause 2, the Board or the Development Authority, as the case may be, shall execute a Conveyance Deed with such individual allottee after collecting conversion fee at the rate of ten per centum of the prevailing market value of that extent of land allotted in favour of the allottee and shall furnish a copy of such executed Deed to the

Tahasildar concerned on the basis of which the Tahasildar, instead of mutating the land in the name of the Board or the Development Authority, as the case may be, shall mutate that extent of land in the name of such individual allottee on free hold basis.

8. Annual rent payable on conversion into free hold.– After conversion into free hold, the existing annual rent payable for the lease hold land shall be re-fixed as per the provisions contained in section 19 of the Odisha Survey and Settlement Act, 1958 (Odisha Act 3 of 1959). Wherever necessary, cess will be revised accordingly.

9. Review.– Any decision made or order passed under sub-clause (8) of clause 2 may be reviewed by the Government, on its own motion or otherwise, within a period of three months from the date of such decision or order, as the case may be, and after giving all persons interested an opportunity of being heard on the ground that there have been clerical errors or arithmetical mistakes or errors in course of proceedings under this Chapter.

Chapter II

Settlement of Government land on free hold basis

10. Conditions for settlement.– (a) The Odisha State Housing Board or a Development Authority, as the case may be, instead of applying for lease, may apply for settlement of Government land on free hold basis under this Chapter for development of housing or residential projects.

(b) No settlement of Government land shall be made under this Chapter for development of any project other than housing or residential projects by the Board or the Development Authority, as the case may be.

11. Filing of application, enquiry into application, recommendation and order for settlement.–(1) The application for settlement of Government land on free hold basis under this Chapter shall be in Form I-A prescribed under sub- rule (2) of rule 5 the Rules which shall be filed by Odisha State Housing Board or a Development Authority, as the case may be, through its authorized representative before the Tahasildar having jurisdiction over the area in which the land is situated.

(2) Upon receipt of application for settlement, the Tahasildar shall register the same and open a Case Record and thereafter, shall enquire either himself or through any of his sub- ordinate officer into the contents of the application, about the genuineness of the

information given in such application and such other matters as are relevant to the question of settlement with reference to the existing Record- of- Rights.

(3) If after necessary verification, as mentioned in sub- clause (2), the Tahasildar is of the opinion that settlement of the land on free hold basis should be allowed, he shall publish a proclamation in Form 5 for a period of fifteen days and invite objections from the general public fixing a date for hearing the said objections, if any.

(4) The proclamation shall be published by affixing a copy of the same at a conspicuous place in the Mouza in which the land is situated and also be announced through loud speaker. If the Mouza is uninhabited, the proclamation shall be affixed at a conspicuous place in the nearest inhabited Mouza and also be announced through loud speaker in that inhabited Mouza. The proclamation shall also be uploaded in the District Official Website and by affixing in the Notice Board of the Tahasil Office and a copy of the same shall be sent to the office of the GramaPanchayat or Notified Area Council or Municipality or Municipal Corporation, as the case may be.

(5) On expiry of fifteen days from the date of publication of the proclamation, the Tahasildar shall hear objections, if any, received during the proclamation period. After hearing objections or immediately after fifteen days from the date of publication of the proclamation where no objection has been filed, the Tahasildar shall, if he is satisfied that the case is deserving and there is no objection to settlement of the land on free hold basis, record his recommendation in the case record and send it to the Collector through the Sub-Collector.

(6) On receipt of the case record, the Collector shall verify all the records and after being satisfied, shall record his recommendation in the case record and send it to Revenue and Disaster Management Department through proper channel.

(7) Government in Revenue and Disaster Management Department shall be the Authority to grant settlement of Government land on free hold basis under this Chapter.

(8) After approval of Government, Revenue and Disaster Management Department shall, through a speaking order, intimate the same to the Board of Revenue, Odisha, the Revenue Divisional Commissioner, the Collector, the Sub- Collector, the concerned Tahasildar and also to Odisha State Housing Board or the Development Authority, as the case may be. A copy such speaking order shall also be furnished to Housing and Urban Development Department of the State Government.

12. Deposit of premium and other dues by the applicant, execution of deed and correction of records.– (1) Soon after receiving the order under sub- clause (8) of clause 11, the Tahasildar shall intimate the authorized representative of Odisha State Housing Board or the Development Authority, as the case may be, to deposit the premium and incidental charges, wherever applicable, within fifteen days from the date of receipt of intimation and for executing the Conveyance Deed in Form 6 within a period of one month.

(2) The premium payable shall be one hundred and ten per centum of the market value of the land and incidental charges payable shall be the fee specified under Serial No. 4 of Schedule III of the Rules:

Provided that no premium or incidental charges shall be payable by the Odisha State Housing Board or the Development Authority, as the case may be, if the land is being settled for development of an affordable housing project by such Board or the Development Authority.

(3) The conveyance deed shall be executed and registered at the cost of the Odisha State Housing Board or the Development Authority, as the case may be**:**

Provided that in case the land is being settled on free hold basis with Odisha State Housing Board or the Development Authority, as the case may be, for the purpose of development of an affordable housing project, the conveyance deed shall be executed on free of cost basis;

Provided further that in order to avail exemption of premium and incidental and to execute conveyance deed on free of cost basis, the Odisha State Housing Board or the Development Authority, as the case may be, shall obtain a certificate from the Housing and Urban Development Department of the State Government to the effect that the housing project is an affordable housing project and attach the certificate with its application in Form 1- A.

(4) On deposit of the premium and incidental charges, wherever applicable, and upon execution of the conveyance deed, the Tahasildar shall arrange correction of records-of-right maintained in his office as well as in the office of the concerned Revenue Inspector under whose jurisdiction the land in question is situated.

(5) After correction of records- of- right, the Tahasildar shall send to such Board or the Development Authority, as the case may be, an intimation in Form 7 regarding settlement of the land on free hold basis.

13. Review.– Any decision made or order passed under sub- clause (7) of clause 11 may be reviewed by the Government, on its own motion or otherwise, within a period of three months from the date of such decision or order, as the case may be, and after giving all persons interested an opportunity of being heard on the ground that there have been clerical errors or arithmetical mistakes or errors in course of proceedings under this Schedule.

14. Fees payable.– The fees payable in course of proceedings for settlement of government land on free hold basis under this Chapter shall be as follows:

(i) Application fee .. Rs.5,000/-

(ii) Proclamation fee .. Rs.500/-

(iii) Measurement fee .. Rs.1,000/-

15. Annual rent payable on settlement of land on free hold basis.– After settlement, the annual rent payable for the free hold land shall be fixed as per the provisions contained in Section 19 of the Odisha Survey and Settlement Act, 1958 (Odisha Act 3 of 1959). Wherever necessary, cess will be fixed accordingly.

Chapter- III

General provisions

16. **Penalty for violation**.– (a) In case of conversion of lease hold land into free hold under Chapter I for affordable housing project, if the Collector has reasons to believe that the Odisha State Housing Board or the Development Authority, as the case may be, after conversion of lease hold into free hold, has used any portion of the land or the entire land for any housing/ residential project other than an affordable housing project, he may impose a penalty equivalent to the conversion fee which would have been payable for that portion of land or the entire land, as the case may be, by such Board or the Development Authority under clause (5) for developing housing or residential projects other than affordable housing project.

(b) In case of settlement of land on free hold basis under Chapter II for affordable housing project, if the Collector has reasons to believe that the Odisha State Housing Board or the Development Authority, as the case may be, after settlement of the land, has used any portion of the land or the entire land for any housing or residential project other than an affordable housing project, he may impose, in addition to the penalty equivalent to the

conversion fee under sub- clause (a), a penalty equivalent to premium and incidental charges as specified in sub- clause (2) of clause (12), which would have been payable for that portion of land or the entire land, as the case may be, by such Board or the Development Authority for developing housing or residential projects other than affordable housing project**:**

Provided that no order for imposition of penalty under this clause shall be passed without giving such Board or the Development Authority, as the case may be, a reasonable opportunity of being heard in the matter.

17. Revocation of free hold status for violation.– (1) The Collector may pass order for revocation of the free hold status of a portion of land or the entire land if he has reasons to believe that after conversion of lease hold into free hold under Chapter I or after settlement of land on free hold basis under Chapter II, as the case may be, the Odisha State Housing Board or the Development Authority, as the case may be, has used that portion of land or the entire land, as the case may be, for any purpose other than the purpose of development of housing or residential project:

Provided that no order for revocation of free hold status shall be passed without giving the Board or the Authority, as the case may be, a reasonable opportunity of being heard in the matter.

(2) Soon after getting intimation from the Collector regarding passing of order for revocation of the free hold status of the land, the Tahasildar concerned shall,-

(i) record the land in lease hold status with such Board or Authority, as the case may be if that land had been converted from lease hold into free hold status under Chapter I, or

(ii) record the land in Government Khata if the land had been settled on free hold basis under Chapter II.

(3) After recording of the land in lease hold status as per item (i) of sub- clause (2), the terms and conditions of the lease deed which was executed by such Board or Authority, as the case may be, with the State Government for lease of the land shall prevail and the Board or the Authority, as the case may be, shall be liable to pay the annual ground rent and cess as had been fixed under that lease**.**

18. Interpretation.– If any doubt arises or clarification is required relating to interpretation of any of the provisions made in this Schedule, it shall be referred to the Government in Revenue and Disaster Management Department for decision.

19. Issue of executive instructions.– Government in Revenue and Disaster Management Department may issue instruction concerning matters coming within this Schedule from time to time, as may be necessary.

FORM 1

[*see* sub-clause (1) of clause 2]

Application for conversion of lease hold into free hold of Government land leased out to Odisha State Housing Board or a Development Authority for development of housing or residential projects

To

The Tahasildar, _____

1. Name of the applicant Organization:

2. Address of the Organization

   a. Headquarters-

   b. Local office, if any-

3. Particulars of the authorized representative of the Organization:

   i. Name-

   ii. Father's name-

   iii. Designation-

   iv. Address-

   (Authorization of the Organization in favour of the representative to be annexed to the Application)

4. Detailed Particulars/Land Schedule of the lease hold land applied for conversion:

Name of the Tahasil	Name of the Mouza	Khata No.	Plot No.	Area (in Ac.)			Classification (Housing/ Residential/ Affordable Housing Project
				Buildable Area (in Ac.)	Public Utility area (in Ac.)	Total (in Ac.)	
1	2	3	4	5	6	7	8

5. Number and Date of the order of sanction of lease by or on behalf of the Government/by the Competent Authority.

6. i. Whether the lease deed is executed and registered- Yes/ No

   ii. If "yes" details of the document number and date-

   (A copy of the deed has to be annexed to the application)

7. i. Whether use of the leasehold land applied for conversion is housing/ residential project- Yes/ No

ii. If yes, whether the entire land or any part thereof is being used for “Affordable Housing Project”- Yes/ No

(If yes, a certificate from Housing and Urban Development Department to the effect that the housing project is an affordable housing project has to be annexed to the application)

8. i. Whether the property or any part thereof stands mortgaged- Yes/ No

ii. If "Yes" whether no objection certificate(s) from the mortgagees has been enclosed- Yes/ No

9. i. Whether the lease/allotment was cancelled/property re-entered- Yes/ No

ii. If "Yes" whether restored- Yes/ No

10. Whether there is any dispute pending in a Court of law concerning the property applied for conversion- Yes/No.

11. Whether the Organization is willing to pay the conversion fee (in case of housing/ residential projects other than affordable housing projects) as would be assessed/fixed-

12. i. Amount of yearly ground rent and cess, if any, being paid at present as per lease deed-

ii. Whether up-to-date payment of rent along with interest, if any, has been paid, if so the copy of the latest rent receipt shall be enclosed.

iii. Whether the applicant is willing to pay the revised rent and cess as would be assessed on conversion.

I solemnly affirm that the particulars given above and the documents enclosed with the application are correct and true to the best of my knowledge. I understand that if any fact has been suppressed or misrepresented, it shall render this application invalid.

Office Seal of the Authorized Representative of the Organization
Place:
Date :

Signature of the Authorized Representative with Name and Designation
Signature of the Authorized Representative with Name and Designation

FORM 2

[*see* sub-clause (3) of clause 2]

PROCLAMATION

OFFICE OF THE TAHASILDAR, _____

It is hereby informed to the general public that Odisha State Housing Board/ _____ Development Authority, Address- _____, has applied for conversion of its lease hold land mentioned in the Schedule below into free hold with permanent and transferable right. Anybody having any objection to such conversion may file objection petition within a period of fifteen days from the date of publication of this proclamation affixing Court fee of Rs._____ (Rupee _____ only) before the undersigned. No objection petition will be entertained after expiry of the scheduled period.

SCHEDULE OF LAND

Mouza	Khata No.	Plot No.	Area

Tahasildar, _____

District_____

FORM 3

[*see* sub-clause (1) of clause-3]

CONVEYANCE DEED

(For conversion of lease hold into free hold of Government land leased out to Odisha State Housing Board or a Development Authority for development of housing/residential purpose)

This conveyance made on this_____ day of_____ *(month),* _____ *(year)* between the Governor of Odisha, hereinafter called "The Government" (which expression shall unless excluded by or repugnant to the context be deemed to include his successors in office and assigns) of the one part and Odisha State Housing Board/ _____ Development Authority, Address-_____ hereinafter called "the purchaser" (which expression shall unless excluded by or repugnant to the context be deemed to include its heirs, administrators, representative and permitted assignees of the other part).

WHEREAS, by a lease Deed dated _____ day of _____ made between the Government and "purchaser" on the other part and registered on _____ day of _____ in the office of the Sub-Registrar, _____ being Serial No._____ in Book No._____, Volume No._____ at pages_____ to _____ (hereinafter referred to as the said lease Deed), the government land as detailed in the Schedule below situated in Mouza- _____ , Tahasil- _____, District- _____ was demised and assured unto the said purchaser herein subject to the limitations, terms and conditions mentioned therein.

AND, WHEREAS, representing that the said lease is still valid and subsisting, the said purchaser has applied to the Government to purchase reversionary interest of the Government in the said demised property leased out to it under the said lease deed to the extent of its permanent and transferable rights and the Government has agreed to sell such interest/right of the said demised property subject to the terms and conditions appearing hereinafter.

NOW THIS INDENTURE WITNESSES THAT in consideration of the sum of Rs._____ (Rupees_____ only) paid as conversion fees before the execution hereof (the receipt whereof the Government hereby admits and acknowledges) *(no conversion fee shall be payable for that portion of land which has been leased out for the purpose of development of an affordable housing project and no conversion fee shall be payable if the land has been leased out for development of any housing/ residential project including affordable housing project the lease deed in respect of which has been executed prior to coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023),* the aforesaid representation and subject to the limitation mentioned hereinafter, the Government doth hereby grants, conveys, sells, releases and transfers, assigns and assures unto the said purchaser and right, title and interests, whatsoever, permanently in respect of the demised land situated in Mouza-_____ of Tahasil _____, District_____ (hereinafter referred to as the said property) more fully described in the Schedule hereunder.

TO HAVE AND TO HOLD the same unto the purchaser with permanent, and transferable rights, SUBJECT to the exceptions, reservations, covenants and conditions hereafter contained, that is to say, as follows:

1. That the purchaser will have only the exclusive surface rights over the said property.

2. That the Government excepts and reserves unto himself all mines and minerals of whatever nature lying in or under the said property together with full liberty at all times for the Government and its agents and workmen, to enter upon all or any part of the property to search for, win, make merchantable, and carry away the said mines and minerals under or upon the said property or any adjoining lands of the Government and to lay down the surface of all or any part of the said property and any building under or hereafter to be erected thereon making fair compensation to the purchaser for damage done unto him thereby, subject to the payment of land revenue or other imposition payable or which may become lawfully payable in respect of said property and to all public rights or easement affecting the same.

3. (a) That notwithstanding execution of this deed, use of the property in contravention of the provisions of Master Plan/Zonal Development Plan/Lay out plan shall not be deemed to have been condoned in any manner and the Town Planning/Local Urban authorities shall be entitled to take appropriate action for contraventions for relevant provisions in this regard or any other law for the time being in force.

(b) Further that, no portion of the land under conversion shall be put to any use other than development of housing/ residential project.

4. That the purchaser shall comply with the building, drainage and other bye-laws of the appropriate Municipal or other authorities for the time being in force.

5. That if it is discovered at any stage that this deed has been obtained by suppression of any fact or by any mis-statement, mis-representation or fraud, then this deed shall become void at the option of the Government who shall have the right to cancel this deed and forfeit the consideration paid by the purchaser. The decision of the Government in this regard shall be final and binding upon the purchaser and shall not be called in question in any proceedings.

6. That the purchaser shall not commit any act of waste on the said property so as to render it unfit for the purpose of being used as a house site.

7. That besides the conversion fees of Rs._____ as mentioned above (if applicable), the purchaser will be required to pay annual rent for the property, besides payment of cess as per laws for time being in force.

8. The rent is liable for revision during Survey and Settlement Operations or at the end of each 15th year, as the case may be, subject to a maximum limit of 50 (fifty) per cent over the rate of rent in force in the previous year or the rates applicable at the time to similar lands in the vicinity.

9. That it is further agreed that as a result of this conveyance Deed, the said purchaser from the date mentioned hereafter will become owner of the said property on permanent basis with transferable rights and the conveyance for lease of the land earlier executed with the purchaser shall stand annulled from the date this conveyance Deed comes into effect and the Government doth hereby releases the purchaser from all liability in respect of the covenants and conditions contained in the said lease deed required to be observed by the purchaser of the said demised property.

10. That the purchaser hereby agrees that after conversion of the lease hold property into free hold, it will at all times indemnify and keep harmless the Government from all claims and demands made and all actions and proceedings taken against the Government by any in respect of the aforesaid property or any part thereof on any ground whatsoever.

11. That if it is discovered at any stage that the purchaser, after conversion of the land into free hold for development of an affordable housing project, has utilized any portion of the land or the entire land for any housing/ residential purpose other than the purpose of development of that affordable housing project, the Government shall have the right to impose upon such purchaser a penalty equivalent to the conversion fee which would have been payable for that portion of land or the entire land, as the case may be, by such purchaser for developing housing/ residential projects other than affordable housing project**.**

12. That if it is discovered at any stage that the purchaser, after conversion of the land to free hold for development of a housing/ residential project, has utilized that portion of the land or the entire land, as the case may be, for any purpose other than the purpose of development of housing/ residential project, the Government shall have the right to revoke

the free hold status of that portion of property or the entire property, as the case may be, and forfeit the consideration paid, if any, by the purchaser.

13. The stamp duty and registration charges, upon this instrument shall be borne by the purchaser.

(*In case the land has been leased out to the purchaser for the purpose of development of an affordable housing project, the conveyance deed shall be executed on free of cost basis. Further, in case the land has been leased out to the purchaser for development of any housing/ residential project including affordable housing project the lease deed in respect of which has been executed prior to coming into force of the Odisha Government Land Settlement (Second Amendment) Rules, 2023, the conveyance deed shall be executed on free of cost basis*.)

14. This transfer shall be deemed to have come into force with effect from the date of registration of this deed.

THE SCHEDULE OF PROPERTY

Mouza	Khata No.	Plot No.	Area

IN WITNESSES WHEREOF the parties have put their signatures hereunder on the day and the year first above written:

In the presence of witness:

1.

2.

Signed by Shri…...……

for and on behalf of the Governor of Odisha

Signed by the purchaser

FORM 4

[*see* sub- clause (4) of clause 3]

(Intimation regarding conversion of lease hold to free hold)

From

The Tahasildar, _____

1. District_____

2. Tahasil _____

3. Name of the Mouza _____

4. Name of the P.S. _____

5. Name of the Organization in whose favour the conversion is allowed _____

6. THE SCHEDULE OF PROPERTY

Mouza	Khata No.	Plot No.	Area

Annual Rent and cess payable:

Tahasildar,
_____

FORM 5

[*see* sub-clause (3) of clause 11]

PROCLAMATION

OFFICE OF THE TAHASILDAR, _____

It is hereby informed to the general public that Odisha State Housing Board/ _____ Development Authority, Address- _____, has applied for settlement of Government land mentioned in the Schedule below with free hold status with permanent and transferable right. Anybody having any objection to such settlement may file objection petition within a period of fifteen days from the date of publication of this proclamation affixing Court fee of Rs._____ (Rupee _____ only) before the undersigned. No objection petition will be entertained after expiry of the scheduled period.

SCHEDULE OF LAND

Mouza	Khata No.	Plot No.	Area

Tahasildar, _____

District_____

FORM 6

[*see* sub-clause (1) of clause-12]

CONVEYANCE DEED

(For settlement of Government land with free hold status with permanent and transferable rights in favour of Odisha State Housing Board or a Development Authority for development of housing/residential purpose)

This conveyance made on this_____ day of_____ *(month),* _____ *(year)* between the Governor of Odisha, hereinafter called "The Government" (which expression shall unless excluded by or repugnant to the context be deemed to include his successors in office and assigns) of the one part and Odisha State Housing Board/ _____ Development Authority, Address-_____ hereinafter called "the purchaser" (which expression shall unless excluded by or repugnant to the context be deemed to include its heirs, administrators, representative and permitted assignees of the other part).

WHEREAS, the purchaser has applied to the Government to purchase reversionary interest of the Government in the property situated in Mouza-_____ under _____ Tahasil of _____ District more fully described in the Schedule hereunder with permanent and transferable rights and the Government has agreed to sell such interest/right of the said property subject to the terms and conditions appearing hereinafter.

NOW THIS INDENTURE WITNESSES THAT in consideration of the sum of Rs._____ (Rupees_____ only) paid as premium and incidental charges before the execution hereof (the receipt whereof the Government hereby admits and acknowledges) *(no premium or incidental charges shall be payable for that portion of land which is being settled for the purpose of development of an affordable housing project),* the aforesaid representation and subject to the limitation mentioned hereinafter, the Government doth hereby grants, conveys, sells, releases and transfers, assigns and assures unto the said purchaser and

right, title and interests, whatsoever, permanently in respect of the demised land situated in Mouza-_____ of Tahasil _____, District_____ (hereinafter referred to as the said property) more fully described in the Schedule hereunder.

TO HAVE AND TO HOLD the same unto the purchaser with permanent and transferable rights, SUBJECT to the exceptions, reservations, covenants and conditions hereafter contained, that is to say, as follows:

1. That the purchaser will have only the exclusive surface rights over the said property.

2. That the Government excepts and reserves unto himself all mines and minerals of whatever nature lying in or under the said property together with full liberty at all times for the Government and its agents and workmen, to enter upon all or any part of the property to search for, win, make merchantable, and carry away the said mines and minerals under or upon the said property or any adjoining lands of the Government and to lay down the surface of all or any part of the said property and any building under or hereafter to be erected thereon making fair compensation to the purchaser for damage done unto him thereby, subject to the payment of land revenue or other imposition payable or which may become lawfully payable in respect of said property and to all public rights or easement affecting the same.

3. (a) That notwithstanding execution of this deed, use of the property in contravention of the provisions of Master Plan or Zonal Development Plan/Lay out plan shall not be deemed to have been condoned in any manner and the Town Planning or Local Urban authorities shall be entitled to take appropriate action for contraventions for relevant provisions in this regard or any other law for the time being in force.

(b) Further that, no portion of the land under settlement shall be put to any use other than development of housing or residential project.

4. That the purchaser shall comply with the building, drainage and other bye-laws of the appropriate Municipal or other authorities for the time being in force.

5. That if it is discovered at any stage that this deed has been obtained by suppression of any fact or by any mis-statement, mis-representation or fraud, then this deed shall become void at the option of the Government who shall have the right to cancel this

deed and forfeit the consideration paid by the purchaser. The decision of the Government in this regard shall be final and binding upon the purchaser and shall not be called in question in any proceedings.

6. That the purchaser shall not commit any act of waste on the said property so as to render it unfit for the purpose of being used as a house site.

7. That after settlement of the land, the purchaser will be required to pay annual rent for the property, besides payment of cess as per laws for time being in force.

8. The rent is liable for revision during Survey and Settlement Operations or at the end of each 15th year, as the case may be, subject to a maximum limit of 50 (fifty) per cent over the rate of rent in force in the previous year or the rates applicable at the time to similar lands in the vicinity.

9. That it is further agreed that as a result of this conveyance Deed, the said purchaser from the date mentioned hereafter will become owner of the said property on permanent basis with transferable rights.

10. That the purchaser hereby agrees that after settlement of the land, it will at all times indemnify and keep harmless the Government from all claims and demands made and all actions and proceedings taken against the Government by any in respect of the aforesaid property or any part thereof on any ground whatsoever.

11. That if it is discovered at any stage that the purchaser, after settlement of the land with free hold status for development of an affordable housing project, has utilized any portion of the land or the entire land for any housing or residential purpose other than the purpose of development of that affordable housing project, the Government shall have the right to impose upon such purchaser a penalty equivalent to the premium, incidental charges and conversion fee which would have been payable for that portion of land or the entire land, as the case may be, by such purchaser for developing housing or residential projects other than affordable housing project**.**

12. That if it is discovered at any stage that the purchaser, after settlement of the land with free hold status for development of a housing or residential project, has utilized that portion of the land or the entire land, as the case may be, for any purpose other than the

purpose of development of housing or residential project, the Government shall have the right to revoke the free hold status of that portion of property or the entire property, as the case may be, and forfeit the consideration paid, if any, by the purchaser.

13. The stamp duty and registration charges, upon this instrument shall be borne by the purchaser.

(*In case the land is being settled on free hold basis with the purchaser for the purpose of development of an affordable housing project, the conveyance deed shall be executed on free of cost basis.)*

14. This transfer shall be deemed to have come into force with effect from the date of registration of this deed.

THE SCHEDULE OF PROPERTY

Mouza	Khata No.	Plot No.	Area

IN WITNESSES WHERE OF the parties have put their signatures hereunder on the day and the year first above written:

In the presence of witness:

1.

2.

Signed by Shri…...……

for and on behalf of the Governor of Odisha

Signed by the purchaser

FORM 7

[*see* sub- clause (5) of clause 12]

(Intimation regarding settlement of land with free hold status)

From

The Tahasildar, _____

1. District_____

2. Tahasil _____

3. Name of the Mouza _____

4. Name of the P.S. _____

5. Name of the Organization in whose favour the settlement is allowed _____

6. THE SCHEDULE OF PROPERTY

Mouza	Khata No.	Plot No.	Area

Annual Rent and cess payable:

Tahasildar,

_____".

[No.29099–RDM-LRGEA-STATUT-0002/2023/R&DM.]

By Order of the Governor

SATYABRATA SAHU

Additional Chief Secretary to Government

_____

Printed and Published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
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The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.1268, CUTTACK, MONDAY, MAY 19, 2025/ BAISAKHA 29, 1947

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 17th May, 2025

S.R.O.No.297/2025 – Whereas, the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required by sub- section (1) of Section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962) in the Extraordinary issue of the *Odisha Gazette* No. 2386, dated the 13th December, 2024 under the notification of the Government of Odisha in the Revenue & Disaster Management Department No.44022-RDM-LRGEA-STATUT-0003-2024/R&DM., dated the 12th December, 2024 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the *Odisha Gazette*;

And, whereas, no objection or suggestion on the said draft has been received by the State Government during the period specified in the said notification;

Now, therefore, in exercise of the powers conferred by Section 8-A of the said Act, the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely:—

1. Short title and Commencement.— (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2025.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), —

(a) in clause (dd), for item (ii), the following item shall be substituted, namely: —

"(ii) does not have any homestead land or owns homestead land less than one-twenty fifth of an acre;"

(b) in clause (h), for item (ii), the following item shall be substituted, namely: —

"(ii) the area of jurisdiction of a Development Authority or a Regional Improvement Trust, or".

3. In the said rules, in rule 7, ─

(a) for sub- rule (2), the following sub- rule shall be substituted, namely:--

"(2) The extent of land to be settled in favour of a homesteadless person shall be such that the land so settled with him together with the homestead land, if any owned by him and the homestead land owned by all the members of his family who are living with him in common mess, shall, on no account, exceed one-twenty fifth of an acre. Where the land is not sufficient to accommodate all such persons, settlement shall be made subject to the limit of availability."

(b) after sub-rule (2), the following sub-rule shall be inserted, namely: ─

"(3) The land settled in favour of a homesteadless person shall be heritable but not transferable.".

4. In the said rules, in Schedule II, against serial No. 9, for the words "Not exceeding ten decimals" appearing under Column (4), the words "Less than one-twenty fifth of an acre" shall be substituted.

[No.18147─RDM-LRGEA-STATUT-0003/2024/R&DM.]
By Order of the Governor
DEORANJAN KUMAR SINGH
Additional Chief Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SBP Ex.Gaz.478-183+10

ଡ. ଅରବିନ୍ଦ କୁମାର ପାଢ଼ୀ
Dr. Arabinda Kumar Padhee, IAS
Additional Chief Secretary

Revenue and Disaster Management Department
Government of Odisha
Loka Seva Bhavan, Bhubaneswar-751001
Tel: + 91 674 2539023
Email: revsec.od@od.gov.in

By e-Mail

No.RDM-LRGE-KHD-0054-2025-23904 /R&DM, Dated 06 JUN 2026

To

The Secretary, Board of Revenue, Odisha, Cuttack
All Revenue Divisional Commissioners, Odisha
All Collectors

Sub: Adherence to the power to sanction settlement of Government land prescribed under Schedule-II of the Odisha Government Land Settlement Rules, 1983

Madam/Sir,

I am to say that it has come to the notice of the Government that in several instances, proposals relating to alienation/lease of Government land are being referred to the higher quarters including Revenue & Disaster Management Department, for sanction of the same, although the powers to sanction such proposals lies with the competent authorities specified under Schedule-II of the Odisha Government Land Settlement Rules, 1983 (copy enclosed for ready reference).

2. Such references to the higher quarters result in avoidable delays in the sanction of the alienation/lease proposals, thereby affecting the timely implementation of important public projects and developmental activities. It also defeats the intention of Government for decentralization of authorities.

3. Thus, the proposals for alienation/lease of Government land falling within the competency of the Collector/ Revenue Divisional Commissioner or Member, Board of Revenue, Odisha, as the case may be, should be sanctioned at the appropriate level as specified in Schedule-II of the Odisha Government Land Settlement Rules, 1983, so as to ensure expeditious disposal of cases.

It is, therefore, advised that prior to forwarding any proposal relating to alienation/lease of Government land to the Revenue & DM Department, the same shall be carefully examined in accordance with the relevant provisions.

Yours faithfully,

Additional Chief Secretary to Government

Memo No. 23905 Dated. 06 JUN 2026

Copy submitted to the Chief Secretary, Odisha for kind information.

Additional Chief Secretary to Government

Memo No. 23906 Dated. 06 JUN 2026

Copy forwarded to the Private Secretary to Hon'ble Minister, R & DM for kind information of Hon'ble Minister.

06/06/2026

Special Secretary to Government

Memo No. 23907 Dated. 06 JUN 2026

Copy forwarded to the Principal Private Secretary to Additional Chief Secretary to Govt., Revenue & DM Department for kind information of the Additional Chief Secretary.

06/06/2026

Special Secretary to Government

SCHEDULE II

[*See* Rule 11]

Power to sanction settlement of Government land

Sl. No.	In whose favour	Officer exercising powers	In rural area	In urban area excluding Bhubaneswar, Rourkela, Sunabeda
(1)	(2)	(3)	(4)	(5)
1.	[1][In favour of Educational other than Educational Institution mentioned in serial Nos.1B and 1C,] Charitable, Religious, Cultural, Philanthrophic, Literary, Social and Financial Institutions	Collector	Not exceeding one acre	Nil
		R.D.C.	Exceeding one acre but not exceeding five acres	Not exceeding one acre
		Member, Board of Revenue	Exceeding five acres but not exceeding ten acres	Exceeding one acre but not exceeding five acres

1. Substituted by R & D.M. Deptt. Notfn. No. 13970, Dt. 02.05.2022.

(1)	(2)	(3)	(4)	(5)
[1][1-A.	In favour of Department of Government	Collector	Not exceeding five acres	Not exceeding one acre
		Revenue Divisional Commissioner	Exceeding five acres but not exceeding ten acres	Exceeding one acre but not exceeding five acres
		Member, Board of Revenue	Exceeding ten acres but not exceeding fifty acres	Exceeding five acres but not exceeding ten acres]
[2][1-B.	In favour of Higher Education or School & Mass Education Department with marfat of concerned Government Degree Colleges, Higher Secondary Schools and High Schools.	Collector	Full power	Full power
1-C.	In favour of Higher Education or School & Mass Education Department with marfat of concerned Aided Degree Colleges, Higher Secondary Schools and High Schools.	Collector	Not exceeding fifteen acre	Not exceeding ten acre.]
2.	In favour of Local Authorities, Statutory Bodies, and Corporations established under any law for the time being in force	Collector	Not exceeding one acre	Not exceeding one acre
		R.D.C.	Exceeding one acre but not exceeding five acres	Exceeding one acre but not exceeding five acres
		Member, Board of Revenue	Exceeding five acres, but not exceeding ten acres	Exceeding five acres, but not exceeding ten acres

1. Inserted by O.G.L.S. (Amendment) Rules, 1987 w.e.f. 18.11.1987 vide Notfn. No. 62451/R/ Dt. 20.10.1987.
2. Inserted by R & D.M. Deptt. Notfn. No. 13970, Dt. 02.05.2022.

(1)	(2)	(3)	(4)	(5)
4.	In favour of Live Stock, Farms in private sector	Collector	Not exceeding two acres, five acres with recommendation of Director of Animal Husbandry and Veterinary Services	Not exceeding one acre
		R.D.C.	Nil	Exceeding one acre but not exceeding five acres
5.	In favour of Orissa Cashew Development Corporation and Orissa Forest Corpn. for Cashew plantation	Collector	Any event subject to availability and suitability	Nil
6.	In favour of Orissa Industrial Infrastructure Development Corporation for Industrial purposes	Collector	Ditto	Any extent subject to availability and suitability
7.	In favour of individuals for homestead purposes	Collector	Nil	As per plotings made in the plan, approved under Rule 3(1)
8.	In favour of landless agricultural labourers for agricultural purposes	Tahsildar subject to confirmation by Sub-Divisional Officer	Up to one standard acre or to the extent to which the land already owned falls short of one standard acre (as defined in the O.L.R.Act, 1960)	Nil
3.	In favour of small and medium Industries	Collector	Not exceeding five acres on the recommendation of the Dist. Industries Centre	Not exceeding one acre on the recommendation of the Dist. Industries Centre

(1)	(2)	(3)	(4)	(5)
		R.D.C.	Exceeding five acres but not exceeding ten acres on the recommendation of the Dist. Industries Centre	Exceeding one acre but not exceeding five acres on the recommendation of the Dist. Industires Centre
9.	In favour of homesteadless persons	Tahsildar, Subject to confirmation by Sub-Divisional Officer	Not exceeding [1][ten] decimals	Nil
10.	In favour of Co-operative Societies	Tahsildar, Subject to confirmationby Sub-Divisional Officer	Not exceeding one standard acre per each member of the society	Nil
11.	In favour of ex-Servicemen	Ditto	Up to one standard acre	Nil
12.	Another person not included in the above category			
	(i) Displaced persons of irrigation project	Tahsildar, subject to confirmation of the Sub-Divisional Officer	As per scheme formulated by Government from time to time. Up to one standard acre	Nil
	(ii) Displaced persons of other project or categories			
	(iii) Anyotherperson			
13.	For salt manufacture	Government	Full powers	

1. Substituted by O.G.L.S. (Amendment) Rules, 1987 w.e.f. 18.11.1987 vide Notfn. No. 62451/R/ Dt. 20.10.1987.

(1)	(2)	(3)	(4)	(5)
[1][14. For Brackish water Pisciculture/ Prawn culture		(i) Collector	Not exceeding ten hectares on the recommendation of District Level Committee	Nil]
		(ii) Government	Full powers	Full Powers]
15. For coffee plantation		Government	Full power	Full power]
[2][15-A In favour of a Department/ Authority of State Government or Central Government for execution of project whose layout has been approved by the Admini-strative Department concerned of State Govern-ment, being a linear project for laying of a highway, road or railway line including a bridge or flyover, drainage or sewerage line.		Collector	Full powers	Full powers]
16. Any other purposes		Do	Ditto	

1. Substituted by O.G.L.S. (Amendment) Rules, 2013 (O.G.E. No. 881 dt. 9.5.2013 - SRO Notfn. No. 323/2013 dt. 7.5.2013).
2. Inserted *ibid*.

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

NOTIFICATION

No. RDM-LRGEA-STATUT-0005-2018- 30939 **/R&DM Dated** 21 AUG 2018

Whereas under para (i) of the proviso to sub- clause (b) of clause 1 of Schedule V of the Odisha Government Land Settlement Rules, 1983, for settlement of land, applications were required to be submitted within a period of six months from the date of publication of the Odisha Government Land Settlement (Amendment) Rules, 2010;

And whereas, the period of limitation was last extended for a period of two years with effect from the 17th February, 2016 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No. 6796-GE (GL)-S- 07/2016/R&D.M, dated the 27th February, 2016 published in the Extraordinary issue of the Odisha Gazette No. 1155, dated the 05th July, 2016;

And whereas, it has come to notice that a number of applicants are still awaiting to apply for settlement of the land of the categories mentioned in sub- clauses (a) and (b) of clause 1 of Schedule V of the Odisha Government Land Settlement Rules, 1983;

And whereas, unless the time limit is extended, a number of applicants shall be debarred from getting such land settled with heritable and transferable rights;

And whereas, the State Government are satisfied that there exists sufficient reasons for extending the said period of limitation;

Now, therefore, in exercise of the powers conferred by para (i) of the proviso to sub- clause (b) of clause 1 of Schedule V of the Odisha Government Land Settlement Rules, 1983, the State Government do hereby extend the said period by a further period of one year and two months with effect from the 17th February, 2018.

By order of the Governor

21/8/2018

Principal Secretary to Government

Memo No. 30940 /RDM Dated 21 AUG 2018

Copy forwarded to Gazette Cell of Commerce & Transport (Commerce) Department with a request to publish the notification in the next extraordinary issue of The Odisha Gazette and supply 10 (ten) copies of the same to this Department for reference.

This being a statutory notification should bear S.R.O number.

Joint Secretary to Government

Memo No. 30941 /RDM Dated 21 AUG 2018

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ Land Reforms Commissioner, Odisha, Cuttack/ Commissioner, Land Records and Settlement, Odisha, Cuttack/ Director, Land Records, Surveys and Consolidation, Odisha, Cuttack/ all Collectors for information and necessary action.

Joint Secretary to Government

Memo No. 30942 /RDM Dated 21 AUG 2018

Copy forwarded to Principal Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue & DM, Odisha for kind information of Hon'ble Chief Minister and Hon'ble Minister, R&DM respectively.

Joint Secretary to Government

Memo No. 30943 /RDM Dated 21 AUG 2018

Copy forwarded to Chief Secretary, Odisha/ Development Commissioner-cum- Addl. Chief Secretary for kind information.

Joint Secretary to Government

Memo No. 30944 /RDM Dated 21 AUG 2018

Copy forwarded to Law Department for information and necessary action.

Joint Secretary to Government

Memo No. 30945 /RDM Dated 21 AUG 2018

Copy forwarded to Joint Secretary to Govt. (in charge of IMU Cell)/ all seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.

Joint Secretary to Government

GOVERNMENT OF ORISSA
REVENUE & DISASTER MANAGEMENT DEPARTMENT
****

NOTIFICATION

No. GE (GL)-S-17/08..42899 /R&DM. Dated the 7th November, 2009.

In exercise of the powers conferred by section 8 of the Orissa Government Land Settlement Act, 1962(Orissa Act 33 of 1962) and in supersession of the notification of the Government of Orissa in the Revenue and Excise Department No.34161-GE(GL)-S-6/95 dated the 4th August,1995, the State Government do hereby direct that the power exercisable by it under section 3 of the Act for the purpose of settlement of land in favour of Forest and Environment Department for compensatory afforestation shall be exercisable by the Collectors within their respective jurisdiction.

By Order of the Governor

R.K. Sharma
Commissioner-cum-Secretary to Government

Memo No.42900 / R & DM, Dated 7.11.09

Copy along with soft copy forwarded to the Director, Printing, Stationery and Publication, Orissa, Cuttack with request to publish the Notification in the next Extra Ordinary Issue of Orissa Gazette and supply 300 copies to this Department immediately.

This being a statutory Notification should bear S.R.O. Number.

Commissioner-cum-Secretary to Government

Memo No.42901 / R & DM, Dated 7.11.09

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack / All RDCs/ All Collectors for information and necessary action.

Special Secretary to Government

Memo No.42902 / R & DM, Dated 7.11.09

Copy forwarded to Forest & Environment (Forest) Deptt./ Industries Deptt./ Steel & Mines Deptt. for information and necessary action.

Special Secretary to Government

Memo No.42903 / R & DM, Dated 7.11.09

Copy to LR & GE (B) and (C) Branches / 5 copies to Guard File of LR &GE (A) Branch for information and necessary action.

Special Secretary to Government

Form I-A

[See Rule 5 (2)]

APPLICATION FOR SETTLEMENT OF LAND BY THE APPLICANTS OTHER THAN INDIVIDUALS

To

The Tahasildar

1. Type of the applicant: (Strike out whichever is not applicable)
   a. Central Government Ministry or Department
   b. State Government Department
   c. Corporation / Company / Society / Agency owned by Central Government
   d. Corporation / Company / Society / Agency owned by State Government
   e. Public Ltd. Company / Private Ltd. Company than those in (c) or (d)
   f. Registered Society / Trust other than those in (c) or (d)
   g. Any other entity (please specify):

2. Address of the Application Organization:
   a. Headquarters:
   b. Local office in Odisha [in other than (a)]

3. Particulars of the authorized representative of the applicant organization:
   Name:
   Father's Name:
   Designation:
   Address:

4. Detailed particulars of the land applied for:
   Name of Village / Urban Area:
   Holding No. if any:
   Plot No.: Area applied for:

   Boundary:

5. Purpose for which the land is required:

Declaration

I solemnly affirm that the particulars given above and the documents enclosed with the application are correct and true to the best of my knowledge.

Officer Seal of the Authorised Representative / Organization

Signature of the Authorised Representative with Name & Designation

CHECK LIST FOR PROCEEDING OF SITE SELECTION COMMITTEE MEETING

Sl. No.	PARTICULARS OF DOCUMENTS	Yes/No.
1	The application for lease/alienation in prescribed form 1-A duly filed in with all necessary details and signed by the applicant attached.	
2	The requisition along with the authorisation letter, land schedule and sketch map has been filed in quadruplicate with dated signature and acknowledged by the Tahasildar indicating date of its receipt.	
3	Requisite court fee has been affixed as per OGLS (Amendment) Rules, 2013 (with calculation at the bottom/top of the sheet). For example- Rs. 10 x 10=100 Rs. 20 x 10=200 Total- 300	
4	Site selection proceeding with dated signatures of all members of the site selection committee has been attached in quadruplicate.	
5	The site selection proceeding is clearly indicating the status of the land, tree growth, sairat source, encroachment, availability of approach road to the proposed site and name of the applicant organisation.	
6	The spot visit report of R.I. and Tahasildar regarding encroachment, Sairat sources, tree growth, encumbrance etc. indicating the adjoining plots and passage to the plot along with land schedule as per the existing ROR has been enclosed.	
7	Trace map is clearly indicating total area of the proposed plot, area proposed to be alienated, and status of the adjoining plots along with approach road to the proposed site.	
8	Authenticated copy of R.O.R. of the proposed plots in quadruplicate have been enclosed.	
9	Dated signature of Tahasildar is available in all documents enclosed to the proposal	
10	Whether the land is reserved for any purpose in master plan	
11	DLC land status & Forest status of the land as on 25.10.1980 as per Forest (Conservation) Act, 1980	

By e-Mail/Post

GOVERNMENT OF ODISHA

REVENUE & DISASTER MANAGEMENT DEPARTMENT

*****

No. RDM-LRGE-GM-0011-2025- 2384 **/R&DM, Dated** 21 JAN 2025

From

Sk Jamiruddin, OAS (SAG)

Additional Secretary to Government

To

The Collector, Ganjam.

Sub: Clarification with respect to "urban area" as defined in the Odisha Govt. Land Settlement (OGLS) Rules- Regarding

Sir,

In inviting a reference to your office No.4031/Rev, dated.27.10.2023 on the subject mentioned above, I am directed to say that as per rule 2 (1) (h) of the OGLS Rules, 1983 [as substituted vide the OGLS (Amendment) Rules, 2013]

"(h) 'urban area' means an area within the limits of-

(i) a Municipal Corporation, Municipality or Notified Area Council;

(ii) ***the area of jurisdiction of a Development Authority*** *; or*

(iii) such other area as the Government may, by notification, decide from time to time."

Hence, it is clarified that, as per rule 2 (1) (h) of the OGLS Rules, 1983, any area coming within the jurisdiction of a Development Authority shall be treated as 'urban area' so far as the provisions of the OGLS Rules, 1983 are concerned.

Further, a copy of the earlier clarification issued to the Collector, Khurda regarding the application of de-reservation principles to all Gochar land irrespective of the fact that the land situated in urban or rural areas vide this Department letter No. 42728 dated 17.11.2018 is sent herewith for information and reference.

Yours faithfully,

21/01/2025

Additional Secretary to Government

(P.T.O)

Memo No. 2385 /R&DM, Dated 21 JAN 2025

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ All RDCs/ All Collectors (except Collector, Ganjam), for information and necessary action.

21/01/2025

Additional Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LRGEB-KHD-0167-2018 42728 /R&DM Dated: 17 NOV 2018

From

Sri Avaya Kumar Nayak, OAS (SAG),
Additional Secretary to Government.

To

Collector, Khordha.

Sub : Clarification regarding applicability of Section-4 of OGLS Act, 1963 in respect of Development Areas.

Sir,

In inviting reference to your letter No. 2898, dated 09.08.2018 on the above mentioned subject, I am directed to say that, as per proviso to Section-3(1) of the OGLS Act, 1962, no Government land recorded as Gochar shall be settled under clause (e) without being de-reserved in accordance with the provisions contained in Section-3-A. The Act does not provide any exemption to urban areas.

2. Similarly, section 3- A (2) of the Act specifies that the officer authorized for the purpose, shall have power to de-reserve any land referred to in sub- section (1) i.e. any land reserved under section 3 (1) (a) or land recorded as Gochar if he is satisfied that the land is no longer required for the purpose for which it was reserved or can no longer serve the purpose for which it was reserved or is in excess of the reasonable requirement for the purpose for which it was reserved.

3. From the above two provisions of the Act, it is amply clear the de-reservation process is applicable to all Gochar land irrespective of the fact it is situated in urban area or rural area.

4. Further, Rule 4 of the OGLS Rules, 1983 reads as follows:-

"De-reservation principles- (1) Any land which has been reserved under clause (a) of sub- section (1) of section 3 or recorded as Gochar may be de-reserved by any officer not below the rank of Collector authorized by the State Government in that behalf. In making such de- reservation, the following procedure shall be followed, namely:-

(2) While de-reserving any government land recorded as Gochar, the authorized officer shall assess the reasonable requirement for the purpose of Gochar for use by the community in the following manner:-

(i) In every surveyed village which is not included within the limits of an urban area, five per cent of the effective area of the village shall be set apart for pasturage (Gochar) subject to availability of suitable government land.

(ii) in every unsurveyed village, land for pasturage shall be set apart at the rate of one acre for every fourteen inhabitants of the village and if the village is non-inhabited, reservation for pasturage shall be made at the rate of one acre for every

(P.T.O)

three persons having land in the village, subject to availability of suitable government land:

Provided that the above provision shall not apply to Gochar situated in an urban area."

5. Thus, the proviso mentioned in the rule that "the above provision shall not apply to Gochar situated in an urban area" is a proviso to sub- rule (2) of the said rule. It is not a proviso to entire rule 4. So, the words "the above provision" refers to the provision made in sub- rule (2) which stipulates the extent of government land to be reserved as Gochar in a surveyed or an unsurveyed village. In other words, the provision of setting apart five percent of the effective area in case of a surveyed village or one acre for every fourteen inhabitants or one acre for every three persons having land in case of an un-surveyed village while de-reserving any government land recorded as Gochar, shall not be applicable to Gochar land situated in an urban area.

6. In fact, when the statute in unambiguous terms stipulates that no government land recorded as Gochar shall be settled without being de-reserved, it cannot be expected that the rules made thereunder shall make exception for Gochar land situated in urban area.

7. Hence it is clarified that while de-reserving Gochar land situated in an urban area, the officer authorized for the purpose has to follow the procedure outlined in rule 4 (1) of the OGLS Rules, 1983. However, while de-reserving the same, the officer need not assess the reasonable requirement for the purpose of Gochar for use of the community by setting apart a certain extent of land as Gochar as stipulated in rule 4 (2) of the said Rules. Further, as required under section 3- A (2) of the OGLS Act, 1962, this de-reservation of Gochar land situated in urban area shall also be subject to the condition that the officer has to be satisfied that such land is no longer required for the purpose for which it was reserved or can no longer serve the purpose for which it was reserved.

Yours faithfully,

17/11/18

Additional Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LRGEA-POLICY-0001-2021 /R&DM- 10908 dated 06 APR 2022

From
Shri Avaya Kumar Nayak, OAS (SS)
Special Secretary to Government

To
The Collector, Ganjam

Sub: Clarification on Settlement of Gramkantha & Paramboke Land under OGLS Act and Rules.

Sir,

In inviting reference to your letter No.3378 dated 23.09.2021 and letter No.3438 dated 29.09.2021 on the above subject, I am directed to say that clarification has been sought regarding the Settlement of Gramakantha Paramaboke land under Schedule-V of OGLS Act with reference to clause 6(e) of the Schedule V of the OGLS Rules 1983, i.e in which schedule the land will be settled in respect of cases where the land used for non-residential purpose is more than 30% of the constructed area on land applied for or 250 square feet. Further clarification also has been sought on the issue wherein the name of the applicant finds in the remark column with an illegal possession note in the RoR or the land is recorded in Rakhita Khatian and AAA Khatian.

2. In this connection, a plain reading of the provisions of clause 6(e) of Schedule V speaks that the restriction of 250 sqr feet or 30% of the constructed area if lying vacant, has been provided " **for the purpose of determining the amount payable**". The same provision is also applicable and provided in clause 6(d) of Schedule V-A for lands used for purposes other than agriculture and homestead. Hence there should not be any doubt as to under which schedule the land will be settled.

3. In view of the above, it is to clarify that;

(a) The GKP land which is being used for homestead purpose, the same shall be settled in favour of the occupant, if he is otherwise eligible under schedule V of the OGLS Rules, 1983. While determining the amount payable, the constructed area of the residence plus 30% of the land used for non-residential purpose or kept vacant or 250 sqr feet, which ever is less shall be charged with the dues as per the Schedule V and for the balance area, Government dues shall be calculated as per schedule V-A i.e 20% of the BMV of the land.

(b) The GKP land which is being used for the purpose other than homestead and agriculture, the application shall be submitted under the schedule V-A and the same shall be processed as per the provisions under that schedule and Government dues shall be calculated as per Schedule V-A.

(c) The applied land which has composite use, the same may be processed under any schedule. However, while calculating the government dues payable, the constructed area of the residence plus 30% of the land used for non-residential purpose or kept vacant or 250 sqr feet, which ever is less shall be charged with the dues as per the Schedule V and for the balance area, Government dues shall be calculated as per schedule V-A i.e 20% of the BMV of the land.

4. As regards the confusion pertaining to recording of land in Rakhita, Sarbasadharan or AAA khata vis-a-vis the reservation principles communicated in this Department circular No.4898 dtd.28.01.1966, it is to mention that the circular under reference is an Executive instruction whereas the Schedule V and V-A are the statutory rules containing later & specific decisions of the Government, which will override the instructions in the event of any disparity found between the two. Further, ସରକାରୀ ଜମି ରେକର୍ଡ କରିବା ପ୍ରଣାଳୀ, at Clause 9.3 to 9.6 provides detailed procedure how the GKP lands in Ganjam district have been recorded in settlement records. Further it has also been clarified to Collector Malkangiri vide this Department letter No. 14789 dated 12.05.2016 with instruction to de-reserve the same land and record it in Sarbasadharan khata and then settle the same as per the relevant schedules of the OGLS Rules 1983. Hence, the instructions provided in "ସରକାରୀ ଜମି ରେକର୍ଡ କରିବା ପ୍ରଣାଳୀ" at Clause 9.3 to 9.6 and this Department letter No. 14789 dated 12.05.2016 (copy enclosed) should be followed.

Encls: As above.

Yours faithfully,

6/4/22

Special Secretary to Government

Memo No. 10909 /RDM Dated 06 APR 2022

Copy submitted to all RDCs and all Collectors for information and necessary action.

6/4/22

Special Secretary to Government

BY Fax/ e- Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. GE (MLKN) - 01/2012 - 14789 ******* **/ R&D.M Dated** 12-5-16

From

Dr. Mona Sharma, IAS,
Principal Secretary to Government

To

Collector, Malkangiri

Sub: Regarding issue of patta in favour of persons of Malkangiri Town

Ref: - Your letter No. 447/ 2012/ Camp dated 25.06.2012

Sir,

I am directed to say that the issue of settlement of land in Rakhita Khata No. 1005 in Hal RoR under Malkangiri Mouza in favour of present occupants has engaged the attention of Government for some time past. Earlier, this Department vide letter No. 34749/ RDM dated 30.07.2012 had communicated the decision of Government that your proposal (contained in your letter under reference) regarding settlement of GKP (Basti) land in Malkangiri Urban Area in favour of the present occupants for homestead purpose is not coming within the purview of OGLS (Amendment) Rules, 2010 and you had been instructed in the aforesaid letter that if the occupants are landless, they may be settled with homestead land as per OGLS Rules, 1983.

2. Subsequently, several representations have been received from people residing on the land in question requesting for settlement of such land in their favour on the basis of Sabik records. Hon'ble M.L.A, Malkangiri has also moved this Department with various documents in support of the claim of the local people who are in occupation of the land and requested to re-examine the issue.

3. After getting such representations, this Department vide letter No. 13832/ R&DM dated 07.05.2015 had requested the RDC (SD), Berhampur to cause a detailed inquiry into the issue with reference to field position and submit a report along with considered views to resolve the issue. Pursuant to that, the RDC has caused an enquiry into the matter and submitted a detailed report to this Department vide letter No. 2245 dated 20.11.2015.

4. As per the report of DLR&S, Odisha submitted during the year 2000, since the Hal records of Paramboke lands of Malkangiri town were prepared during 18.07.1988 to 10.07.1989 i.e. prior to issue of the 'SARAKARI JAMI RECORD KARIBA PRANALI' by Revenue Department, the procedure for recording of such land as prescribed at Para 9.4 (61) of the PRANALI could not be followed by settlement authorities. The settlement authorities brought the Paramboke lands of Sarbasadharan khata to Rakhit khata instead of allowing to continue in Sarbasadharan khata.

5. In the present case, from the report of the then DLR&S, Odisha and the report of RDC (SD), Berhampur, it is thus clear that the land in Sabik khata No. 349 of Malkangiri Mouza is a Gramakantha Paramboke land even though there is no such mention in Sabik records. In fact, all GKP lands were not recorded as such in Sabik records. As has been made clear at Para 9.4 of the "SARAKARI JAMI RECORD KARIBA PRANALI' (copy enclosed), GKP lands were recorded in Sabik records in the following manner:-

(i) lands were recorded under Paramboke khata

(ii) lands were recorded as Gharabari under Sarbasadharan khata with individual possession note (This has been the case in Malkangiri Sub-division)

(iii) lands were recorded under Gharabari status in individual names with mention in the special incidence column that he does not pay rent or that the land is not transferable

(iv) lands were recorded in Rayati khata with Gharabari status and assessed to rent.

6. Similarly, the above said land has not also been shown as Gramakantha Paramboke in Hal records due to the reasons as mentioned by the then DLR&S, Odisha as well as RDC (SD) in their respective reports.

7. Keeping the above in view, Government, after careful consideration of the above facts and the report of then DLR&S, Odisha and the present report of RDC (SD), Berhampur as aforesaid and on re-examination of the issue, have been pleased to decide that the plots under Hal Khata No. 1005 of Malkangiri Mouza may be treated as Gramakantha Paramboke land.

8. Further, Government have been pleased to authorize the Collector, Malkangiri under sub-section (1) of section 3-A of the OGLS Act, 1962 to de-reserve the land in Hal Khata No. 1005 of Malkangiri Town from Rakhit khata to Sarbasadharan khata after which the concerned Tahasildar may be instructed to settle the land under the provisions of OGLS (Amendment) Act, 2009 and the rules framed thereunder as per the procedure followed for settlement of Gramakantha Paramboke land.

9. You are therefore requested to take appropriate action in the matter accordingly.

10. This Department letter No. 34749/ RDM dated 30.07.2012 is hereby superseded.

Yours faithfully,

12/5

Principal Secretary to Government

Memo No. 14790 **/RDM Dated** 12.05.2016

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ RDC (SD), Berhampur for information and necessary action.

12/5

Principal Secretary to Government

Memo No. 14791 **/RDM Dated** 12.05.2016

Copy forwarded to Additional Chief Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue & DM, Odisha for kind information of Hon'ble Chief Minister and Hon'ble Minister respectively.

Principal Secretary to Government

Memo No. 14792 **/RDM Dated** 12.05.2016

Copy forwarded to OSD to Chief Secretary, Odisha for kind information of Chief Secretary.

Principal Secretary to Government

Memo No. 14793 **/RDM Dated** 12.05.2016

Copy forwarded to Manas Madkami, Hon'ble MLA, Malkangiri, Qrs. No. DS-6/4, M.L.A Colony, Bhubaneswar for kind information with reference to his letter No. 397/15 dated 26.12.2015.

Principal Secretary to Government

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 296-D Dated. 16 February, 1972

ORISSA ACT 6 OF 1972

(Assented to by the President on the 12th February, 1972)

An Act to provide for prevention of unauthorised occupation of lands which are the property of Government

Be it enacted by the Legislature of the State of Orissa in the Twenty-second Year of the Republic of India as follows :

[1]**[STATEMENT OF OBJECTS AND REASONS]** :– The Vires of Orissa Prevention of Land Encroachment Act, 1954 as amended by the Orissa Prevention of Land Encroachment (Amendment) Act, 1970 was recently challenged in a writ petition in the Orissa High Court in O.J.C. No. 1584 of 1968. The Court held that Sec. 3 of the Act is void as it contravenes Article 14 of the Constitution. In a series of cases the Court has also earlier observed that Secs. 5 and 6 of the Act were void. As Secs. 3, 5 and 6 forming the very core were void. The Court held the entire Act including the amending Act of 1970 to be Void. It was held that the amending Act 1970 not being a re-enactment of the entire Act cannot resuscitate the Act into life. It, therefore, ruled that the Act and the amending Act separately and together are void. This decision created serious difficulties for the Government as there was no law to deal with encroachment on Government land or Communal land. An Ordinance had, therefore, to be promulgated to meet the situation simultaneously complying with the provisions of the Constitution and judicial pronouncements. It is now necessary to effect the re-enactment of the law permanently to replace the Ordinance.

The Bill seeks to achieve this objective.

Scope of the Act :– The Provisions of this Act are applicable preventing the persons from occupying the Government lands and also in certain cases subject to the Provisions of Section-7 the Government land may be settled in favour of such persons who have been unauthorizedly occupying the Government lands. Thus the Provisions

*. Published vide Orissa Gazette, Extraordinary No. 296-D/16.2.1972 - Notfn. No. 1943, Legis. - D/16.02.1972.

1. Orissa Gazette Extraordinary No. 15-D/04.01.1972-Notfn. No. 150 L.A. - D/04.01.1972.

of this Act being summary in nature and any person unauthorizedly occupying any land which is the property of the Government as defined under Section-2 of the Act can be summarily evicted by the competent authority from the said land. However before proceeding summarily eviction a reasonable opportunity of hearing is extended to the person occupying the land. Under the scheme of the Act proceedings can be initiated if it is seen that there has been encroachment of Government lands either by construction of house or otherwise. In a given case the Government had constructed the houses on the Government land. Thereafter the land was transferred to the Municipality and several persons were inducted lawfully by the said Municipality on monthly rent basis in respect of the shop rooms and as such it cannot be said that they were unauthorized occupants. Therefore, any proceedings initiated against them was thoroughly wrong and misconceived. However, the said tenants remained silent in the matter and did not challenge such eviction proceeding. That apart they approached the Government for allotting the shop rooms on lease basis bye passing the concerned Municipality. In such view of the matter it can be said that the conduct of the tenants was not bonafide and their plea that they quieted the shop rooms against their will and approached the State Government under compulsion. Infact, the concerned Municipality is the real owner of the shop rooms and the tenants were estopped from denying its title: (S.A. No. 86/90 of 1974 decided on 10.12.1980) Keonjhargarh Municipality vs. Judhistir Sendha and others.

1. Short title, extent and commencement :– (1) This Act may be called the Orissa Prevention of Land Encroachment Act, 1972.

(2) It shall extend the whole of the State of Orissa.

(3) It shall be deemed to have come into force with effect from the 29th day of October, 1954.

NOTES

In view of Section-3 (Sub Section-30 of the General Clauses Act) any legislation may be published in the Official Gazette on a day, but the same Act may not come into enforcement from that day. In such view of the matter Sub Section-3 of Section-1 has provided that this Act shall be deemed to have come into force with effect from 29th day of October, 1954 which clearly reveals that the Act has been enforced retrospectively.

By way of enactment of this legislation the lacunae's of the previous Act have been validated and rectified: 1972 (1), CWR 438.

Scope of the Act: Explained: AIR 1965 SC 1296: AIR 1986 ORISSA 114.

Applicability of the Act: Its Scope and Intention: Explained : 49 (1980) CLT 252

Meaning of the term Encroachment: Explained: AIR 1962 MAD 601.

The Enactment is expropriately in nature and character is to be strictly construed: 27 (1961) CLT (SN.119) 75. The Act is not retrospective but retroactive: 41 (1975) CLT (SN. 145) 99.

2. Property of Government :– Subject to the provisions of any law for the time being in force, the following classes of lands are hereby declared to be the property to Government for the purposes of this Act, namely :

(a) all public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers, streams, nalas, lakes and tanks and all canals and water sources and all standing and flowing water and all lands including temple sites, house sites or backyards wherever situated, save in so far as the same are the property–

(i) of any ruler of Indian State merged with the State of Orissa Zamindar, Proprietor, Sub-proprietor, Landlord, [1][***] Jagirdar, [1][***] Khoropshdar or any other tenure holder or any person claiming through or holding under any of them; or

(ii) of any person paying shist, kattubadi jodi, porupu or quit rent to any of the aforesaid person; or

(iii) of any person holding under raiyatwari tenure or in any way subject to the payment of cess or any other dues direct to Government; or

(iv) of any other registered holder of land having proprietary right; or

(v) of any other person holding land under grant from Government otherwise than by way of licence; [1][***]

(vi) [1][***]

(b) land belonging to or vesting in any Local Authority which is used or intended to be used for any public purpose such as a road, canal, embankment, tank or ghat or for the repair or maintenance of such road, canal, embankment, tank or ghat;

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1. Omitted by Act 4 of 1975

(c) land acquired under the provisions of the Land Acquisition Act 1 of 1894 or under similar Acts for the purposes of any Local Authority, [1][***] Company owned or controlled by the State Government, Statutory Body or Corporation while such land remains as the property of the Local Authority, [1][***] Company owned or controlled by the State Government, Statutory Body or Corporation;

(d) Immovable property claimed by the rulers of merged territories but conceded in their favour; and

(e) land belonging to an establishment or undertaking owned, controlled or managed by–

(i) any State Government or a Department of such Government;

(ii) any Company in which not less than fifty-one per cent of the share capital is held by one or more State Governments; or

(iii) a corporation established by law which is owned, controlled or managed by any State Government.

Explanation :– In this section "high water mark" means the highest point reached by ordinary spring-tides at any season of the year.

NOTES

"Abada Jogya Anabadi land" means such land which lies hallow and which is capable of being utilized. Thus in view of Section-2(1) of the Act such a land categorized as "Abada Jogya Anabadi land" is a Government land: 86 (1998) CLT 170 (Parmeshwar Mohanty vs. State of Orissa):1997(II) OLR 444.

The term Local Authority has not been defined in the Act: 34 (1968) CLT 307.

When "Abada Jogya Anabadi land" is settled as per Government circular there cannot be encroachment: 43 (1977) CLT 177.

Transfer of Government Property to a Municipality will take only after actual Transfer: 42 (1976) CLT 174.

[2]**[3. Definitions** :– In this Act, unless the context otherwise required–

(a) "Collector" means the Chief Officer in charge of the revenue administration of a district and shall include an Additional District Magistrate;

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1. Omitted by Act 4 of 1975
2. Substituted by Act 4 of 1975.

[1](a-1) "Landless person" means a person, the total extent of whose land excluding homestead together with lands of all the members of his family who are living with him in common mess, is less than one standard acre and whose total annual income of all the members of his family who are living with him in common mess, does not exceed rupees six thousand and four hundred or an amount which the State Government may, by notification from time to time, specify in that behalf;

[2](a-2) "homesteadless person" means a person who, together with all the members of his family who are living with him in common mess, does not have any homestead land anywhere in the State and owns less than one standard acre of land other than homestead and whose total annual income, together with the annual income of all the members of his family living with him in common mess, does not exceed rupees four thousand and two hundred or an amount which the State Govt. may, by notification from time to time, specify in that behalf";

(b) "Prescribed" means prescribed by rules made by the State Government under this Act; and

[3][(b-1) "standard acre" means a standard acre as defined in the Orissa Land Reforms Act, 1960;]

(c) "Tahasildar" means the Chief Officer in charge of the revenue administration of a Tahasil and shall include an Additional Tahasildar.

NOTES

Tahasildar while proceeding in the matter of eviction is to consider the question of settlement of land in favour of the encroacher in view of the provision of the Sections: 1990 (I) OLR 304.

4. Levy of assessment of land unauthority occupied :– Any person unauthorisedly occupying any land which is the property of Government shall be liable to pay by way of assessment–

(i) if the land so occupied was at any time assessed to rent, the full assessment for the whole period of occupation or a part thereof proportionate to the area occupied, as the case

1. Substituted by Orissa Act 10 of 1988.
2. Inserted by *ibid*.
3. Inserted by Orissa Act 25 of 1979.

may be, provided that for special reasons [1][the Tahasildar may impose the full assessment of rent or any lesser sum irrespective of the area occupied; or

(ii) if the land so occupied was not at any time assessed to rent, an assessment on the area occupied calculated for the same period at the rate imposed on lands of a similar description and with similar advantages in the vicinity or when no such prevailing rate exists, in such manner as may be prescribed [2][* * *];

[3][Provided that where the person unauthorisedly occupying such land is a landless person, the amount payable by him by way of assessment shall in no case exceed an amount equal to five times the annual assessment:

Provided further that notwithstanding anything in the tenancy laws for the time being in force, payment of assessment under this sections shall not confer any right of occupancy.]

Explanation :– For the purpose of the section occupation for an incomplete portion of an agricultural year may be deemed to be occupation for the whole of such year.

NOTES

The encroacher is to be evicted summarily under the Provisions of this Act: 44 (1977) CLT 224 (BR).

Rent is to be realized from an unauthorized person being in occupation of the Government land: 44 (1977) CLT 224 (BR).

Meaning of the Eviction Proceeding – Explained: 45 (1978) CLT (SN.60) 29.

5. Decisions as to the amount of assessment shall not be challenged in any Civil Court :– The decision as to the rate of amount of rent assessed under Sec. 4 shall be recorded in writing and shall not be called in question in any Civil Court.

6. Liability of person unauthorisedly occupying land to penalty :– Subject to the provisions of Sec. 9, any person liable to pay assessment under Sec. 4 shall, at the discretion of [1][The Tahasildar] be liable to pay in addition to the assessment by way of penalty a sum calculated at a rate [3][not exceeding one hundred rupees] per acre of land for each year of unauthorised occupation :

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1. Substituted by Act 4 of 1975
2. Omitted by *ibid*.
3. Substituted by Act 25 of 1976

[1][Provided that where the person liable to pay assessment is a landless person, he shall not be liable to pay any penalty under this section.]

NOTES

Eviction Proceeding not maintainable after leasing out the same to an association: 43 (1974) CLT (SN.103) 78.

The person who has got Fishing Right cannot be treated as Trespasser: 48 (1979) CLT (SN.71) 36.

Extent of the liability – Explained: 36 (1970) CLT 602.

The question of that a person against him proceeding has been initiated for eviction from the Government land whether he is a landless person is to be decided and if it is found that the land can be settled in his favour than the same may be settled. But in the present case there were several disputed question of facts which cannot be decided in the Writ Application as such the matter was remanded with direction: 1999 (I) OLR 599.

In the Eviction Proceedings the Tahasildar should consider whether the encroached land can be settled with the said person after finding that he is a landless person: 1991 OLR 374.

Landlord encroaching upon the Government land appurtenant to his residential house and thereafter letting out the same to a tenant. It is the landlord who is to be treated as an encroacher: 63 (1987) CLT 597.

The authorities are to make due enquiry into several aspect of the matter and should give proper finding: 41 (1975) CLT (SN. 145) 99.

[2]**[6-A. Reduction and remission of assessment and penalty :–** Subject to such conditions as may be prescribed, the Collector may, in suitable cases either reduce or remit the amount payable by way of assessment under Sec. 4 of the penalty, if any, imposed under Sec. 6.]

NOTES :– The reduction or remission before the omission of the section has been protected. The proceedings which were pending on the date of omission of the Section would continue. This is provided in Sec. 7 of Orissa Act 25 or 1976 which reads as follows:

"7 Savings :– *The omission of Sec. 6-A of the principal Act by this Act shall in no way affect any reduction or remission of any*

1. Added by Act 25 of 1976.
2. Inserted by Act 13 of 1982.

assessment or penalty made under the said section prior to the date of commencement of this Act nor shall it any way affect the proceeding under the section on the said date.

New Section inserted by Orissa Act 13 of 1982.

7. Summary eviction, forfeiture and fine :– (1) Any person unauthorisedly occupying land for which he is liable to pay assessment under Sec. 4 shall be summarily evicted by the [1][Tahasildar] and any crop or other product raised on the land, any encroachments such as a building, other construction or anything deposited thereon shall be liable to forfeiture:

Provided that in case of said encroachments. [2][the Tahasildar] shall give reasonable notice to remove the same.

[2][(2) Notwithstanding anything contained in Sub-Sec. (1)–

(a) where any land is in the unauthorised occupation of a landless person, the Tahsildar may instead of evicting such person from the land in his authorised occupation, settle the same with him, so however, the land so settled with him together with the land excluding homestead, if any owned by him and the lands owned by all the members of his family who are living with him in common mess, shall, on no account, exceed one standard acre and shall not include more than one-tenth of an acre of land which is being utilised or can be utilised for purposes of homestead; and

(b) where any land is in the unauthorised occupation of a homesteadless person, which is being utilised by him as homestead, the Tahasildar shall, instead of evicting such person, settle the same with him, so however, that the land so settled with him shall not exceed one-tenth of an acre."

[3][Provided that no such settlement shall be made if the land belongs to any of the following categories namely]:

(a) lands recorded as Gochar, Rakhit, or Sarbasadharan in any record-of-rights prepared under any law;

(b) lands which are–

(i) set apart for the common use of villages;

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1. Substituted by Act 4 of 1975.
2. Substituted by Act 10 of 1988.
3. Added by Act 4 of 1975.

(ii) used as house site, back-yard of temple-site whether or not recorded as such, in the record-of-rights;

(iii) likely to require for any development scheme and are declared as such by the State Government by a notification; and

(c) land belonging to an establishment of undertaking owned, controlled or managed by–

(i) any State Government or a Department of such Government;

(ii) any company in which not less than fifty-one per cent of the share capital is held by one or more State Government, or

(iii) a corporation established by law which is owned, controlled or managed by any State Government:

[1][Provided further that where the land in the unauthorised occupation, of a person is situated within a Municipality or a Notified Area constituted under the Orissa Municipal Act, 23 of 1950:

(a) the settlement of land with such person shall be made by the Sub-divisional Officer on a reference made to him in that behalf by the Tahasildar;

[2][(b) not more than one-tenth of an acre shall be settled and that such settlement shall be made only where

(i) neither the person nor any member of his family living with him in common mess owns a house or house-site anywhere in the State; or

(ii) the land being adjacent to the holding owned by the person is necessary for the beneficial enjoyment of such holding or for the residential purpose of the person and is not reserved for the purpose of any Government or for any development purpose; and

(c) the settlement shall not take effect until–

(i) the order for settlement made by the Sub-divisional Officer is confirmed by the Collector of the district; and

(ii) the person in favour of whom the settlement is made, makes payment of the market value of the land assessed by the Sub-divisional Officer in the manner prescribed by rules made under this Act:

1. Substituted by Act 13 of 1982.

2. Substituted by Act 10 of 1988.

Provided also that on failure, of payment of the market value within the time fixed by the Sub-divisional Officer, the person in unauthorised occupation of the land shall be liable to be summarily evicted from the land in accordance with the provisions of this Act.]

[1](2-a) Notwithstanding anything contained in the first proviso to Sub-Sec. (2), where any land specified under the said proviso except those classified Gochar, Rakhshit or Sarbasadharan and used as burial ground, Government premises, tanks, roads and public places of worship is in the unauthorised occupation of any homesteadless person and who is using its as homestead and residing thereon by constructing a house on or before the 10th March, 1985, the Tahasildar shall instead of evicting such person, settle the same with him so, however, that the land so settled with him shall not exceed one twenty-fifth of an acre;

(3) If such a person fails to remove the encroachment within the time specified in the notice, [2][the Tahasildar] may in his discretion, in addition to the order of forfeiture, impose a fine which may extend to fifty rupees and a daily fine of rupees ten until the encroachment has been removed:

[3][Provided that the aggregate of the fines payable under this sub-section shall in no event exceed an amount equal to twice the market value of the encroachment land;

Provided further that subject to such conditions as may be prescribed, the Collector may, in suitable cases, either reduce or remit the amount payable by the way of fine under this sub-section].

(4) Forfeitures under this section shall be adjudged by [4][the Tahasildar] and any property so forfeited shall be disposed of as the [4][the Tahasildar] may direct.

(5) An eviction under this section shall be made by serving a notice in the manner provided in Sec. 9 on the person reported to be in occupation or his agent requiring him within such time as [4][the Tahasildar] may deem reasonable after receipt of the said notice to vacate the land and if such notice is not obeyed, by removing or deputing a subordinate officer to remove any person who may refuse to vacate the same.

(6) If the Officer removing any such person shall be resisted or obstructed by any person, [4][the Tahasildar] shall hold a summary inquiry

1. Inserted ibid.
2. Substituted by Act 4 of 1975.
3. Substituted by Act 29 of 1974.
4. Substituted by Act 4 of 1975.

into the fact of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in the form appended to Schedule I for imprisonment in the civil jail of the District for a period not exceeding thirty days as may be necessary to prevent the continuance of such resistance or obstruction.

NOTES

Burden is upon the Applicant to show and establish that he or she is a landless or homestead less person for settlement of Government land in his favour. Revenue Authorities taking no steps as to find out whether applicant was a landless or homestead less person as such the order settling the land in his favour is illegal: 2008 (CLT) 101: 2008 (1) CLR 187 (Rama Mani Devi vs. Tahasildar and Others)

Some persons filing writ petition making allegations that the land in question being a Communal Land is being encroached upon by some encroachers. Said writ petition disposed with a direction directing the said petitioner to make representation before the Collector: Balasore and on such representation collector would take appropriate steps. On such representation Collector registered encroachment cases against the persons directing them to show cause and on failing which orders of eviction was passed.... But on perusal it is seen that orders of eviction cannot be sustained as the same have been passed prior to the date fixed for filing show cause and as such the same were quashed and further directions issued: 2005 (II) OLR 706 (Sri Manoranjan Behera and five others vs. State of Orissa and two others)

Settlement of Government Land/ Plot ..... Applicant is the wife of Government Servant and not a divorced lady and the plot belongs to a reserve category, as such denial of settlement is not illegal: 2004 (I) CLR 85 (Smt. Rabeha Khatun vs. State of Orissa)

8. Stay of Construction :– [1][The Tahasildar] may, if he has reasons to believe that any person unauthorisedly occupying any land is constructing or is about to construct any building or other structure thereon, by order, prohibit such person from proceeding with the construction or as the case may be, from constructing such building or structure [2][* * *] and if such person fails to comply with the said order, [1][the Tahasildar] may impose a fine which may extend to fifty rupees and a daily fine of rupees ten for everyday during which such

1. Substituted by Act 4 of 1975.
2. Words "during the pendency of any proceeding under this Act "deleted by Act, 13 of 1982.

noncompliance continues [1][and may also issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in the form appended to Schedule I for imprisonment in the civil jail of the district for a period not exceeding thirty days as may be necessary to prevent the person from proceeding with the construction].

[2][**8-A. Settlement of land in cases of encroachment for more than thirty years :–** (1) Where in the course of any proceeding instituted under Secs. 4, 6, 7 or 8 against any person unauthorisedly occupying any land it is proved by such person that he has been in actual, continuous and undisputed occupation of the land for more than thirty years by the date of institution of the proceeding, the Tahasildar shall refer the case to the Sub-divisional Officer.

(2) On receipt of a reference under Sub-Sec. (1) the Sub-divisional Officer shall given the Department of the State Government (other than the Revenue Department) to which the land belongs, an opportunity to show cause against the settlement of the land may make such further enquiry as he deems necessary.

(3) If after making such enquiry the Sub-divisional Officer is satisfied that such person has been in such occupation of the land as aforesaid, he may by order, settle the land with him and every such settlement shall be subject to such conditions, regarding assessment and payment of rent (including arrears of rent) as may be prescribed by rules under this Act.]

NOTES

Claim of adverse possession over the Government land cannot be decided in a writ petition. In eviction proceedings Tahasildar directing the petitioner to deposit penalty and assessment amount and the same was paid by the petitioner, cannot be challenged as the same attained its finality 106 (2008) CLT 21 : 2008 (1) CLR 864 : 2008 (Supp.1) OLR 938 (Silu Ekha vs. State of Orissa)

A person occupying the land for more than 30 years by the date of institution of the encroachment proceedings....The Tahasildar is to refer the case to the Sub Divisional Officer. The matter was decided by the Civil Court in favour of the petitioner as he was found to be in possession of the disputed plot for more than 30 years acquiring the right, title by way of adverse possession. The matter was finally decided by the High Court in favour of the petitioner holding his/ her title to the land. But at the instance of Opp. Party No.5 who had no Locus Standi in the matter as agitated before the appellate authority challenging the

1. Added by Act 4 of 1975.
2. Inserted by *ibid*.

order passed by tahasildar dropping the second encroachment proceeding against the petitioner. The S.D.O also dismissed the appeal. Thereafter matter was carried in revision before the Additional District Magistrate Chatrapur who also directed to Tahasildar to do needful in accordance with the observation and direction of the Civil Court and as such tahasildar recommended for settlement of land in favour of the petitioner.... As the matter stood so the Opp. Party No.5 who had lost at all stages carried the matter in second revision before the R.D.C who surprisingly held that the petitioner as well as Opp. Party No.5 are directed to be evicted held that order is not sustainable in view of clear finding of the Civil Court which has been confirmed by this Court: 93 (2002) CLT 119: A 2002 Orissa 147 (Smt. Labonga Lata Panda vs. State of Orissa and Others)

Tahasildar is not competent to decide the question of adverse possession: 59(1985) CLT 1 (Rev.)

Settlement of land show cause by the Government department not necessary: AIR (1993) Orissa 77.

Read with Rule 16 of OPLE Rules - Provisions Make clear that settlement under those provisions shall be made in favour of the encroacher who is in actual, continuous and undisputed occupation of the law far more than 30 years, by the time and date of institution of a proceeding against him. The land in dispute has been occupied and encroached by two persons settlement in favour of only one is illegal – 2010 (2) OJR 348 (Chandrasekhar Prasad Sharma Vrs RDC & another.)

9. Prior notice to person in unauthorised occupation :– Before taking proceedings under [1][Sec. 4], Sec. 6 or Sec. 7 [2][the Tahasildar] shall cause to be served on the person reported to be in unauthorised occupation of the property of Government, a notice specifying the land so occupied and calling him to show cause before a certain date as to why he should not be proceeded against under [3][Sec. 4], Sec. 6 or Sec. 7. Such notice shall be served in such manner as the Government may, by rules or orders under Sec. 10 direct.

NOTES

(i) A notice under Sec. 9 calling upon the person in occupation to show cause why he should not be proceeded under Sec. 6 or 7 of the Act does not give rise to a cause of action **: 30 MLJ 255: AIR 1924 Mad. 825 : AIR 1925 Madras 415.**

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1. Inserted by Act 4 of 1975.
2. Substituted by Act 4 of 1975.
3. Inserted by Act 13 of 1982.

(ii) But where such notice did not take effect because the authorities on representation by the landlady recognised her right to possession, the tenant is estopped from pleading justice in a third person : **AIR 1956 An. W.R. 1090.**

10. Power to make rules :– (1) The State Government may, subject to the condition of previous publication, make rules, orders either generally or in any particular instance –

(a) regulating the rates of assessment leviable under Sec. 4;

[1][(b) regarding the imposition of penalties under Sec. 6; and

(b-1) prescribing the manner of assessment of market value of land under Sec. 7;

(b-2) prescribing the conditions regarding assessment and payment of rent under Sec. 8-A];

(c) regulating the service of notice under this Act.

(2) All rules made under this section shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if during the said period the State Legislature makes modifications, if any, therein, the rules shall, thereafter have effect only in such modified form; so, however, that such modification shall be without prejudice to the validity of anything previously done under the rules.

11. Recovery of assessment and penalty as public demand :– The amount of fine, assessment or penalty, imposed under this Act on any person unauthorisedly occupying any land shall be recoverable from him as arrears of public demand.

NOTES

Sales for recovery of penal assessment, if prevails over prior encumbrance : ***See*** **AIR 1942 Madras 244.**

[2]**[12. Appeal and Revision :**– (1) An appeal from any decision or order made under this Act by the Tahasildar shall lie to the Sub-divisional Officer.

(2) The Collector may revise a decision or order made by a Sub-divisional Officer under Sub-Sec. (1) [3][or under Sec. 7 or Sec. 8-A.]

(3) The [4][Revenue Divisional Commissioner having jurisdiction] may call for and examine the records of any proceedings under this Act

1. Inserted by *ibid*.
2. Substituted by Act 4 of 1975.
3. Added by Act 13 of 1982.
4. Substituted by Act ibid for the words "Board of Revenue".

before any officer in which no appeal or revision lies and if such officer appears–

(a) to have exercised a jurisdiction not vested in him by law; or

(b) to have failed to exercise a jurisdiction so vested; or

(c) while acting in the exercise of his jurisdiction to have contravened some express provision of law affecting the decision on the merits, where such contravention has resulted in serious miscarriage of justice, it may after giving the parties concerned a reasonable opportunity of being heard pass such order as it deems fit.

(4) Pending the disposal of any appeal or revision the Sub-divisional Officer, the Collector the [1][Revenue Divisional Commissioner] as the case may be, may stay the execution of the decision or order appealed against or sought to be revised.

NOTES

Distinction between powers of suo motu revision under Section 12 (2) and 12 (3), 13 – explained..... there is no limitation provided U/s- 12(2) of the Act to exercise revisional powers – such powers would be exercised taking into consideration the Provisions of Art. 137 of the Limitation Act in filing of the Revision: 2005 (1) CLR 710: 2005 (1) OLR 666 and 2005 AIHC 2942 (Orissa) (Smt. Sarojini Mallick vs. State of Orissa and others)

Exercise of Power U/s- 12(3) of the Act ..... Explained. It can be exercised only in cases where against the orders no appeal or revision lies. There was revision before the collector in the matter and as such no second revision U/s- 12(3) of the Act is tenable: 93 (2002) CLT 119 (Smt. Labongalata Panda vs. State of Orissa)

The Provisions of this Section are to check illegality and improprietority while making settlement or denying settlement: 2003 (II) OLR 637.

The Jurisdiction should be exercised within a reasonable period: 2000 (II) OLR 260.

The petitioner was lessee of a nazul plot – the same plot was sold to another person. On a complain, the Commissioner directed the Tahasildar to initiate encroachment case and to cancel the lease of nazul plot. The Commissioner has no jurisdiction to give such direction and he cannot declare the said Sale Deed illegal. The matter is to be dealt with summarily as per the Provisions of the Act by the Tahasildar: 2000 (I) OLR 178.

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1. Substituted by Act 4 of 1975.

Powers of the R.D.C – Explained. Even if there is no limitation for exercise of such powers the same cannot be exercised after elapse of a long period. It should be exercised within a reasonable time: 1991 (II) OLR 51.

Meaning of the terms "In which no Appeal or Revisions lies" – Explained. Unless and until such orders are passed there is no Provision for Suo Motu Revision: 1987 (II) OLR 241.

There is no Provision for Second Suo Motu Revision under the Provisions of the Act: 1984 (1) OLR (BR) 18 and also 1.

Powers are to be exercised within a reasonable period for Suo Motu Revision: 72 (1991) CLT 49.

13. Limitation :– [1][(1) * * *]

(2) No appeal shall be brought after the expirty of thirty days from the date of the decision or order complained of and in computing the said period of thirty days the time required to obtain a copy of the decision or order appealed against shall be excluded :

Provided that an appeal may be admitted after the aforesaid period if the appellant satisfied the appellate authority that he had sufficient cause for not preferring the appeal within that period.

NOTES

Legality of the Proceeding- Explained. Son possessing land in question proceeding against the father whether maintainable: 72 (1991) CLT 49.

14. Document accompanying memorandum of appeal :– Every memorandum of appeal shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

15. Delegation of powers and duties of Collector, Sub-Divisional Officer, Deputy-Collector and Sub-Deputy Collector :– The State Government may, by order, direct that any power, duties or functions conferred or imposed on a [2][Collector or Sub-Divisional Officer] shall in such circumstances and under such conditions, if any, as may be specified in that order, exercised or dicharged by such other officer or authority as may be specified in that order.

16. Bar of suits and proceedings :– Not suit or other legal proceedings in respect of the matter of disputes for determining or deciding which provision is made in this Act shall be instituted in any Court of law except under and in conformity with the provisions of this Act.

1. Omitted by Act 13 of 1982.
2. Substituted by Act 4 of 1975.

NOTES

Suit for permanent injunction Civil Court has no jurisdiction as section 16 of OPLE Act is a bar..... – Authorities granting interim order under OPLE Act. Thereafter plaintiff withdrawing the suit. The present petitioner filing petition for transposing them as plaintiffs was rejected. In Revision also they lost, as at any stage the suit was to be dismissed writ petition was held not to be maintainable: 107 (2009) CLT 730: 209 (1) OLR 647 (Mohammed Nasir vs. Jadal Kumar Sahu and others)

- The question of title by either of the party can be decided by the Civil Court only and not in a summary proceedings under OPLE Act. When there is bonafide dispute with regard to right, title and interest with regard to a land, the Civil Court has jurisdiction to decide the matter. :2008 (1) CLR 951 (Harekrushna Behera vs. State of Orissa and another)

Plots wrongly recorded as Government Land and plaintiff claims to be in possession of the same since long .... Prima facie there is serious dispute with regard to right, title and interest in the two plots. It is not a case that lands were Government Land and the plaintiff is unauthorized occupant of the same. Thus, there being a complicated question of right, title in respect of the suit land Civil Court has got jurisdiction to entertain the suit and adjudicate the question of right, title and interest of the parties:105 (2008) CLT 800: 2008 (II) OLR 170: 2008 (II) CLR 132 (State of Orissa vs. Sahukar Gurumurthy)

In a case where the party raises bonafide question of right, title over the property, authorities cannot adjudicate the same under the provisions of OPLE Act ..... Thus the suit in such a matter is to be entertained by Civil Court and it has jurisdiction to grant proper relief regarding title: 2007 (1) OLR 52 (State of Orissa and another vs. Daitari Sahu and other)

When it has been found that the land is Raiyati land and not a government land, the provisions of this Act (OPLE Act) are not applicable and any encroachment case instituted against the occupant of the land is not maintainable. In a case where bonafide dispute arises as to whether the land is Government land or Private land the Government cannot assume unilaterally that it is Government land and can initiate encroachment proceedings under the provisions of OPLE Act: 2007 (1) OLR 550 (Dist. Collector representing State of Orissa and also in the capacity as Collector and others vs. Nirupama Behera and others)

Scope under the Provisions of this Act for initiating Encroachment Proceedings explained – There being dispute between two private parties with regard to claim of title over the land. Civil Court is competent to decide the matter: 93 (2002) CLT 119 (Smt. Labongalata Panda vs. State of Orissa)

17. Protection of action to be taken under this Act :– No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

18. Repeal and Savings :– (1) The enactments mentioned in Schedule II are repealed to the extent specified in column 4 thereof.

(2) All things done, liabilities incurred, amounts assessed or penalty or fine imposed, enquiries held, notices served, warrants issued, eviction ordered, forfeiture adjudge under any of the enactments hereby repealed shall, so far as may be, deemed to have been respectively done, incurred, assessed, imposed, held, served, issued, ordered, adjudged and made under this Act.

(3) All rules made under the Orissa Prevention of land Encroachment Act 15 of 1954 shall be deemed to have been made under this Act.

(4) Notwithstanding any judgement order of any Court all proceedings, whether original, appellate or by way of revision, started under the Orissa Prevention of Land Encroachment Act, 15 of 1954 which have been dismissed on or after the 12th November, 1969 merely on the ground that provisions contained in that Act were void, shall be restored to the file of the respective authorities who had dismissed the proceedings and shall be proceeded with and disposed of in accordance with the provisions contained in this Act as if they had never been so dismissed.

NOTES

The proceedings which were already ordered and adjudged are protected and saved under the Act: (1966) OJD 135.

The Orissa General Clauses Act is not applicable to the proceedings under the Act: 47 (1979) CLT (SN.69) 39.

19. Repeal of Orissa Ordinance No. 7 of 1971 :– (1) The Orissa Prevention of Land Encroachment Ordinance, 1971, is hereby repealed.

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

NOTES

Orissa General Clauses Act has no application to proceedings initiated under the Prevention of Land Encroachment Act, 1954 **: 47 (1979) CLT (Notes 69) 39.**

[1][SCHEDULE - I]

[*See* 7 (6) and (8)]

Form of warrant to be issued by the Tahasildar under Secs. 7 or 8

SEAL

To,

The Officer-in-charge of the Civil Jail at..... whereas A.B. of ..... has resisted/obstructed C.D. in removing F.E. (or himself, that is, the said A.B.) from certain land in the village of ..... in the ..... mouza has failed to comply with the order issued under Sec. 8 of the Orissa Prevention of Land Encroachment Act, 1972;

And whereas, it is necessary in order to prevent the continuance of such resistance/obstruction/in order to enforce compliance of the said order, to commit the said A.B. to close custody.

You are hereby required under the provisions of Sec. 7/Sec. 8 of the said Act to receive the said A.B. into the Jail under your charge and there to keep him in safe custody for..... days.

[Dated this..... days of..... (Signature of Tahasildar)]

1. Substituted by Act 13 of 1982.

SCHEDULE - II

[Section 18]

Year (1)	Number (2)	Short title (3)	Extent of repeal (4)
1905 (Madras)	III	The Madras Land Encroachment Act	Whole
1917 (C.P.	II	The Central Provinces Land Revenue Act	Secs. 217 & 219
1936	V	The Angul Laws Regulation	The entry "1947 XXXIII, The Orissa Land Encroachment Act, 1947" in Part VI of the Schedule.
1947	XXXIII	The Orissa land Encroachment Act	Whole
1950	IV	The Orissa Merged States (Laws) Act.	The entry "1947 XXXIII. The Orissa Land Encroachment Act, 1947" in the Schedule.
1984	XV	The Orissa Prevention of Land Encroachment Act.	Whole

The Orissa Prevention of Land Encroachment Rules, 1985

ODISHA
India

The Orissa Prevention of Land Encroachment Rules, 1985

Rule THE-ORISSA-PREVENTION-OF-LAND-ENCROACHMENT-RULES-1985 of 1985

- Published on 22 January 1986
- Commenced on 22 January 1986
- [This is the version of this document from 22 January 1986.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Prevention of Land Encroachment Rules, 1985Published vide Notification Orissa Gazette No. 71, dated 22.1.1986, Notification No. 59406-G.E. (G.L.) E. 31/85, dated 9.10.1985No. 59406-GE-(GL) E-31/85-R.E. - Whereas the draft of the Orissa Prevention of Land Encroachment Rules, 1983 was published, as required by Sub-section (1) of Section 10 of the Orissa Prevention of Land Encroachment Act, 1972 (Orissa Act 6 of 1972) in the Extraordinary Issue No. 1590 of the Orissa Gazette, dated the 2nd December, 1983 as S.R.O. No. 515/83 under the Notification of the Government of Orissa in the Revenue Department No. 54986-GE.(GL) R-2-83R., dated the 24th August, 1983 inviting objections and suggestions from alt persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said Notification in the Official Gazette,And whereas the objections and suggestions received in respect of said draft before the expiry of the said period have been considered by the State Government.Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 10 of the said Act, the State Government do hereby make the following rules, namely :

1. Short title and commencement.

(1)These rules may be called the Orissa Prevention of Land Encroachment Rules, 1985.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definition.

(1)In these rules unless the context otherwise requires(a)"Act" means the Orissa Prevention of Land Encroachment Act, 1972;(b)"Encroacher" means a person who unauthorisedly -(i)occupies any land as defined under Clause (d), or(ii)obstructs by dumping earth or any other materials, rubbish or filth

on it, or(iii)puts any fence around it, or(iv)takes up any construction or cultivation on it -(c)"Form" means a form appended to these rules;(d)"Land" means any land declared to be the property of Government under Section 2;(e)"Revenue Inspector" means the officer-in-charge of a Revenue Circle under a Tahasil;(f)"Section" means a section of the Act;(g)"Urban Area" means the area constituted into a Municipality or Notified Area under the Orissa Municipal Act, 1950;(h)Words and expressions used in these rules and not specifically defined therein shall have the same meaning as are respectively assigned to them in the Act.

3. Direction of encroachment and initiation of proceedings.

(1)The Revenue Inspector shall report the cases of unauthorised occupation of land to the Tahasildar and the details of such occupation shall be reduced to writing in Form "G". Within fifteen days of the case of each financial year the Revenue Inspector shall send a certificate to the Tahasildar that except the encroachment already reported there is no further encroachment in his area :Provided that nothing herein shall prohibit the Tahasildar to start a proceeding on his own motion or an information received from any other source.(2)On receipt of such report from the Revenue Inspector or an information received otherwise the Tahasildar shall cause to enter the details chronologically in the register in Form "H" and initiate proceeding under the provisions of the Act.

4. Assessment under Section 4.

- When land unauthorisedly occupied by any person is required to be assessed to rent under the provision of Clause (ii) of Section 4 and if no such prevailing rate exists as referred to in the said clause, it shall be assessed as nearly as possible in accordance with the provisions of section of Orissa Survey and Settlement Act, 1958 (Orissa Act 3 of 1959) for fixation of fair and equitable rent.

5. Conditions for reduction or remission of the amount of assessment, penalty or fine.

- Passing an order of remission or reduction of the amount payable by way of assessment or penalty, under Section 6-A, or of fine under Sub-section (3) of Section 7, by the Collector shall be subject to the following conditions, namely ;(i)the Tahasildar shall enquire in detail regarding the movable and immovable properties of the encroacher and submit details thereof to the Sub-divisional Officer alongwith the case records. If the encroacher is a landless person no penalty shall be levied on him. If the extent of land owned by any landless person does not exceed 0.25 standard acre the Collector may either reduce or remit the amount of assessment payable under Section 4, or fine under Sub-section 3 of Section 7 to such a extent as he considers necessary :Provided that in other cases if the encroacher is a member of the Scheduled Caste or Scheduled Tribe, the Collector may in suitable cases reduce or remit the penalty or fine to such extent as he considers necessary;(ii)if encroachment has been made by the same person in more than on place, the encroacher may be allowed remission or reduction of assessment, penalty or fine only in respect of such land as would be legitimately settled in his favour under Section 7;(iii)In the order-sheet of the case record in

which assessment, penalty or fine, as the case may be, has been proposed to be reduced or remitted, the Tahasildar shall record a clear report as to whether the encroacher is landless. The extent of land, if any possessed by him, if he belongs to Scheduled Caste/Scheduled Tribe and whether he has means to pay the assessment, penalty or fine, and whether any certificate case was filed and why the same is not recoverable. The said case record shall be submitted through the Sub-Divisional Officer to the Collector who shall pass appropriate order to remit or reduce the assessment, penalty or fine, as the case may be, in the said case record;(iv)if the encroacher has re-encroached after eviction, no such reduction or remission shall be allowed.

6. Form and manner of service of notice/order under Sections 4, 6, 7 and 8.

(1)Notice shall be issued in Form "A" before taking any action under Sections 4 and 6 and in Form "B" before taking any action under the proviso to Sub-section (1) of Section 7. They shall be served in the same manner as revenue processes are served and a copy shall be delivered to the occupier of the land or any adult male member of his family at his usual place of residence or to his authorised agent or by affixing a copy thereof to some conspicuous part of his last known residence and of the land in authorised unoccupation, in the presence of two persons when the notice could not be served on the encroacher, his agent or any adult member of his family.(2)An order under Section 8 shall be in Form "C" and shall be served in the same manner as laid down in Sub-rule (1) and shall also be proclaimed by beat of drum in the locality in which the land is situated in the presence of not less than two persons. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the order shall be published by affixing it in the notice board of the Tahasil Office and another copy sent to the Grama Panchayat, Notified area Council, Municipality, Special Planning Authority or Development Authority, as the case may be, under which the land situates.

7. Objections as to liability for proceedings under the Act and the manner of their disposal.

- If on receipt of notice in Form "A", any person pleads that he is not liable for being proceeded under the Act, the officer conducting the proceeding shall make a summary enquiry and determine the liability of the person for the whole or any part of the land unauthorisedly occupied for which notice was issued to him and may confirm, modify or drop the proceedings, as may be necessary ;Provided that he shall not modify or drop any proceeding in case where he is required to refer the case to the Sub-divisional Officer under the second proviso to Sub-section (2) of Section 7 or Section 8-A.

8. When eviction to be effected.

- No eviction shall be effected after sunset and before sunrise. The officer to be deputed under Sub-section (5) of Section 7 to effect eviction shall not be a person below the rank of a Revenue inspector.

9. Warrant for the arrest.

- A warrant for the arrest of a person under Sub-section (6) of Section 7 or Section 8 shall be issued by the Tahasildar in Form "D".

10. Manner of execution of warrants of arrest.

- A warrant of arrest under Sub-section (6) of Section 7 or Section 8 shall be executed by the Officer-in-charge of the police station within whose jurisdiction the person to be arrested ordinarily reside.

11. Order of forfeiture and its execution.

(1)When an order of forfeiture is passed by the Tahasildar under Sub-section (1) of Section 7, he shall-(a)if the property is movable, make arrangement for taking immediate possession thereof ; or(b)if the property is immovable, issue an order of attachment ; or(c)if the property is perishable in nature order immediate sale thereof and order the sale proceeds to be credited into the treasury.(2)The order of attachment shall be served on the encroacher in the same manner as the notice under Sub-rule (1) of Rule 6 and copies of the order shall be affixed as to conspicuous place in the village or Ward of the urban area, as the case may be, and on the land which is the subject matter of the proceeding.

12. Third party claims to properties seized or attached.

- If any person other than the encroacher puts forward claims to the property within one month from the date of its seizure or attachment, the Tahasildar shall make a summary enquiry and may confirm, modify or cancel his order, if necessary.

13. Final disposal of property forfeited.

- When an order of forfeiture is confirmed after making enquiry under Rule 12 the Tahsildar shall sell the property in public auction and credit the sale proceeds into the treasury:Provided that no order for final disposal of the property or its sale proceeds shall be passed until the period of appeal or revision as provided under Section 12 expires or if an appeal or revision is preferred within the said period until the appeal or revision is disposed of.

14. Declaration of land likely to be required for any development scheme under Section 7.

(1)Whenever it appears to the State Government that any land is likely to be required for any development scheme they may publish a notification in the Official Gazette declaring the area if required for such purpose.(2)Such publication shall be conclusive evidence of the fact that the land is likely to be required for a development scheme for the purpose of Sub-clause (iii) of Clause (b) of

the first provision to Sub-section (2) of Section 7.(3)On issue of such a notification, the Tahasildar, shall record the land mentioned in the said notification in a register prescribed in Form "I" and also in the remarks column of the copy of the record-of-rights of the concerned village against the plot so required.

15. Manner of settlement of encroached land under Section 7.

(1)Before the Tahasildar proceeds with the settlement of unauthorisedly occupied land under Sub-section (2) of Section 7 for agricultural or for homestead purpose, he shall publish a proclamation in Form "J" inviting objections, if any, fixing a date for hearing of objections.(2)Such proclamation shall be published by beat of drums and by affixing a copy of the same at a conspicuous place in the village in which the land is situated in the presence of not less than two persons. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the proclamation shall be published by affixing in the Notice Board of the Tahasil Office and a copy thereof shall also be sent to the Grama Panchayat, Notified Area Council/Municipality/ Special Planning Authority, or the Development Authority as the case may be, under which the land is situated.(3)On expiry of a period of fifteen days from the date of publication of the proclamation in the village and after hearing the objection, if any and after conducting such enquiry as he may consider necessary, the Tahasildar shall record a finding stating whether the land can be settled in favour of the encroacher under the Act. If the Tahasildar comes to a finding that the land cannot be settled for the encroacher is not entitled to settlement he shall proceed to evict the encroacher as prescribed under the Act.(4)If the Tahasildar comes to a finding that the land can be settled if the encroacher is entitled to settlement under the Act, he shall make an order granting such settlement and issue an intimation slip in Form "F" in the name of the person concerned and shall cause correction of the record-of-rights in his office and in the office of the Revenue Inspector as well.(5)If the encroached land is situated within an urban area the Tahasildar shall record his finding in the case record and on being satisfied that there is no prima facie objection, he shall direct the encroacher to file an affidavit in Form "E" if not a already filed, to the effect that neither he nor any member of his/her family living with him in common mess owns a house or house-site anywhere in the State except in respect of the land required for beneficial enjoyment of a holding as mentioned under Sub-clause (ii) of Clause (b) of the second provision to Sub-section (2) of Section 7. Thereafter he shall send the case record to the concerned Sub-divisional Officer, who shall, on receipt of the same, order the encroacher to pay the assessment/penalty and fine, if any, already levied or imposed by the Tahasildar and shall determine the market value which shall be the same as has been fixed for the urban- area under Rule 8 of the Orissa Government Land Settlement Rules, 1983 :Provided that Government may direct a lower market value to be paid by a specified class of persons.(6)Thereafter, the Sub-Divisional Officer shall order settlement of the land and send the case record to the Collector of the district for confirmation.(7)If the Collector is satisfied on scrutiny of the case record that the procedure prescribed under the Act and these rules have been observed he shall confirm the order of the settlement passed by the Sub-Divisional Officer in the same case record. If he is not satisfied about the procedure followed or he considers that the land cannot be settled or the encroacher is not entitled to settlement under the Act, he shall send back the case record to the Tahasildar through the Sub-Divisional Officer, for effecting eviction of the encroacher.(8)In all cases where settlement is

granted, the Sub-Divisional Officer shall direct the encroacher to pay the market value so determined by a date not later than ninety days from the date of order in one or more instalments to be fixed by him. If the market value is not paid within the period fixed by the Sub-Divisional Office he shall send back the case record to the Tahasildar for effecting eviction of the encroachment. After the market value is paid an intimation slip in Form "F" shall be issued by the Tahasildar in the name of person with whom the land is settled and ensure demarcation of land and correction of the record-of-rights in his office and in the office of Revenue Inspector as well. The land ordered for settlement under Sub-rule (4) and (7) shall be recorded in such status as are applicable-to the tenure of similar land in the vicinity for similar purposes under the same terms and conditions which are applicable to such tenures.If use of the land is non-agricultural and it is to be recorded under pattadari or similar other status, the encroacher shall be required to execute an agreement containing such terms and conditions as are fixed by the Government for similar lands in the locality to which the land belongs.

16. Manner of settlement of encroached land, encroached for more than thirty years.

- For settlement of land under Section 8-A the onus of proof that the encroacher has been in actual, continuous and undisputed occupation of the land for more than thirty years by the date of institution of the proceeding shall be on the encroacher. If the Sub-Divisional Officer order settlement of the land under Sub-section (3) of Section 8-A, he shall fix rent of the land in the manner prescribed under Rule 4 and shall direct the person to pay rent for the entire period of occupation subject to the provisions of limitation prescribed under the Orissa Limitation (Recovery of Revenue) Act, 1964 (Orissa Act 14 of 1964). In case no payment is made within the time fixed by the Sub-Divisional Officer, the order of settlement shall not be effected.

17. Powers of Board of Revenue to regulate the administrative procedure.

- The Board of Revenue may issue such further instructions which are not inconsistent with the provisions of the Act and these rules as it may consider necessary for -(a)effective implementation of the Act and these rules;(b)maintenance of all registers and returns essential to carry out the purpose of the Act, their preservation and final disposal; and(c)the budget heads to which the receipt and charge under the Act shall be credited and debited.

18. Repeal and savings.

- The Orissa Prevention of Land Encroachment Rules, 1977 is hereby repealed :Provided that anything done or any action taken under the rules so repealed be deemed to have been done or taken under the provisions of these rules, and those pending on the date of commencement of rules, shall be done or taken under the provisions of these rules.Form-ANotice under Section 9 of the O.P.L.E. Act, 1972[See Rule 6 (1)]ToShri.....
S/o.....Address.....Whereas it appears that you are in unauthorised occupation of land a Specified in the schedule below which is the property of

Government, you are hereby given notice to appear before the undersigned personally or through authorised Agent on..... at..... and show cause why you should not be proceeded against under Sections 4 and 6 of the Orissa Prevention of Land Encroachment Act, 1972 (Orissa Act 6 of 1972).

Schedule

Name of the village, police station or Thana andDistrict	Plot No.	Description	Entire extent of the plot as recorded inrecord-of-rights	Extent unauthorisedly occupied	Nature of occupation
1	2	3	4	5	6

Date .....TahsildarForm-BNotice under Section 9/7(1) of the O.P.L.E. Act, 1972[See Rule 6(1)]ToShri.....S/o.....Address.....Whereas after due enquiry the undersigned is satisfied that you are in unauthorised occupation of the land specified in the Schedule below which is the property of Government, you are hereby given notice to remove the encroachment within thirty days from the date of receipt of this notice failing which you will be summarily evicted from the land and any crop or other product raised on the land or any encroachment such as a building erected or a thing deposited thereon shall be liable to forfeiture.

Schedule 2

Name of the village, police station or Thana andDistrict	Plot No. Description	Entire extent of the plot as recorded inrecord-of-rights	Extent unauthorisedly occupied	Nature of occupation
1	2	3	4	5

Date.....TahsildarForm-COrder under Section 8 of the O. P. L. E. Act, 1972[See Rule 6(2)]Prohibitory order against construction or continuance of any building or structure on any unauthorisedly occupied landToShri.....S/o.....Address .....Whereas the undersigned has reason to believe that you are unauthorisedly constructing /about to construct a building or other structure on the land, which is the property of Government as defined under Section 2 of the O.P.L.E. Act, 1972, it is hereby ordered that you be and you are hereby prohibited from continuing the said construction/structure further.

Name of the village, police station or Thana andDistrict	Plot No.	Description	Entire extent of the plot as recorded inrecord-of-rights	Extent unauthorisedly occupied	Nature of occupation
1	2	3	4	5	6

Date.....TahsildarForm-D[See Rule 9]Form of Warrant of Arrest to be Issued by the Tahsildar

Seal

ToThe Officer-in-charge,Police Station.....Whereas Sri..... S/o..... of village/police-station has resisted/obstructed the officer deputed to remove him from unauthorised occupation of Government land in plot No. ..... of holding No. ..... has failed to comply with my order prohibiting him from constructing the building/structure on the said land and it is necessary to send him for imprisonment in the Civil Jail under Sections 7(6) and 8 of the O.P.L.E. Act, 1972 you are hereby directed to arrest the said ..... and produce him before me.Dated this.....day of.....20.....(Strike out which is not applicable)Seal :Signature of TahasildarForm-E[See Rule 15 (5)]In the Court of Shri.....Magistrate.....I Shri.....aged about.....years, son/daughter/wife of..... resident of Ward No..... Municipality/Notified Area, P.O..... P.S..... in the district of..... at present..... by profession..... do hereby..... solemnly affirm as follows :

1. that I or any of my family members living with me in common mess do not own or possess any residential house/building or house site anywhere in the State of Orissa.

2. That the land measuring..... acre pertaining to Plot No..... Khata No..... in the Municipality/Notified Area/Urban Area now under my unauthorised occupation is adjacent to my holding.

3. That the encroached land shown under item 2 above is necessary for beneficial enjoyment of my holding/for my residential purpose.

4. That I have not been considered for any homestead/plot in any Municipality/Notified Area/Urban Area.

5. That I solemnly swear and affirm that the above statements are true to my knowledge and belief and I also swear that I have not concealed anything regarding existing house or house-site owned either by me or anything of my family members, I swear the affidavit this the..... day of.....

Identified by meAdvocateSignature of the DeponentI Shri..... aged about..... years, son/daughter/wife of..... resident of village/town/Municipality/Notified Area/Urban Area..... P.O..... P.S..... in the district of..... at present by profession..... who is identified by Shri..... Advocate, appears before me and states on oath that contents of this affidavit are true to the best of his knowledge and belief.(Strike out which is unnecessary)DeponentMagistrate (Seal)Form-F[See Sub-rules (4) and (8) of Rule 15]Intimation Slip for Settlement of LandOffice of the TahasildarDistrictCase No.Name of the Village/Municipality/Notified Area/Urban Area(if Municipality or Notified Area, mention Ward No.)Thana No..... of the villageName of the person in whose favour land is ordered for settlementFather's nameCasteAddressHolding No.Plot No.Khata No.Area leased outClassification of the landAmount of assessment/penalty/finePurpose of

settlement of landStatusRemarksCertified that the above particulars have been incorporated in the relevant record-of-rightsTahsildarCertified that the above particulars have been incorporated in the circle records.Revenue InspectorForm-G[See Rule 3(1)]Statement of unauthorised occupation of Government land in village..... of in the circle..... Tahasil..... Sub-division..... District..... during the month of..... 19...../20.....

1. Serial No.

2. Name, father's name and address of the person in unauthorised occupation.

3. Whether the person belongs to Scheduled Caste or Scheduled Tribe.

4. Description of the land unauthorisedly occupied :

(a)Village, Thana and Tahasil(b)Holding No.(c)Plot No.(d)Full extent of plot(e)Extent occupied with boundary

5. Class of lands encroache, i.e. whether -

Gochar, Canal, Embankments, Rakhit, Sarbasadharan, set apart for common use of villages used for house site, temple site, likely to be required for any development scheme, belonging to an establishment of Government/ Company/Corporation.

6. Whether the land is in Rural Area/Municipality/Notified Area/Urban Area.

7. If the land is in Municipality or Notified area whether -

(i)the person or any member of his family living with him in common mess, own a house or house site in that Municipality or Notified Area;(ii)the land, being adjacent to the holding owned by the person, is necessary for the beneficial enjoyment of such holding or for the residential purpose of the person, or(iii)the land is reserved for the purpose of any Government or for any development purpose.

8. Whether the person is landless and, if not -

(a)the total extent of land owned by him (excluding his homestead);(b)extent of lands owned by all the members of his family who are living with him in common mess; and(c)extent of homestead land owned by him.

9. Income of encroacher and other members of the family jointly with him in one mess from sources other than agriculture.

10. Mode of occupation by-

(i)cultivation(ii)erection of house(iii)any other manner

11. Date of inspection of the Revenue Inspector.

12. Whether encroachment was booked previously, if so, the case number.....

13. Rate of assessment (Taram assessment of the village)

14. If not assessed, rate of assessment lands of similar description and advantage in the vicinity.

15. Assessment of the extent occupied.

16. Remarks of the Revenue Inspector.

Signature in full of the Reporting Officer(Revenue Inspector)Form-HRegistration of Encroachment[See Rule 3(2)]

1. Serial No.

2. Date

3. Name of village

4. Name of the encroacher, Caste, his father's name and address

5. Khata No.

6. Classification and status

7. Plot No.

8. Area encroached

9. Mode of encroachment

10. Date of receipt from Revenue Inspector

11. Assessment

12. Penalty

13. Fine

14. Market value

15. Date of disposal and by whom disposed of

16. Purpose of the order

17. Date of Settlement, if any and purpose

18. Date of vacation/eviction

19. Remarks of the Tahasildar which may include -

(a)The amount of sale proceeds of crop or other materials forfeited, if any;(b)Report of Revenue Inspector incorporating the amount in the village demand;(c)If appeal filed, the date of appeal and the decision of appellate Court.Form-IRegister Showing Government Land Likely to be Required for any Development Scheme[See Rule 14 (3)]

1. Name of the village

2. Classification of land

3. Khata No.

4. Plot No.

5. Area

6. Purpose for which reserved

7. No. and date of the Notification declaring the area likely to be required for any development scheme

8. Remarks

Form-J[See Rule 15 (1)]It is proposed to settle the land mentioned in the Schedule below in favour of..... S/o..... Caste..... Village..... who has encroached the said land being the property of Government. Any person intending to raise objection to the proposed settlement may file his objection before the undersigned within fifteen days of the publication of this notice at..... Tahasil Office. If no objection is filed till the expiry of the said period, the undersigned will proceed to settle the land in favour of the encroacher.

Schedule 3

Name of the village, police station or Thana andDistrict	Plot No.	Description	Entire extent of the plot as recorded inrecord-of-rights	Extent unauthorisedly occupied	Nature of occupation
1	2	3	4	5	6

Tahasildar

FREQUENTLY ASKED QUESTIONS
ON
THE ODISHA PREVENTION OF LAND ENCROACHMENT ACT 1972 AND Rules 1973

Question 1. What was the objective of enacting the Odisha Prevention of Land Encroachment Act 1972?

Answer - Originally the provisions laid down in the Orissa Prevention of Land Encroachment Act 1954 were prevalent in the state of Odisha. The Act was amended in 1970. Consequent upon the judgment delivered by Odisha High Court in OJC No. 1584 of 1968 that declared section 3 of the Act void as it was contravening the provisions laid down in Article 14 of the Constitution of India and also in view of a series of rulings that sections 3, 5, and 6 of the said Act were void as they contravened the provisions laid down in the Constitution of India, enactment of new Act became necessary. Ultimately the entire Act as amended in 1970 was declared void by the court.

The court also held that the 1970 amendment was not a re-enactment of the law and cannot be sustained in the eye of law. Accordingly, the entire Act was declared void and this left Government with no law to deal with encroachment cases. The Government tried to address the issue by promulgating an ordinance and subsequently came up with a new enactment; namely; *The Orissa Prevention of Land Encroachment Act 1972.* Basic objective of the Act was to provide means that would help the Government to remove unauthorized occupation of the land. However the Act is not applicable to other encroachments and is applicable only in case of encroachment of Government lands in any manner including construction of houses and cultivation of the land.

Question 2. From when were the provisions of OPLE Act enforced?

Answer - The Orissa Prevention of Land Encroachment Act, 1972 came into force with retrospective effect from the 29th day of October 1954 and extended to the entire state of Odisha.

Question 3. What is meant by the properties of Government?

Answer = Section 2 of the Act defines the term *property of Government* as including the following types of lands.
2 (a) all public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers ,streams, nalas, lakes and tanks and all canals and water courses and all standing and flowing water and all lands including temple sites, house sites or backyards wherever situated, save in so far as the same area -

- Lands belonging to Ex Rulers of Ex intermediaries.
- Lands belonging to people paying rent in any form to intermediaries.
- Lands for which rent is paid to government.
- Lands of registered land holders with proprietary rights.
- Any land held under the government by any person.

- Departmental or local authority lands.
- Land acquired under the Land Acquisition Act 1894 or any such act in force.
- Immovable properties of ex rulers settled in their favor.
- Lands belonging to PSUs.
- Lands belonging to Government undertakings or in which Government has substantial stake or control.

Question 4. What is meant by landless persons under the Act?

Answer – *Landless persons* mean any person the total extent of whose land excluding the homestead but together with the lands of all members of the family living in common mess with him is less than one standard acre. The income of the entire family should not exceed Rs.40,000 or as determined by the government from time to time.

Question 5. Who are the homestead less persons under the Act?

Answer - *Homesteadless persons* mean any person who or any member of whose family does not have homestead land in the entire state, has less than one standard acre of land, and has income less than Rs.40,000 or as determined by Government from time to time.

Question 6. What are the components of assessment of lands unauthroizedly occupied?

Answer - Section 4 deals with levy of assessment on lands that are unauthorisedly occupied. Occupants on unauthorized occupation shall pay –

- Rent for the entire period of occupation if the land was assessed to rent at any time. The rent will be proportionate to the area occupied.
- If the land was never assessed to rent the Tehsildar will determine the rent basing on rent payable for similar kisam of lands in the area.
- In case of landless persons the assessment shall not exceed five times of annual rent.
- Payment of assessment will not confer any occupancy rights.

Question 6. What is the extent of penalties to be paid by people occupying the land unauthorisedly?

Answer - Under section 6 of the Act the person occupying the land in unauthorized manner shall also be liable to pay penalty of Rs.100 per acre per year in addition to the assessment amount. Penalties will not be imposed on landless persons.

Section 7 of the Act says that persons occupying the Government land unauthorized shall be liable to be evicted after payment of assessment and standing crops and structures set up on the land shall be liable to be forfeited.

Question 7. If the person under unauthorized occupation of government land is landless then what action would be taken by the Revenue Officer?

Answer - Section 7(1) (2) says that where the person under unauthorized occupation is landless the Tehsilder can settle the encroached land in such manner that the total extent of lands of the family together with the settled land shall not exceed one standard acre and not more than $\frac{1}{10}$ th of an acre used as homestead purposes.

Question 8. What are the lands that cannot be settled under the provisions of OPLE Act 1972?

Answer - Sub section 2 of the section specifies the categories of lands that cannot be settled. These are =

- Gochar, Rakhsit, and Sarbasadharan land.
- Lands set apart for community purposes.
- Lands used as house sites, back yards, or temple sites.
- Lands that may be required for development projects.
- Lands belonging to Government undertakings or departmental lands or companies where 51% of share is held by Government. But in such cases the person concerned or any member of his or her families owns a house or house site in the Municipal or NAC area.
- Also in such cases the land adjacent to the existing holding of the person should be necessary for the beneficial enjoyment of the holding.

Question 9. Who is competent to settle land situated in Municipality or NAC area?

Answer – On reference by Tahasildar, Sub-Collector can settle the unauthorized occupied land up to $\frac{1}{10}$ th of an acre subject to confirmation by Collector on payment of market value of the land.

Question 10. What are the provisions regarding homestead government lands unauthorizedly occupied?

Answer - In case of persons occupying homestead government lands that can be settled and is not barred from being settled under the provisions of this law; can be settled to the extent of Ac.0.04 decimals if the person is residing there and using the land for homestead purposes prior to 10th March, 1985.

Question 11. What will happen if an occupier fails to evict the land in scheduled time despite nocite?

Answer - When someone is given a notice to vacate the encroached land, and if the person is unable to do so within the specified period, the Tahasildar have the power to

impose one time penalty of Rs.50 and daily penalties of Rs.10 besides effecting forfeiture of the properties in question. However in suitable cases the Collector shall have the power to reduce or remit the fines payable.

Question 12. What is the procedure for dealing with forfeited property under the Act?

Answer - Tehsildar has the power to dispose off the forfeited items under this Act. Eviction within prescribed time limit shall be effected as per the procedure laid down in section 9 of the Act by issuing notice to the encroacher or his agent. Tehsildar may use the services of an Officer for effecting the eviction. In case of resistance to such Officer by the encroacher or anyone connected with him, the Tehsildar will conduct a summary inquiry and has the power to issue warrant and send the person to Civil Prison for a period not exceeding 30 days.

Question 13. How to deal with unauthorized construction on government lands?

Answer - Section 8 gives Tehsildar power to stay of any construction which might be upcoming or intended on any encroached land. In this case the Tehsildar has also the power to impose fines and send the violator to civil prison for a period of not exceeding 30 days to prevent him from further construction .

Question 14. Is there any provision relating to getting rights over the occupied land by adverse possession?

Answer - According to Section 8-A if an encroacher is able to establish that he is in actual, undisputedly, and continuously in possession over the land for more than 30 years, by the dates of institution of the case, the Tehsildar will refer the case to the Sub-Collector. On receipt of the reference the Sub-Collector will intimate the department except the Revenue and Disaster Management Department to whom the land belongs and decide the case giving all concerned due opportunity of being heard. If the Sub-Collector is satisfied about the claim then he will make the assessment and subject to its payment settle the land with such occupant.

Question 15. How the principles of natural justice and fair play affected under the Act?

Answer - Section 9 provides that before initiating any proceeding under this act prior notice shall be given to the encroacher with all details to show cause as to why proceedings against him won't be started.

Question 16. Who can make rules for implementation of the provisions of the Act?

Answer - Section 10 empowers the State Government the power to make rule for proper implementation of the provisions of the Act and regulating the assessment, penalties, manner of assessment of market value, payment of assessments and rent and procedures to be followed. All Rules so framed shall be placed before the OLA for a period of 14 days covering one or more sessions.

Question 17. What is the relationship between OPLE and OPDR Acts?

Answer - Section 11 provides that the assessment amount shall be recoverable as public demand.

Question 18. Who is the appellate authority under the Act?

Answer - Section 12 (1) makes the Sub-Collector appellate authority and the order of hierarchy from him to Collector, RDC, and Member Board of Revenue shall be followed.

Question 19. What special power has been given to RDC under the Act?

Answer - Section 12 (2) vests revision power with the Collector. Section 12 (3) vests the RDC with some extraordinary powers and he can call for and examine any record if he feels that –

- The disposing authority has exceeded his legal powers;
- The disposing officer has failed to exercise power vested in him; and
- The disposing officer has contravened express provisions of law.

The Sub-Collector, Collector, or RDC can stay the execution of any decree passed by the lower court pending disposal of the appeal, revision, or review as the case may be.

Question 20. What is the time period for filing of appeal under the Act?

Answer - Section 13 says that the time period for filing of appeal shall be limited to 30 days from the date of passing of the order. However the time taken for obtaining certified copy of the order will be excluded while computing the period of filing of appeal. Appellate authority has powers to condone delay if he feels that there was sufficient reasons for the appellant in making such delay.

Question 21. Are you protected for taking action in good faith under the Act? If so, under what provision?

Answer - Section 17 gives protection to the officers taking action under this Act in good faith and Section 18 repeals earlier Acts including the OPLE 1954 and states that actions taken under the Acts and Rules repealed shall deemed to have been taken under this Act. Section 19 repeals the Odisha Ordinance 7 of 1971 which preceded this Act.

THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1961

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Repealed by OA 7/72

ORISSA ACT 25 OF 1961

THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1961

[*Received the assent of the President on the 6th December 1961, first published in an extraordinary issue of the* Orissa Gazette, *dated the 21st December 1961*]

AN ACT TO PROVIDE FOR THE EVICTION OF UNAUTHORISED OCCUPANTS FROM PUBLIC PREMISES AND FOR CERTAIN INCIDENTAL MATTERS

BE it enacted by the Legislature of the State of Orissa in the Twelfth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1961.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires—

(*a*) "Estate Officer" means an officer appointed as such by the State Government under section 3;

(*b*) "premises" means any land or any building or part of a building and includes—

(*i*) the garden, grounds and outhouses, if any, appertaining to such building or part of a building; and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(*c*) "prescribed" means prescribed by rules made under this Act ;

(*d*) "public premises" means any premises belonging to, of taken on lease or requisitioned by the State Government and situated within the jurisdiction of a Municipal Council or Notified Area Council constituted under the Orissa Municipal Act, 1950; Orissa Act 23 of 1950.

(*e*) "unauthorised occupation" in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation, and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

Appointment of Estate Officers.

3. The State Government may, by notification—

(*a*) appoint such persons, being gazetted officers of Government as they think fit to be Estate Officers for the purposes of this Act ; and

(*b*) define the local limits within which, or the categories of public premises in respect of which, each estate Officer shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under this Act.

For the Bill see *Orissa Gazette* extraordinary, dated the 25th August 1961

Issue of notice to show cause against order of eviction.

4. (1) If the Estate Officer is of opinion that any persons are in unauthorised occupation of any public premises and that they should be evicted, the Estate Officer shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall—

(*a*) specify the grounds on which the order of eviction is proposed to be made ; and

(*b*) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the public premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than fifteen days from the date of service thereof.

(3) The Estate Officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner, if any, as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Estate Officer knows or has reasons to believe that any persons are in occupation of the public premises, then without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

Eviction of unauthorised occupants.

5. (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Estate Officer is satisfied that the public premises are in unauthorised occupation, the Estate Officer may, on a date to be fixed for the purpose, make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises.

(2) If any person refuses or fails to comply with the order of eviction within forty-five days of the date of its publication under sub-section (1), the Estate Officer or any other officer duly authorised by the Estate Officer in this behalf may evict that person from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary :

Provided that in the case of any such person who is not a Government employee and who has been in continuous occupation of the public premises for a period exceeding three years immediately preceding the date of the publication of the order of eviction, the Estate Officer shall not if an application is made to him in this behalf, evict such person from the public premises within ninety days of such publication.

Disposal of property left on public premises by unauthorised occupants.

6. (1) Where any persons have been evicted from any public premises under section 5, the Estate Officer may after giving twenty-one days' notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least two daily newspapers having circulation in the locality, remove or cause to be removed or dispose of by public auction any property remaining on such premises.

(2) Where any property is sold under sub-section (1), the sale-proceeds shall, after deducting the expenses of the sale and the amount, if any, due to the State Government on account of arrears of rent or damages, be paid to such person or persons as may appear to the Estate Officer to be entitled to the same :

Provided that where the Estate Officer is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the Civil Court of competent jurisdiction and the decision of the Court thereon shall be final.

Power to recover rent or damages in respect of public premises as arrears of land revenue.

7. (1) Where any person is in arrears of rent payable in respect of any public premises, the Estate Officer may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is, or has at any time been in unauthorised occupation of any public premises, the Estate Officer may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order :

Provided that no such order shall be made until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Estate Officer.

(3) If any person refuses or fails to pay the arrears of rent or any instalment thereof payable under sub-section (1) or the damages or any instalment thereof payable under sub-section (2) within the time specified in the order relating thereto, the Estate Officer may issue a certificate for the amount due to the Collector who shall proceed to recover the same as an arrear of land revenue.

Power of Estate Officers.

8. An Estate Officer shall, for the purpose of holding any enquiry under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely :— of 1908

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of documents ;

(*c*) any other matter which may be prescribed.

Appeals

9. (1) An appeal shall lie from every order of the Estate Officer made in respect of any public premises under section 5 or section 7 to the Court of the District Judge within whose jurisdiction such premises are situate.

(2) An appeal under sub-section (1), shall be preferred—

(*a*) in the case of an appeal from an order under section 5, within thirty days from the date of publication of the order under sub-section (1), of that section ; and

(*b*) in the case of an appeal from an order under section 7, within thirty days from the date on which the order is communicated to the appellant:

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Estate Officer, the appellate officer may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

Finality of orders

10. Save as otherwise expressly provided in this Act, every order made by an Estate Officer or appellate officer under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

Protection of action taken in good faith.

11. No suit, prosecution or other legal proceeding shall lie against the State Government or the appellate officer or the Estate Officer or any other officer duly authorised by the Estate Officer under sub-section (2) of section 5 in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Delegation of powers.

12. The State Government may, by notification, direct that any power exercisable by them under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer of the Government.

Power to make rules.

13. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form of any notice required or authorised to be given under this Act and the manner in which it may be served ;

(*b*) the holding of inquiries under this Act ;

(*c*) the procedure to be followed in taking possession of public premises ;

(*d*) the mannet in which damages for unauthorised occupation may be assessed and the principels which may be taken into account in assessing such damages ;

(*e*) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(*f*) any other matter which has to be, or may be prescribed.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before the Legislative Assembly for a total period of fourteen days which may be comprised in one or more Sessions and shall be subject to such modification as the Assembly may make during the said period.

The Odisha Gazette

EXTRAORDINARY

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No. Date : 18th June I955

Orissa Act No. 7 of 1972

*THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1972

[Received the assent of the President on the 9th February, 1972, first published in an extraordinary issue of the Orissa Gazette, dated the 25th February I972]

AN ACT TO PROVIDE FOR THE EVICTION OF UNAUTHORISED OCCUPANTS FROM PUBLIC PREMISES AND FOR CERTAIN INCIDENTAL MATTERS.

BE it enacted by the Legislature of the State of Orissa in the Twenty-Second year of the Republic of India, as follows:

1. Short title, extent and commencement. - (1) This Act may be called the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

(2) It extends to the whole of the State of Orissa.

(3) It shall be deemed to have come into force on the 21st December 1961 except Sections 13,18 and 19 which shall come into force at once.

2. Definitions. - In this Act, unless the context otherwise requires-

[1][*(a) "Board"* shall mean -

(i) the Orissa State Electricity Board constituted under the Electricity (Supply) Act 54 of 1948.

(ii) The Orissa State Housing Board constituted under the Orissa Housing Board Act II of 1968.]

(b) "Company" means a Government company as defined in Section 617 of the Companies Act, 1 of 1956, but shall not include any such company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government;

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* *Published vide Orissa Gazette Extraordinary No. 331-Dated/25.2.1972-Notification No 2262-Legislative-Dated/21.2.1972.*

1. *Substituted vide Orissa Act 12 of 1989*

[1][(bb) *"Corporation"* means a Corporation established by or under a Central Act or a State Act, and owned or controlled by the State Government];

(c) "Estate Officer" means an officer appointed as such by the State Government under Section 3;

[1][(cc) *"Improvement Trust and special Planning Authority"*, respectively mean an Improvement Trust and Special Planning Authority constituted under the Orissa Town Planning and Improvement Trust Act, 1956 (Orissa Act 10 of 1957);

[3][(ccc) *"Municipality"* respectively mean a Municipal Corporation constituted under the Odisha Municipal Corporation Act, 2003 (Odisha Act 11 of 2003), Municipal Council and Notified Area Council constituted under Orissa Municipal Act 1950 (Orissa Act 23 of 1950);]]

(d) "Premises" means any land or any building or part of a building and includes-

(i) the garden, grounds and out-houses, if any appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(e) "Prescribed" means prescribed by rules made under this Act;

[2][(f) *"Public Premises"* means any premises situated within the jurisdiction of a [3][Municipality] or within an area declared by the State Government to be an industrial estate and-

(i) belong to or taken on lease by the State Government or the Board or by any Company, Corporation,[3][Municipality], Improvement Trust, Special Planning Authority; or University; or

(ii) requisitioned by the State Government].

(g) "Unauthorised Occupation" in relation to any public premises means the occupation by the person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever;

[4][(h) *"University"* means a University established by any Act of the State.]

3. Appointment of Estate Officer. - The State Government may, by notification -

(a) appoint such persons, being gazetted officers of Government or officers of equivalent rank of [2][the Board or of a Company, Corporation,

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1. *Inserted vide Orissa Act 2 of 1983*
2. *Substituted vide Orissa Act 2 of 1983*
3. *Substituted vide Orissa Act 1 of 2011*
4. *Added vide Orissa Act 2 of 1983*

Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University], as they think fit, to be Estate Officers for the purposes of this Act; and

(b) define the local limits within or with the categories of public premises in respect of which each Estate Officer shall exercise the powers conferred, and perform the duties imposed on Estate Officers by or under this Act.

Explanation. - For the purpose of Clause (a) the expression Gazetted Officer of Government shall include any such officer who is on deputation to the services of a [1][the Board or of a Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University.]

4. Issue of notice of show cause against order of eviction. - (1) If the Estate Officer is of the opinion that any persons are in unauthorised occupation of any public premises and they should be evicted, the Estate Officer shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall -

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons Concerned, that is to say, all persons who are, or, may be in occupation, of or claim interest in the public premises to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than [2][seven days] from the date of service thereof.

(3) The Estate Officer shall cause the notice to be served by having h affixed on the outer door or some other conspicuous part of the public premises, and in such other manner if any as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Estate Officer knows or has reasons to believe that any persons are in occupation of the public premises then, without prejudice to the provisions of Sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

[3]**[4A. Stay of construction. -** The Estate officer may, if he has reasons to believe that any person unauthorisedly occupying any public premises is constructing or is about to construct any building or other structure thereon, by order prohibit such person from proceeding with construction or, as the case may be, from constructing such building or structure and if such person fails to comply with the said order, the Estate Officer may impose a penalty which may extend to one thousand rupees and a daily penalty not exceeding one hundred

1. *Substituted vide Orissa Act 2 of 1983*
2. *Substituted vide Orissa Act 12 of 1989*
3. *Inserted vide Orissa Act 2 of 1983*

rupees for every day during which such non-compliance continues and may also issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in the form appended to the Schedule for imprisonment in the Civil Jail of the district for a period not exceeding thirty days as may be necessary to prevent the person from proceeding with the construction.]

5. Eviction of unauthorised occupants. - (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under Section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard the Estate Officer is satisfied that the public premises are in unauthorised occupation the Estate Officer may make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public promises.

(2) If any person refuses or fails to comply with the order of eviction within [1][fifteen days] of the date of its publication under Sub-section (1), the Estate Officer or any other officer duly authorised by the Estate Officer in this behalf, may evict that person from and take possession of the public premises and may, for that purpose, use such force as may be necessary.

[2][* * *]

6. Disposal of property left on public premises by unauthorised occupants. - (1) Where any person have been evicted from any public premises under Section 5, the Estate Officer may, [3][after giving reasonable notice to the persons from whom possession of the premises has been taken] remove or cause to be removed or dispose of by public auction any property remaining on such premises.

(2) Where any property is sold under Sub-Section (1), the sale proceeds shall after deducting the expenses of the sale and the amount, if any [3][due to the State Government, Board, Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University], as the case may be an account of arrears of rent or damages, be paid to such person or persons as may appear Estate Officer to be entitled to the same.

Provided that where the Estate Officer is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same he may refer such dispute to the Civil Court of competent jurisdiction and the decision of the Court thereon shall to the be final.

7. Power to recover rent or damages in respect of public premises as arrears of land revenue. - (1) Where any person is in arrears of rent payable

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1. *Substituted vide Orissa Act 12 of 1989*
2. *Omitted vide Orissa Act 12 of 1989*
3. *Substituted vide Orissa Act 2 of 1983*

in respect of any public premises the Estate Officer may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is or has at any time been in unauthorised occupation of any public premises, the Estate Officer may having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

Provided that no such order shall be made until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice as to why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Estate Officer.

[1][(3) if any person refuses or fails to pay-

(a) the arrears of rent or any instalment thereof or the damages or any instalment thereof within the time specified in the order made under Sub-section (1) or Sub-Section (2), as the case may be; or

(b) the penalty payable under Section 4-A within three months from the date on which the order imposing the penalty is communicated to him.

The Estate Officer may issue a certificate for the amount due to the Collector who shall proceed to recover the same as an arrear of land revenue.]

8. Powers of Estate Officer. - An Estate Officer shall, for the purpose of holding any enquiry under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 5 of 1908, when trying a suit, in respect of the following matters, namely :

(a) summoning and enforcing the attendance of any persons and examining him on oath;

(b) requiring the-discovery and production of document; and

(c) any other matter which may be prescribed.

9. Appeals. - [2][(1) An appeal shall lie from every order of the Estate Officer made under Section 4-A, Section 5 or Section 7-

[3][(i) in respect of any public premises situated within Cuttack and Bhubaneswar [4][Municipalities] and owned by the General Administration Department of the Government to an appellate authority who shall be the Director of Estates or such other officer including the Additional Director of Estates as the Government may by notification specify in this behalf; and]

(ii) in respect of any other public premises to the Collector within whose

1. *Substituted vide Orissa Act 2 of 1983*
2. *Substituted vide Orissa Act 12 of 1989*
3. *Substituted vide Orissa Act 14 of 2001*
4. *Substituted vide Orissa Act 1 of 2011*

jurisdiction such premises are situate.

(1-A) All appeals filed under this section and pending before the Revenue Divisional Commissioner prior to the date of commencement of the Orissa Public Premises (Eviction of Un-authorised Occupants) Amendment Act, 1989 shall, on the date of such commencement, stand transferred to the Director of Estates Orissa or as the case may be, the Collector within whose jurisdiction such premises are situate and shall be disposed of by him in accordance with the provisions contained in this section.

Provided that an appeal against the orders of the Director of Estates passed in the capacity of an Estate Officer under this Act which is so pending before a Revenue Divisional Commissioner shall be disposed of by such Revenue Divisional Commissioner.]

(2) An appeal under Sub-section (1) shall be preferred-

(a) in the case of any appeal from the order under Section 5, within [1][twelve days] from the date of publication of the order under Sub-Section (1) of that section; and

(b) in the case of in appeal from an order [1][under Section 4-A or Section 7] within [1][twelve days] from the date on which the order is communicated to the appellant.

Provided that the appellate authority may entertain the appeal after the expiry of the said period of [1][twelve days] if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

[Transitory provision - All appeals filed under Section 9 of the Principal Act and pending in the Court of a District Judge on the date of commencement of this Act shall stand transferred to the Revenue Divisional Commissioner within whose jurisdiction the concerned premises are situate and shall be disposed of by him in accordance with the provisions contained in that Section.]

(3) Where an appeal is preferred from an order of the Estate Officer, the appellate authority may stay the enforcement of that order for such period and on such conditions as it deems fit.

(4) Every appeal under this section shall be disposed of by the appellate authority as expeditiously as possible.

10. Finality of order. - Save as otherwise expressly provided in this Act every order made by an Estate Officer or appellate authority under this Act shall be final and shall not be called in question in any original suit application or execution proceedings.

11. Power to obtain information. - If the Estate Officer has reason to believe that any persons are in unauthorised occupation of any public premises he may require those persons or any other person to furnish information relating to the names and other particulars of the persons in occupation of the public

1. *Substituted vide Orissa Act 12 of 1989*
2. *Substituted vide Orissa Act 2 of 1983*

premises and every person so required shall be bound to furnish the information in his possession.

12. Liability of heirs and Legal representatives. - (1) Where any person against whom any proceeding for the determination of arrears of rent or the assessment of the damages is to be or has been taken dies before the proceeding is taken or during the pendency thereof, the proceedings may be taken or as the case may be continued against the heirs or legal representatives, of that person.

(2) Any amount due to the State Government or [1][the Board or to any Company Corporation Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University] from any person whether by way of arrears of rent or damages or costs shall, after the death of the person, be payable by his heirs or legal representative but their liability shall be limited to the extent of the assets of the deceased in their hands.

13. Offences and Penalty. - (1) If any person who has been evicted from any public premises under the Act again occupies the premises without authority for such occupation, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees or with both.

(2) The Magistrate convicting a person under Sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.

14. Bar of suit and proceeding. - No suit or other proceeding in respect of matters or disputes for determining or deciding which provision is made in this Act shall be instituted in any Court of Law, except under and in conformity with the provisions of this Act.

15. Protection of action taken in good faith. - No suit prosecution or other legal proceeding shall lie against the State Government or the appellate authority or the Estate Officer or any other officer duly authorised by the Estate Officer under Sub-section (2) of Section 5 in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

16. Delegation of powers. - The State Government may, by notification, direct that any power exercisable by them under this Act shall subject to such conditions if any, as may be specified in the notification be exercisable also by an Officer of the Government.

17. Power to make rules. - (1) The State Government may, by notification, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters namely:

(a) the form of any notice required or authorised to be given under this

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1. Substituted vide Orissa Act 2 of 1983

Act and the manner in which it may be served;

(b) the holding of inquiries under this Act;

(c) the procedure to be followed in taking possession of public premises;

(d) the manner in which damages for unauthorised occupation may be assessed and the principle which may be taken into account in assessing such damages;

(e) the manner in which appeals may be preferred and the procedure to be followed in appeals, and

(f) any other matter Which has to be or may be prescribed.

(3) All rules made under this section shall as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and if during the said period, the State Legislature makes modification if any therein, the rules shall thereafter have effect only in such modified form; so, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.

18. Repeal. - The Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 25 of 1961, is hereby repealed.

19. Validation. - Notwithstanding any judgement, decree or order of any Court anything done or any action taken (including rules or orders made notices issued, evictions ordered or effected damages assessed, rents or damages or costs covered and proceedings initiated) or purported to have been done or taken under the Orissa Public Premises (Eviction of Unauthorised Occupants) Act 25 of 1961 (hereinafter in this section referred to as the 1961 Act) shall be deemed to be as valid and effective as if such thing or action was done or taken the corresponding provisions of this Act which under Section (3) of Section 1, shall be deemed to have come into force on the 21st December 1961 and accordingly-

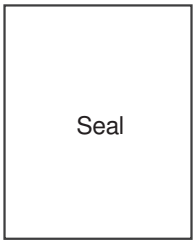
(a) no suit or other legal proceeding shall be maintained or continued in any Court for the refund of any rent or damages or costs recovered under the 1961 Act, where such refund has been claimed merely on the ground that the said Act has been declared to be unconstitutional and void; and

(b) no Court shall enforce a decree or order directing the refund of any rent or damages or costs recovered under the 1961 Act, merely on the ground that the said Act has been declared to be unconstitutional and void.

[1][(Schedule)

(Section 4-A)

Form of warrant to be issued by the Estate Officer under Section 4-A of the Act



To

The Officer-in-charge of the Civil Jail at.....

Whereas A, B of.....has failed to comply with the order issued under Section 4-A of the Orissa Public Premises Eviction of Unauthorised Occupants) Act, 1972.

And whereas it is necessary in order to enforce compliance of the said order to commit the said A, B to close custody;

You are hereby required under the provisions of Section 4-A of the said Act to receive the said A.B, into the jail under your charge and there to keep him in safe custody for.....days.

Dated this day of.....

Signature of Estate Officer

ORISSA ACT 12 OF 1989

THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 1989

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4. Amendment of Section 5
5. Amendment of Section 9

ORISSA ACT 12 OF 1989

*THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 1989

[Received the assent of the Governor on the 1st June, 1989 first published in an extraordinary issue of the *Orissa Gazette*, dated the 15th July 1989].

AN ACT FURTHER TO AMEND THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1972.

BE it enacted by the Legislature of the State of Orissa in the Fortieth Year of the Republic of India, as follows :—

Short title

1. This Act may be called the Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1989.

Amendment of Section 2.

2. In the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972 (Hereinafter referred to as the principal Act), in Section 2, for clause (*a*), the following clause shall be substituted, namely :— Orissa Act of 1972.

"(*a*) 'Board' shall mean,—

(*i*) the Orissa State Electricity Board constituted under the Electricity (Supply) Act, 1948; or 54 of 1948

(*ii*) the Orissa State Housing Board constituted under the Orissa Housing Board Act, 1968;". Orissa Act 11 of 1968.

Amendment of Section 4.

3. In the principal Act, in sub-section (2) of section 4, in clause (*b*), for the words "Fifteen days", the words "Seven days" shall be substituted.

Amendment of Section 5.

4. In the principal Act, in sub-section (2) of Section 5,—

(*i*) for the words "Forty-five days", the words "Fifteen days" shall be substituted; and

(*ii*) the proviso shall be omitted.

Amendment of Section 9.

5. In the principal Act, in section 9,—

(*i*) for sub-section (*1*), the following sub-sections shall be substituted, namely:—

*For the bill See *Orissa Gazette* extraordinary, dated the 24th February 199(No. 317)

"(*1*) An appeal shall lie from every order of the Estate Officer made under section 4-A, section 5 or section 7,—

(*i*) in respect of any public premises situated within Cuttack and Bhubaneswar Municipal areas and owned by the General Administration Department of Government to the Director of Estates, Orissa; and

(*ii*) in respect of any other public premises to the Collector within whose jurisdiction such premises are situate.

(*1—A*) All appeals filed under this section and pending before the Revenue Divisional Commissioner prior to the date of commencement of the Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1989 shall, on the date of such commencement, stand transferred to the Director of Estates, Orissa or, as the case may be, the Collector within whose jurisdiction such premises are situated and shall be disposed of by him in accordance with the provisions contained in this section:

Provided that an appeal against the orders of the Director of Estates passed in the capacity of an Estate Officer under this Act which is so pending before a Revenue Divisional Commissioner shall be disposed of by such Revenue Divisional Commissioner.";

(*ii*) in sub-section (*2*), for the words "thirty days", wherever they occur, the words "twelve days" shall be substituted

REVENUE DEPARTMENT, ORISSA

No. 10055—GE(GL)-59/75-R.

From

Shri D. N. Mohanty, O.A.S. (I),
Deputy Secretary to Government

To

The Secretary, Board of Revenue,
Orissa, Cuttack.

The 29th December 1975

Subject—Fixation of Annual rent in the Urban areas.

Sir,

I am directed to say that in Para. 2 Government Order No. 60809-R., dated the 22nd October 1963 while prescribing an Uniform Procedure for renewal of Old Khasmahal leases it was ordered that annual rent in any case shall be equal to one per cent of the market value ruling at the time of renewal subject to alteration at the time of next renewal or general settlement/resettlement operation whichever is earlier. Further, in G. O. No. 7876-R., dated the 3rd February 1965 it was ordered that the rent for leased-out for homestead purpose in Urban areas (any village or group of villages notified as a town under the O. S. U. L. S. Rules, 1959) shall be fixed at 1 per cent of the market value.

2. It has been represented before Government that the principle of fixing annual rent at one per cent of the market value of the time of renewal of old Khasmahal leases will hard hit educational and charitable institutions as well as persons occupying homestead lands on lease in urban areas.

3. The question of laying down a revised principle for fixation of annual rent in the urban areas was under consideration of Government. After careful consideration Government have been pleased to decide that the following principles will be followed in fixing rent for lands leased out for different purposes in the Urban areas (any village or group of villages notified as a town under the Orissa State Urban Land Settlement Rules, 1959).

(1) Land used for trade commerce and Industries. 1% of the market value

(2) Land used for residential purpose 0·25% of the market value.

(3) Land used/for public institution such as educational and charitable in stitution 0·25% of the market value.

4. The above rate of rent should be adopted at the time of renewal of old Khasmahal leases. The order issued in this Department Government order No. 38818-R., dated the 8th July 1974 is hereby withdrawn.

5. All concerned are being informed.

Yours faithfully

D. N. MOHANTY

Deputy Secretary to Government

By fax/ e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

No. GE (GL)-S-34/2017- 391 **/ R&D.M Dated** 2.1.18

From

Dr. C.S. Kumar, IAS
Principal Secretary to Government

To

All Collectors

Sub: Clarification regarding applicability of IPR, 2015 in lease of government land for setting up industries

Madam/ Sir,

As you are aware, the Industrial Policy Resolution (IPR), 2015 issued vide Industries Department Resolution No. 5700/I dated 24/08/2015 provides various concessions/ incentives to the eligible industrial units with a view to promoting industrialization in the State. For instance, Para 5.4.1 (b) of the said IPR provides that government land will be alienated and transferred to IDCO at a concessional rate of premium as specified therein for industrial and infrastructure development. Similarly, Para 5.4.17 (e) of the IPR provides that Multiplexes/ Cinema Halls shall be eligible to get allotment of government/ IDCO land at concessional industrial rate. Para 5.4.18 (c) also provides for providing land at 50% of the prevailing market rates of IDCO in favour of industrial units for setting up workers' hostel or dormitory.

2. It has come to the notice of this Department that doubts have been raised at certain quarters as to whether the concessional rate of premium prescribed in Para 5.4.1 (b) of the IPR is only applicable to allotment of government land in favour of IDCO or an industrial unit can claim for allotment of government land on such concessional rate of premium directly from concerned revenue authority.

3. In this context, Industries Department was consulted in the matter. Industries Department has clarified as follows:-

> "As per Para 5.4.1 (b) of IPR, 2015, government land will be alienated and transferred to IDCO for industrial and infrastructure development as per

the rate prescribed in the Para i.e. at concessional rate. Hence, project proponent will avail land at concessional price only if the land is allotted through IDCO. In case the project proponents apply for any identified land to the concerned revenue authorities, the same can be forwarded to IDCO for filing of lease for establishment of industries. After the lease is sanctioned in favour of IDCO, the land can be allotted to the project proponent at the concessional rate as prescribed in Para 5.4.1 (b) of IPR, 2015."

You are therefore requested to take appropriate steps in the matter accordingly.

Yours faithfully,

2.1.2018

Principal Secretary to Government

Memo No. 392 **/RDM Dated** 2.1.18

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

2/1/18

Joint Secretary to Government

Memo No. 393 **/RDM Dated** 2.1.18

Copy forwarded to Industries Department/ MSME Department/ CMD, IDCO, Bhubaneswar for information and necessary action.

2/1/18

Joint Secretary to Government

Memo No. 394 **/RDM Dated** 2.1.18

Copy forwarded to Deputy Secretary (in charge of IMU Cell)/ all seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.

2/1/18

Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

Notification

No. GE(GL)-S-38/2016/ 2279 **/R&DM Dated** 19.1.17.

Whereas, Para 5.4.1 (b) of the Industrial Policy Resolution (IPR), 2015, issued by the Industries Department in their Resolution No.5700 dated the 24th August, 2015, published in the Extraordinary issue of the Odisha Gazette No.1263, dated the 27th August,2015 stipulates that annual ground rent shall be paid at the rate of one percentum of the land value;

And whereas, the said para 5.4.1 (b) of the Industrial Policy Resolution (IPR), 2015 further stipulates the concessional industrial land rate at which Government land will be alienated and transferred to IDCO for industrial and infrastructure development;

And whereas, the Industries Department vide their Resolution No.5522, dated the 17th August, 2016 published in the Extraordinary issue of the Odisha Gazette No.57 dated the 9th January, 2017 have amended the provision contained in para 5.4.1 (b) of the IPR, 2015 and stipulated in para 1 thereof that the ground rent shall be fixed at the rate of one percentum of the IPR land rate at the time of sanction of lease of government land and transfer of the same by Government to IDCO;

And whereas, the Resolution dated the 17th August, 2016 provides that it shall come into force with effect from the 24th August, 2015;

And whereas, clause (b) of sub-section (1) of section 3 of the Odisha Government Land Settlement Act,1962 stipulates that Government is having the power to charge premium for settlement of any Government land;

And whereas, clause (c) of sub-section (1) of section 3 of the Odisha Government Land Settlement Act, 1962 stipulates that Government is having the power to charge rent for the lands so settled;

Now, therefore, in exercise of the powers conferred by clause (b) and clause (c) of sub-section (1) of section 3 of the Odisha Government Land Settlement Act, 1962, the state Government do hereby specify that the premium for settlement of Government lands in favour of IDCO for industrial and infrastructure development purposes shall be the same as the concessional industrial land rate as per para 5.4.1 of the IPR, 2015 and the annual ground rent in respect of the Government land so settled shall be one percentum of the premium so fixed.

It shall come into force with effect from the 24th August, 2015.

By order of the Governor

Principal Secretary to Government

Memo No. 2280 /R&DM, Dated 19.1.17.

Copy forwarded to Gazette Cell of Commerce & Transport (Commerce) Department with a request to publish the Notification in the next extraordinary issue of the Odisha Gazette and furnish 50 copies of the same to this Department.

19/1/17

Joint Secretary to Government

Memo No. 2281 /R&DM, Dated 19.1.17.

Copy forwarded to Principal Secretary to Government, Industries Department/ MD,IDCO for information.

19/1/17

Joint Secretary to Government

Memo No 2282 /R&DM, Dated 19.1.17.

Copy forwarded to All Departments of Government/All Heads of Department/All RDCs/All Collectors/All Sub- Collectors/ All Tahasildars for information and necessary action.

19/1/17

Joint Secretary to Government

Memo No 2283 /R&DM, Dated 19.1.17.

Copy forwarded to Dy Secretary, IMU Cell/all seats of LRGE (A)/(B)/(C) Branch of R&DM Department for information and necessary action.

19/1/17

Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT

***

RESOLUTION

No. 31320 / R &DM, Bhubaneswar dated the 13th Nov., 2015
GE (GL)-S-04 / 2015

Government lands for industrial purpose are leased out by Revenue & D.M. Department to IDCO under the provisions of Odisha Government Land Settlement Act, 1962 and Odisha Government Land Settlement Rules, 1983. Similarly, on requisition of IDCO, Private land is acquired by Revenue and DM Department and subsequently transferred to IDCO for setting up of industries.

2. Both Government land and acquired private lands have been transferred to IDCO through separate agreements executed between Government of Odisha through Collector and the IDCO. Government land is transferred to IDCO on lease basis at concessional IPR rates for 99 years. In the past, IDCO was granting NOC/ permission to the lessees or allottees for creation of mortgage/ security for both the categories of allotted lands for the purpose of construction of building, purchase of machinery and raw materials etc.

3. Government of Odisha in IPR 2001 expressed its desire to create a 'Land Bank' of an appropriate extent in districts/areas having industrial potential. The IPR-2007 reiterated the concept of allotment of land to industrial units and infrastructure projects at concessional rates. The IPR 2015 has further strengthened to create a conducive environment for sustainable industrial growth and creation of Land Bank is an important milestone in facilitating this.

4. To attract investments in industrial projects and to ensure timely take up of the industries Government of Odisha have decided to identify suitable patches of land both government and private, in areas having industrial potential and future requirements to keep it under one basket with ready to use status, called 'Land Bank'.

5. In view of above, formulation of a uniform policy in accordance with the relevant provisions of OGLS Act and Rules and with the IPR-2015, the mode of transfer of the government land and acquired private land in favour of IDCO for creation of Land Bank and Issue of NOC/ Permission by IDCO in favour of the project proponents for creation of mortgage over leased out land for establishment of Industry was under active consideration of Government for some time past.

6. The State Government, after careful consideration, have been pleased to decide that the mode of transfer of government land and acquired private land in favour of IDCO for creation of Land Bank and Issue of NOC/ Permission by IDCO in favour of the project proponents for creation of mortgage over leased out land for establishment of Industry with the following principles:-

I. IDCO shall continue to hold the government land, allotted to it on long term lease basis. Government in Revenue and DM Department shall lease out government land through Collectors to OIIDC for the purpose of creation of Land Bank. The land rate shall be as per the IPR rate as applicable from time to time.

II. Lands allotted for land Bank shall be of two categories

Category A- Land for immediate requirement for industrial Infrastructure Development, which is required to be leased out to IDCO immediately; and

Category- B - Land to be reserved at the District level with Collector in terms of provision of OGLS Act in Section-3(i) (a) for subsequent allotment to IDCO or industrial units as would be necessary.

III. Lands under **Category-A Land Bank** shall be leased out by Collector to IDCO on requisition as per the existing procedure under OGLS Rules at prevailing IPR rates for already selected industries, identified industrial clusters. Industrial estates and industrial parks etc., subject to following conditions:

(a) Before filing requisition for any industry, IDCO shall assess the actual requirement of land for the industry keeping in view the land use plan, optimum utilisation of space including vertical use and scarcity of land through an Expert Committee/ Agency and share the same with the Collector and R&DM Department.

(b) The land shall be allotted to IDCO on long term basis with a moratorium on payment of premium for five years, or till the land or any part thereof, is sub-leased by IDCO to the industries, whichever is earlier.

(c) From the sixth year, the premium for the land not sub-leased shall be payable in five equal annual instalments.

(d) Advance possession of the land identified for the purpose of Land Bank Scheme will be given to IDCO as per the rule 11-A of Odisha Government Land Settlement Amendment Rules, 1983. On getting advance possession of land, IDCO shall competent to develop the same and make provisional allotment of land or any portion thereof in favour of individual industries/ allottees. The period of moratorium, if any shall be effective from the date of advance possession.

(e) IDCO will be responsible for watch and ward of the Category –A Land Bank.

IV. Suitable patches of land identified, for which immediate project priority has not been finalised shall be reserved in the Land Bank under Section 3(i)(a) of the OGLS Act 1962 and shall be treated as **Category –B Land Bank**. IDCO will request the Collector under intimation to R&DM Department to reserve the suitable Government land for industrial purpose as per the section 3(i)(a) of OGLS Act,1962, as per the following procedure:-

(a) A District Level Committee headed by Collector with following members shall review and recommend for reservation of land for land Bank purposes.

District Forest Officer –	Member
Concerned Tahasildar-	Member
General Manager, DIC-	Member
Sub-Collector -	Member Convenor

The committee will also assess the requirement for other developmental projects of Government like medical and health institutions, educational institutions, linear projects etc. and recommend for reservation.

(b) Collector, along with the case record on reservation proceeding u/s 3(i)(a) shall recommend for approval of Government. in R&DM Department.

(c) As and when the land will be required by IDCO for development of infrastructure to be created for industries or for setting up an industry, necessary requisition will be filed by IDCO with Collector and the land

reserved under Category-B shall be brought to Category- A by Collector for sanction of lease in favour of IDCO as per terms and conditions approved by R &DM Department.

V. Government, as the original lessor, shall have the right to resume the land, if the leasehold land is not used for the purpose for which it was leased out or left vacant for more than 5 years and it is required for another public purpose.

VI. Private land coming in between the Government patch will also be acquired to make a contiguous & sizeable patch of Land Bank. Private land will be acquired / purchased by IDCO through private negotiations as per provisions in the existing Acts & Rules.

VII. As per the existing practice, for acquired private land where IDCO has paid the compensation under law, such acquired private land would continue to be transferred to IDCO through execution of deed of agreement as specified by R&DM Department letter No. 26678 dated 09.07.2013 and No. 32061 dated 21.08.2013.

VIII. As per the provisions of IPR-2015, IDCO will be developing private Industrial Estate/ Industrial Park and also setting up sector specific industrial clusters by following the SPV route. In such cases, the private developers/SPV will be leased out land by IDCO as per the provisions of OIIDC Act. However, in such cases, subsequent sub-lease of land i.e. allotment of land on lease by the Developer to the entrepreneurs will be required. IDCO may be authorised to permit the Developer for such subsequent leases as per the principles decided by Government and such authorization would be reflected in the lease deed between Government and DCO.

IX. IDCO will put in place suitable regulations under OIIDC Act relating to allotment of land to the industries from Land Bank in a fair and transparent manner.

X. Government in R&DM Department reserves the right to cancel the reservation of any land under Category- B Land Bank and can lease/ alienate the same for any Government project or any other public purpose of more immediate and important in nature.

7. Issue of NOC/ Permission by IDCO in favour of the project proponents (Sub-lessees and subsequent sub-lessee) for creation of mortgage over leased out land for establishment of industry with the following conditions.

(i) IDCO may be allowed to mortgage its leased land in favour of any scheduled bank or a financial institution duly notified by RBI or set up under a Law for execution of its own projects.

(ii) IDCO may be allowed to permit its lessees/sub-lessees, subject to the conditions of original lease, to mortgage the sub-leased land for availing financial assistance for setting up or running the project for which the land has been leased, to any scheduled bank or a statutory financial institution.

(iii) For the leases/subleases to be executed in future, appropriate clauses as at (i) and/or, as the case may (ii) above shall be incorporated in the lease deeds.

(iv) All NOCs/Permissions granted for mortgage shall be subject to condition that in the event of foreclosure of mortgage and taking over of assets by the mortgage bank or other financial institution, the land so taken shall be used only for the purpose for which it was originally leased/sub-leased or for similar purpose permissible under the Industrial policy Resolution. Further, the transferee in whose favour the land is so transferred shall be required to pay the transfer fee as decided by Government along with such incidental/ administrative charges. On fulfilment of the above conditions, the IDCO may allot the land for the balance period of sub-lease to the transferee, on execution of a lease deed.

ORDER- Ordered that the Resolution be published in an extraordinary issue of the Odisha gazette and copies thereof forwarded to all Departments of Government/ all Heads of Department of Government/ Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information.

By order of the Governor

Principal Secretary to Government

Memo No. 31321 **/RDM Dated** 13.11.15

Copy forwarded to Odisha Secretariat Gazette Cell, c/o Commerce Department for information and necessary action. They are requested to publish the resolution in an extraordinary issue of the Odisha gazette and supply 50 (fifty) copies to this Department for use.

13/11/15

Joint Secretary to Government

Memo No. 31322 **/RDM Dated** 13.11.15

BY FAX

Copy forwarded to all Department of Government/ Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ Inspector General of Registration, Odisha, Cuttack/CMD, IDCO, Bhubaneswar/ all Collectors for information and necessary action.

13/11/15

Joint Secretary to Government

Memo No. 31323 **/RDM Dated** 13.11.15

Copy forwarded to addl. Chief Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue & DM, Odisha for kind information of Hon'ble Chief Minister, and Hon'ble Minister respectively.

13/11/15

Joint Secretary to Government

Memo No. 31324 **/RDM Dated** 13.11.15

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/all seats of LR (A) ,and (B) Branch/ all seats of LR &GE (A),(B), and (C) Branch of Revenue & DM Department for information and necessary action.

13/11/15

Joint Secretary to Government

BY Fax/ e- Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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No. GE (GL)-S- 04/2015 (Pt.) - 10816 **/ R&D.M Dated** 05.04.2016

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors

Sub: Creation of Land bank by IDCO

Madam/ Sir,

To facilitate availability of land for establishment of industries in the State, Land Bank scheme has already been notified vide this Department Resolution No. 31320/ R&DM dated 13.11.2015. As per the said Resolution, the procedure for transfer of government land in favour of IDCO for creation of Land Bank is as follows:-

(i) Once the land is identified for Category- A Land Bank, on application by IDCO, advance possession of the land will be given by Collector of the district to IDCO as per rule 11-A of the OGLS Rules, 1983.

(ii) Collector shall mention in the speaking order of advance possession that on getting the advance possession, IDCO shall be competent to develop the land and to make provisional allotment of land or any part thereof in favour of individual industries/ allottees.

(iii) Once the land or a part thereof is provisionally allotted by IDCO to an individual industry/ allottee, then lease of the land or the part thereof which has been allotted, as the case may be, may be sanctioned by Collector and lease deed can be signed between Government and IDCO on payment of premium and subsequently between IDCO and the allottee.

(iv) For the un-allotted land or the portion of land remaining un-allotted, there may not be any requirement of lease deed to be executed as the possession as well as its authority to develop the land and to make provisional allotment remains with IDCO as per advance possession order.

(v) For the un-allotted land or the portion of land remaining un-allotted, the period of moratorium on payment of premium shall be effective from the date of advance possession and shall continue for five years or till the land or the un-allotted portion is allotted by IDCO to any industry/ allottee, whichever is

earlier. In case the land or any part thereof is not allotted by IDCO to any industry/ allottee during the five years of taking over advance possession, the premium for the land even if not allotted shall be payable by IDCO in five equal annual instalments from the sixth year of taking over advance possession. After receipt of full payment of the premium amount from IDCO, the lease for un-allotted land or the un-allotted portion of land, as the case may be, can be sanctioned and lease deed can be executed and RoRs be corrected.

Yours faithfully,

Principal Secretary to Government

Memo No. 10817 **/RDM Dated** 05-04-2016

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

Principal Secretary to Government

Memo No. 10818 **/RDM Dated** 05-04-2016

Copy forwarded to Principal Secretary to Government, Industries Department/ MD, IDCO, Bhubaneswar for information and necessary action.

Principal Secretary to Government

By Post/ e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

No. GE (GL)-S-27/2013- 26678 **/ R&D.M. Dated** 9.07.13

From

Sri S. Sukla,
Joint Secretary to Government

To

All Collectors

Sub: Issue of revised Deeds of Agreement executed between the State Government and IDCO for transfer of Government land and acquired private land in favour of the Corporation

Madam/ Sir,

I am directed to say that the erstwhile Revenue Department vide letter No. 49639/R dated 9.9.1981 had prescribed two standard Deeds of Agreement for execution between the State Government and IDCO for transfer of Government land and transfer of acquired private land.

Recently, a proposal had been received from IDCO to insert certain new provisions in the two Deeds of Agreement.

Keeping in view the request of IDCO, two revised Deeds of Agreement have been finalized by this Department in consultation with Law Department and duly approved by Government, which are enclosed. These standard Deeds of Agreement may be adopted for transfer of Government land or transfer of acquired private land, as the case may be, in favour of IDCO from the date of issue of this letter.

Further, in the cases where IDCO has already taken over land by executing the Deed of Agreement prescribed vide letter dated 9.9.1981 cited

above and allotted it to a subsequent allottee and is now willing to accord permission in favour of the said allottee for creation of mortgage, the Corporation may be allowed to execute a supplementary Deed with the Government by incorporating the new clause 4(viii) of Deed of Agreement in respect of transfer of Government land or clause 5(d) of Agreement in respect of transfer of acquired private land, as the case may be.

Yours faithfully,

9/7/13

Joint Secretary to Government

Memo No. 26679 /RDM dated 9.07.13

Copy with copy of the Deeds of Agreement forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

9/7/13

Joint Secretary to Government

Memo No. 26680 /RDM dated 9.07.13

Copy with copy of the Deeds of Agreement forwarded to Industries Department/ CMD, IDCO, Bhubaneswar for information and necessary action.

9/7/13

Joint Secretary to Government

DEED OF AGREEMENT UNDER SECTION 32 OF THE ODISHA INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION ACT, 1980

****

THIS DEED made on this ……. day ……of Two thousand…… BETWEEN THE GOVERNOR of Odisha (hereinafter referred to as "the State Government" which expression shall, unless excluded or repugnant to the context include, its successors, assignees and representatives) of the ONE PART.

AND

THE Odisha Industrial Infrastructure Development Corporation established .under the Odisha Industrial Infrastructure Development Corporation Act, 1980 (Odisha Act 1 of 1981) and having its office at IDCO Towers, Janpath, Sahidnagar, Bhubaneswar-7 (hereinafter called "the Corporation" which expression shall, unless excluded or repugnant to the context, include its successors, assignees and representatives) of the OTHER PART.

WITNESSETH as follows:-

1. The Corporation has been established as a statutory Corporation having as one of its principal objects, rapid industrialization of the State of Odisha and the State Government have decided to place the Government land at the disposal of the Corporation for setting up industries, industrial areas and industrial estates and for development of all types of industries providing facilities connected with industrialization of the State.

2. (i) In pursuance of the sanction contained in the Collector's letter No……. dated the …….day of ……20..... addressed to the Corporation and in consideration of the premium and rent hereinafter reserved and of the covenants on the part of the Corporation hereinafter contained, the State Government hereby demises to the Corporation all the Government land

measuring Ac……. approximately and more particularly described in the Schedule hereunder written (hereinafter referred to as "the demised land")

(ii) TO HOLD the said demised land to the Corporation from the …… for the terms of NINETYNINE YEARS PAYING therefor a total premium of Rs ……..(Rupees ……) only being at the rate of Rs…….per acre in respect of ……acres of land to be used for industrial purposes as shown in the Schedule of property and delineated in the map having the boundary in red but excluding the area specified as such in the Schedule.

(iii) The payment of premium shall be made and monitored by Industries Department by the end of a financial year in accordance with the procedure prescribed by the Government.

(iv) The rent shall be payable at the rate of 1 (One) percent of the area rate. Besides the above rent, cost of trees standing on the demised land as assessed by the competent authority shall also be payable. The rent shall be paid in advance on the 2nd day of January each year to the Collector of ……..District.

(v) The State Government reserves the right to the mineral wealth including minor minerals, on, in or under the area covered by the deed and the Corporation shall have the surface right over the land.

(vi) The existing and customary rights of Government and the public in roads and paths and rivers, streams and channels running through or bounding the land are reserved and are in no way affected by the deed**:**

PROVIDED THAT the Corporation paying the rent hereby reserved and performing all the covenants herein contained, shall hold and enjoy the demised premises during the said term without any unlawful interruption by the lessor or by any person whatsoever, provided that the rent hereby reserved shall be subject to revision at each settlement to coincide with the settlement of rent on

agricultural lands in the area or at such other interval as may be ordered by Government.

3. The Corporation hereby covenants with the State Government as follows namely:--

(i) That, the Corporation shall, during the term hereby granted, pay to the State Government the yearly rent hereby reserved on the days and in the manner hereinbefore specified.

(ii) That, the Corporation shall keep marked the boundaries of the demised premises and point them out when so required by the Collector or any other officer authorised by him in this behalf.

(iii) That, subject to the rights of the Corporation under clause 4 (ii) hereunder the Corporation shall, at the expiration of the term hereby granted, quietly yield up the demised land on to the State Government in the same condition as it is now in.

4. The State Government covenants with the Corporation as follows namely: --

(i) That, the Corporation paying to the State Government the rent hereby reserved and performing all the covenants and conditions herein on its part contained may peaceably hold and enjoy the demised land during the said term without any let, hindrance or interruption by the State Government or any other person claiming under or in trust for the State Government.

(ii) That, at the expiry of the term of ninety-nine years hereby reserved the State Government shall, upon request by the Corporation, consider a renewal of the term for the like period and upon the same terms and conditions other than relating to rent which may be liable to change as may, at the time of such renewal, be mutually agreed upon between the State Government and the Corporation.

(iii) That, the Corporation shall be competent to develop the demised land and provide therein infrastructure for small, medium and large industries**:**

Provided that the infrastructure shall mean to include sheds, provisions of water, power, communications, sewerage, affluent discharges etc.

(iv) That, the Corporation shall be competent for laying out the demised land into various plots besides setting apart land for the laying of roads, drains and for other common betterment schemes for the future occupants of the plots so laid out.

(v) That, the Corporation shall be competent to allot, issue licence and lease the demised land in accordance with the regulations made under the Odisha Industrial Infrastructure Development Corporation Act, 1980.

(vi) That, the Corporation shall be competent to surrender to the State Government such part of the demised land either in whole or in part, as may be agreed upon between them.

(vii) That, the Corporation shall be competent to mortgage the demised land in full or in part for securing loans for developing the demised land for providing therein infrastructure for small, medium and large industries.

(viii) That, the Corporation shall be competent to accord permission to the allottee or lessee to create mortgage in accordance with the principles laid down by the State Government by a general or a special order for such purpose, as and when required by the said allottee or lessee from time to time in respect of the demised/ allotted property i.e. land, shed etc. for securing loan for implementation of the project**:**

PROVIDED HOWEVER that at any point of time, the permission so issued by the Corporation shall be confined for creation of a specific mortgage by the allottee or lessee with any individual financier or consortium of financiers for

the said patch of demised land and there can be no multiple mortgages with a single permission issued by the Corporation.

5. It is hereby mutually agreed by and between the parties hereto as follows:--

(i) That, if the said annual rent hereby reserved or any part thereof shall, at any time, be in arrear and remains unpaid for three calendar months after the same shall have become due (whether demanded or not or if the Corporation shall go into liquidation except for the purpose of reconstruction or amalgamation), then and in any such case it shall be lawful for the State Government to re-enter into and upon the demised land or any part thereof in the name of the whole and to hold the same henceforth as if these presents had not been made, without prejudice to any right of action or remedy of the State Government in respect of any antecedent breach of any of the covenants by the Corporation hereinbefore contained.

(ii) That, upon the breach or non-observance of any of the conditions of the deed herein granted, the State Government may declare that the agreement has been determined and Collector or any officer or person appointed on that behalf by the State Government shall be entitled to re-enter and take possession of the demised land and of the buildings and other structures erected thereon and the materials thereof, as well as the stores and stocks**:**

PROVIDED THAT before such re-entry the State Government shall give to the Corporation written notice of its intention so to do and the Corporation shall have the right to remedy the breach or non-observance complained of, within three months from the date of such notice in which event the State Government shall not be entitled to re-enter and take possession**:**

PROVIDED FURTHER that in case the demised lands are so resumed the Corporation shall not be entitled to any compensation whatsoever

for the demised land or the building and other structures erected thereon and the materials thereof as well as the stores and stocks, but shall be at liberty to enter upon the demised land and to remove all such buildings and structures and the materials thereof as well as the stores and stocks within nine months from the date of the termination of the agreement failing which the Corporation shall cease to have any right to such buildings and structures and the materials thereof, as well as the stores and stocks.

(iii) That, any demand for payment or notices required to be made or given to the Corporation shall be deemed to be sufficiently made or given if sent by the State Government through the post by registered letter to the Corporation at the Registered Office of the Corporation and that any notice required to be given to the State Government shall be deemed to be sufficiently given if sent by the Corporation through post by registered letter addressed to the State Government, Collector and that any demand or notice so sent shall be presumed to have been delivered in the usual course of the post.

(iv) That, should the demised land or any part thereof be at any time required by the State Government for any purpose declared by the State Government to be a public purpose, the State Government shall be entitled to resume the same on giving 6 (six) months notice in writing and on the expiry of the said period may, through any officer or person authorized by the State Government in that behalf, re-enter and take possession of the said demised land or part thereof and all buildings and structures thereon**:**

PROVIDED that unless surrendered by the Corporation, except for the breach of the covenants contained herein or except when the State Government requires it for a public purpose under no other circumstances whatsoever the State Government shall be entitled to resume possession of the demised land which has been developed by the Corporation and such other demised land on which infrastructure has been provided**:**

PROVIDED FURTHER that in case of such re-entry, the Corporation shall be entitled to compensation for building/s or other structure/s erected by it on the demised land and the amount of such compensation shall be fixed by the Collector and shall not exceed the amount (if any) paid to the State Government for this land plus the present market value of the buildings and other structures erected thereon**:**

PROVIDED ALSO THAT in case of any dispute as to the amount of compensation fixed by the Collector, the Corporation shall be entitled to appeal to the Commissioner of the Division whose decision shall be final, conclusive and binding on the parties.

THE SCHEDULE OF PROPERTY ABOVE REFERRED TO

Sl. No.	**Name of the Village, P.S., P.S. No., Tahasil & District.**	**Khata No.**	**Plot No.**	**Area (in Ac.)**	**Kissam**
1	2	3	4	5	6

IN WITNESS WHEREOF, THE parties hereto have put their hands and seals the day and year first above written.

In the presence of witnesses:

(1) Name—

Address--

(2) Name—

Address--

Signature of the Officer acting in the premises

for and on behalf of the Governor of Odisha

In the presence of witnesses:

(1) Name—

Address--

(2) Name—

Address--

Signature of the Person/ Persons acting in the premises for and on behalf of the Corporation.

AGREEMENT

THIS AGREEMENT is made this day of Two thousand..... BETWEEN THE GOVERNOR OF THE STATE OF ODISHA (hereinafter called "the State Government" which expression, where not repugnant to the context, shall include his successor in office and assigns) of the ONE PART.

AND

the Odisha Industrial Infrastructure Development Corporation established under the Odisha Industrial Infrastructure Development Corporation Act, 1980 (Odisha Act 1 of 1981) having its registered office at IDCO Towers, Janpath, Bhubaneswar-7 (hereinafter called "the Corporation" which expression, where not repugnant to the context, shall include its successors and assigns) of the OTHER PART.

WHEREAS, the Corporation intended to acquire Ac……. of private land for establishment of industries in village- ..... of …… Tahasil of …….. District and have applied to the State Government for acquisition under the provisions of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") of the land described in the Schedule hereunder written and delineated on the map hereunto annexed whereon the Corporation intend to establish industries.

AND WHEREAS, the State Government being satisfied that the said acquisition is necessary for the construction of the said works and that such works are likely to prove useful to the public, agreed to acquire the said land for public purpose under the provisions of Part II of the said Act

AND WHEREAS, the State Government proceeded to acquire the said premises and a declaration No …….. dated..... in respect of land measuring Ac……. in village ……. of , under section 6 of the said Act, that the land was needed for the said purpose, was duly published in the "Odisha Gazette" No…… dated…….

AND WHEREAS, the Collector, ... having duly held enquiry made an award of compensation under section 11 of the said Act, and duly took possession under Section 16 or 17(1) of the said Act, as the case may be, of the premises which thereupon vested absolutely in the Government of Odisha free from all encumbrances;

AND WHEREAS, the Corporation has substantially contributed towards compensation awarded under section 11 of the said Act and deposited with the Collector, ...on…….. the sum of Rupees **……** (Rupees……) only and the Corporation admits its liability to pay any further sum or sums demanded under the provisions of the said Act;

AND WHEREAS, the said premises are by virtue of the provisions of the said Act vested in the State Government and the Corporation has requested the State Government to execute these agreements for transferring the said premises to the Corporation for utilization for the public purposes.

NOW THESE PRESENTS WITNESS AND IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:-

1. (a) That, the State Government doth hereby grant, transfer, convey and assign unto the Corporation the surface rights over that piece or parcel of land more particularly delineated in the plan hereunto annexed and described in the Schedule hereunder written with its appurtenances (hereinafter referred as "the said premises")

(b) TO HOLD unto the Corporation absolutely but subject to the conditions hereinafter contained and subject to payment of such fair and equitable rent as may be fixed by the Collector concerned and the said land shall only be used by the Corporation for the works and purposes set forth in the preamble hereof.

(c) The State Government reserves the rights to the mineral wealth lying under the said premises**:**

PROVIDED THAT, the rent payable by the Corporation shall be liable to be enhanced at the end of every fifteen (15) years or in the general revision settlement whichever is earlier, up to such limit as the Collector may think fair and

equitable in the circumstances of the case. The rent revised in the settlement is not subject to revision by the Collector.

2. That, the Corporation shall not, except with the previous sanction of the State Government, use the land for any purpose other than that for which it is acquired and the disposal of all such land shall be in accordance with the provision contained in section 33 of the Odisha Industrial Infrastructure Development Corporation Act, 1980.

3. (a) That, in the event of any area containing homestead or agricultural or other lands being completely encircled on all sides due to any such acquisition made on behalf of the Corporation, the Corporation shall, at its own cost, provide one or more approach roads as may be necessary, for the ingress and aggress of the owners of such lands to the satisfaction of the Collector.

(b) That, should any public road or any tank used for drinking purposes by the public be anywhere acquired for the Corporation, the Corporation shall provide at its own cost, to the satisfaction of the Collector, an alternative road or an alternative source or sources of the adequate supply of drinking water, as the case may be.

4. (a) That, if at any time or times any part or parts of the said land shall be necessary to be possessed by the State Government for the purposes of general administration or for purposes connected with public health, safety or necessity (on which matter the State Government shall be the sole judge), the Corporation shall, on being thereunto required by the State Government, transfer to the State Government such part or parts of the said land as the State Government shall specify to be necessary for the purposes aforesaid and in consideration of such transfer the State Government shall pay to the Corporation a sum equal to the amount of compensation awarded under the provisions of the said Act and paid by the Corporation in respect of the land together with compensation for the buildings erected on such part or parts at a valuation to be determined by the Collector.

(b) An appeal from the decision of the said Collector shall lie to the Divisional Commissioner concerned and decision of the said Collector or where

an appeal has been preferred against such decision, the decision of the said Commissioner determining such valuation as aforesaid shall be final, conclusive and binding on the Corporation.

5. (a) That, if the Corporation utilizes only a portion of the land for the purpose for which it was acquired and the State Government is satisfied that the Corporation can continue to utilize the portion of the land used by it even if the unutilized part thereof is resumed, the State Government may, with prior consultation with the Corporation, make an order declaring the transfer of the land with respect to the unutilized portion thereof as null and void whereupon such unutilized portion shall revert to the State Government and the State Government direct that an amount not exceeding one fourth of such portion of the amount paid by the Corporation as cost of the acquisition as is relatable to the unutilized portion shall be forfeited to the State Government as damages and that balance of that portion shall be refundable to the Corporation and the order so made shall subject to the provisions of sub-clause (b) below be final and binding.

(b) That, where there is any dispute with regard to the amount relatable to the unutilized portion of the land, such dispute shall be referred to the court within whose jurisdiction the land or any part thereof is situated and the decision of that Court thereon shall be final.

(c) That, the Corporation shall be competent to allot, issue licence and lease the demised land in accordance with the provisions of the regulations made under the Odisha Industrial Infrastructure Development Corporation Act, 1980.

(d) That, the Corporation shall be competent to accord permission to the allottee or lessee to create mortgage in accordance with the principles laid down by the State Government by a general or special order for such purpose, as and when required by the said allottee or lessee from time to time in respect of the demised/ allotted property i.e. land, shed etc. for securing loan for implementation of the project**:**

PROVIDED HOWEVER that at any point of time, the permission so issued by the Corporation shall be confined for creation of a specific mortgage by

the allottee or lessee with any individual financier/ consortium of financiers for the said patch of demised land and there can be no multiple mortgages with a single permission issued by the Corporation.

6. That, the public shall have such right of access to and use of the land and premises of the Corporation as may be necessary for the transaction of their business with the Corporation.

7. That, in the case of breach by the Corporation of any of the terms and conditions of this agreement, the State Government may make an order declaring the transfer of the land to the Corporation as null and void whereupon the land shall revert to the State Government and an amount not exceeding one- fourth of the amount paid by the Corporation to the State Government as the cost of the acquisition shall be forfeited to the State Government as damages and the balance shall be refunded to the Corporation and the order so made shall be final and binding.

8. That, in the case of a breach by the Corporation of any of the terms and conditions of this agreement the State Government shall not make an order under clause 5 or clause 7 hereof unless the Corporation has been given an opportunity of being heard in the matter.

9. That, in the event of an order under clause 8, the Corporation shall be entitled to remove within six months from the date of such order all buildings and structures erected on the said land.

10. That, if any dispute or difference arises touching or concerning the subject matter of this Agreement or any covenant or clause or thing herein contained other than the dispute or difference as to the valuation of the building/s determined or to be determined under the provisions of clause 4 hereof the same shall be referred to the Chief Secretary to the Government of Odisha whose decision shall be final, conclusive and binding on the parties hereto.

SCHEDULE OF LAND UNDER THE AGREEMENT

Name of the Village		**:**	
Name of the Tahasil		**:**	
Name of the District		**:**	
Khata No.	**Plot No.**	**Area in Ac.**	**Kissam**
	Total	**Ac.**	

IN WITNESS WHEREOF THE parties hereto have put their hands and seals the day and year first above written.

In the presence of:

(1) Name—

Address--

(2) Name—

Address--

Signature of the Officer acting in the premises for and on behalf of the Governor of Odisha

In the presence of:

(1) Name—

Address--

(2) Name—

Address--

Signature of the Person/ Persons acting in the premises for and on behalf of the Corporation

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LRGEA-POLICY-0008-2018-13579/R&DM Dated 13-11-18

From

Avaya Kumar Nayak, OAS (S),
Joint Secretary to Government

To

All Collectors

Sub: Utilization of government land leased out/ advance possession sanctioned in favour of Central Government/ State Government Departments, Organizations/ Institutions and other Organizations/ Institutions

Madam/ Sir,

I am directed to say that meetings were held in the Conference Hall of this Department on 03/04/2018, 04/04/2018 and 05/04/2018 with participation of officers of different districts alongwith the dealing Assistants on 'Management of Minor Mineral Sources and "Protection of Government Land".

2. In the said meetings, it has been decided, inter alia, that all Collectors shall cause a review of the cases where government land has been settled with Organizations/ Institutions as to whether the settled land is being properly utilized or being utilized for a purpose other than the purpose for which it was settled and also the cases where advance possession have been sanctioned and furnish detailed report to the Department by 30th April, 2018. The Department will prescribe a Format for the purpose at the earliest.

3. In this context, you are requested to furnish aforesaid information in the following Format to this Department by 30/04/2018. The information should include lease/ alienation/advance possession of government land sanctioned in favour of Central Government/ State Government Departments, Corporations, Organizations, Institutions etc. and also private Organizations, Institutions etc.

4. The required information should be furnished to the Department both in word/ excel File, (not in pdf. Format) in e- Mail ID- **lrge-rev.od@nic.in** .

5. While submitting the information, the abstract of the figures should also be given.

Yours faithfully,

13/11/18

Joint Secretary to Government

Memo No. 13580 /RDM Dated 13-4-18

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

13/4/18

Joint Secretary to Government

Memo No. 13581 /RDM Dated 13-4-18

Copy forwarded to Joint Secretary, IMU Cell, R&DM Department for uploading the same in the Department website.

13/4/18

Joint Secretary to Government

FORMAT

Sl. No.	Name of the District	Name of the Tahasil	Name of the Department/ Organization/ Institution in whose favour lease/ alienation/ advance possession has been sanctioned	Name of the Mouza
1	2	3	4	5

Area sanctioned (in Ac.)	Sanction Order No. and Date and the authority who has sanctioned	Purpose for which it was sanctioned	Whether the land is being utilized for the purpose for which it was sanctioned or being utilized for a purpose other than the purpose for which it was sanctioned or lying unutilized	Remarks, if any
6	7	8	9	10

Government of Odisha
General Administration & Public Grievance Department
*****

NOTIFICATION

No.**GAD-CA4-MISC-0007-2019**-30232 /Gen, Bhubaneswar dtd 13.10.2023

Sub: Principles for conversion of lease hold land to freehold status by the GA and PG Deptt. with BDA/OSHB..

Government after careful consideration have been pleased to formulate the Principles for conversion of lease hold land to freehold status by the GA and PG Deptt. with BDA/OSHB in respect of land leased out by the GA & PG Deptt. in favour of Bhubaneswar Development Authority and Odisha State Housing Board in different points of time for residential purpose in exercise of the power contained in clause-10 of the Odisha Government Land Settlement(Second Amendment) Rules, 2020.

A. Filing of application:

BDA/Housing Board is required to apply in the prescribed **Form No. A** before the GA & PG Department indicating the detail particulars of the housing project for conversion of the leasehold plots to freehold status.

B. Documents to be enclosed in the application form:

The following documents shall be submitted along with the Application Form.

i) Allotment Order

ii)Lease Deed

(iii) Document in support of payment of Premium

iv) Detail Hal land schedule duly certified by the Tahasildar.

v)Copy of the hal map indicating the gross area and buildable area.

vi) Copy of Rent Receipts indicating upto date payment of ground rent, if any.

vii) Receipt in support of payment of application fee and measurement fee.

viii) Under taking regarding use of the land for housing purpose as per lease condition.

ix. Certificate indicating that the land is free from all encumbrances including free from mortgage by BDA/OSHB.

C. Fees payable:

The fees payable at the time of application made for conversion of leasehold land to freehold status shall be as follows:

i. Application fee :- Rs. 5,000/-
ii. Measurement fee :- Rs. 1,000/-

The amount shall be deposited online through treasury deposit in the proper head of account i.e. **0070-Other Administrative Services-60-Others Services-800-Other Receipts-0232-Fees, Fines and Sale Proceeds of Forms for Sale/use of Govt. land at State Capital-02226-Payment of Consent Fee-02228-Fees for Temporary use of Govt. land at State Capital-02229-Fines for delay in deposit of premium on Lease Land/Registration of Lease Deed-02230-Sales Proceeds of Application Forms, etc."**

D. Conversion fee :

Conversion fees to be paid by BDA and OSHB has been calculated @10% of BMV. The amount has been waived out by the Cabinet. The amount shall be indicated in the conveyance deed for the purpose of calculation of registration fee and stamp duty.

BDA & OSHB shall however, realise conversion fee from the allottees @10% of the BMV in respect of the allotted land as approved by the Cabinet. The amount to be realised by BDA shall be kept in the CIDF constituted under the provisions of "CDP Land & Implementation Policy, 2015". Funds to be realised by OSHB shall be kept in a dedicated ring-fenced account to be created by OSHB for the purpose and H &UD Department will decide the modalities for utilisation of the fund.

E. Execution of conveyance deed:

On receipt of the application from OSHB/BDA, the matter is to be processed in the relevant lease file. After detail verification and field enquiry, the file shall be processed for approval of the Addl. Chief Secretary/Principal Secretary, GA and PG Department.

F. Registration of conveyance deed:

After approval, OSHB/BDA shall have to submit draft conveyance deed in **Form No.B** for vetting. After vetting, the document shall be transmitted to OSHB/BDA for submission of the final document for execution of the conveyance deed indicating the detail hal land particulars and enclosing a copy of the hal map. After execution of the document by the Director of Estates, the document shall be transmitted to OSHB/BDA for registration before the concerned Registering Authority under provisions of the Registration Act, 1908.

G. Payment of Registration fee and Stamp duty:

Registration fee and Stamp duty shall be deposited by OSHB/BDA as may be decided by the Revenue & Disaster Management Deptt. from time to time.

H. Freehold order:

After registration of the conveyance deed, BDA/OSHB shall have to deposit the duplicate copy of the conveyance deed to the GA and PG Deptt. On receipt of the registered duplicate conveyance deed, a free hold order shall be issued by the Director of Estates.

Order: Ordered that the resolution be published in the extraordinary issue of the Odisha Gazette, ordered also that copies of the resolution be forwarded to all Departments of Government /all Heads of Department/ Vice Chairman, BDA/Secretary, OSHB/ A.G.(A&E), Odisha, Bhubaneswar.

By Order of the Governor

13/10/23

(Surendra Kumar)
Additional Chief Secretary

Memo No. 30233 Dt. 13.10.2023

Copy forwarded to Director, Printing, Stationary & Publication, Odisha, Cuttack with a request to publish the Resolution in an extraordinary issue of the Odisha Gazette and send 200 copies of the same to G.A.and PG Department.

13/10/2023

Director of Estates & Ex-Officio
Addl. Secretary to Government

Control and Management of Government Land in Bhubaneswar
A Compilation

As per the provisions contained in Odisha Government Rules of Business, control and management of government land within the territorial jurisdiction of capital city of Bhubaneswar rests with GA & PG Department. As per the provisions contain in the Rules of Business, GA and PG Deptt. has the following major functions relating to management of Government land:

1. General control over the Government land lying within the Capital City.
2. Planning, construction programme and allotment of buildings for official and residential purposes.
3. Lease, alienation and transfer of Government land .
4. Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972 and matters connected therewith.

HISTORICAL PERSPECTIVE OF GOVERNMENT LAND IN BHUBANESWAR

As per the Notifications of erstwhile Development (L.S.G) Department, Odisha, Bhubaneswar was declared as a Notified Area Council (NAC)in the year 1952 comprising nine revenue villages. In the year, 1979 it was converted to Municipality. Due to rapid urbanization and growing population of the Capital City, it was declared as a Municipal Corporation during 1994. **(Annexure-I).**

Initially, there were nine revenue villages in the Capital City. With passage of time more revenue villages were included within the urban limits of Bhubaneswar through Notification from time to time. The jurisdiction of GA and PG Deptt and Bhubaneswar Municipal Corporation is now expanded to 65 revenue villages. Increase in revenue villages from nine to sixty five is not only due to inclusion of periphery villages but also due to re-organisation /creation of new revenue villages during settlement operation under the provisions of the Orissa Survey and Settlement Act, 1958 and the Rules framed there under.

Revenue Department in their Order No.25-R dtd. 04.01.1954 transferred all government lands to the erstwhile Cabinet Deptt. for planned Development of the Capital City. Odisha Estate Abolition Act, 1951 had already come into force by then. In the process of vesting of intermediary rights on land under Section 3 and 3(1) under that Act with State free from all encumbrances, extent of government land increased. With insertion of Chapter –IV of Orissa Land Reforms Act in 1960 during 1975, Government became the owner of ceiling surplus land within in the revenue villages. Besides, lands acquired under the provisions of the Orissa Development of Industries , Irrigation, Agriculture, Capital Construction and Re-settlement of displaced persons (Land Acquisition) Act 1948 and Land Acquisition Act, 1894 also came to the fold of Government in GA & PG Department.

As stated earlier, the reorganization of villages were also done time to time with publication of Map and Record of Rights under the provisions of the Odisha Survey and Settlement Act, 1958 and the Rules framed there under. The following Table shows the list of

65 Hal (current)revenue villages names and the corresponding sabik (old) revenue villages for better appreciation.

SL No.	Hal Revenue Villages		Sabik Revenue Villages
	Name of the Revenue Villages	Date of Final Publication of ROR	
1.	Aiginia	16.05.1981	Aiginia
2.	Ashok Nagar Unit No-2	27.06.1987	(West Badagad, Rampur &Laxmisagar
3.	Badagada, Unit No.-35	06.01.1992	West Badagada& East Badagad
4.	Banguary	07.09.1979	Banguary
5.	Bapuji Nagar Unit No.-1	28.05.1987	Rampur, West Badagad
6.	Baramunda Unit No.-19	25.10.1988	Baramunda, Siripur&Nayapalli
7.	Begunia	06.06.1977	Begunia
8.	Bhagabanpur	31.03.1984	Bhagabanpur
9.	Bharatpur	03.03.1962	Bharatpur
10.	Bhimpur Unit No. 22	21.03.1989	Bhubaneswar, Rampur, Bhimpur, Kapilaparasad, Siripur, &Jagamara
11.	Bhoi Nagar Unit No.9	24.11.1987	Bamikhal, Berana &Laxmisagar
12.	Bhouma Nagar Unit No. 4	13.04.1987	Rampur
13.	Bhubaneswar Sahar Unit No. 27	05.01.1991	Bhubaneswar, Kapilaprasad
14.	BJB Nagar Unit No. 29	30.03.1988	Badagada
15.	Bomikhal Unit No. 12	30.03.1988	Bamikhal&Kalarput
16.	Chandrasekharpur Unit No. 41	07.06.1988	Chandrasekharpur
17.	Damana Unit No. 40	09.09.1987	Damana
18.	Dumduma	31.03.1982	Dumduma
19.	GadaGopinath Prasad Unit No. 37	30.03.1988	GadaGopinath Prasad &Berana

20.	Gadakana Unit No. 39	22.07.2014	Gadakana
21.	Ganga Nagar Unit No. 6	28.05.1987	Rampur
22.	Ghatikia	14.11.2013	Ghatikia
23.	Gopabandhu Nagar Unit No. 8	30.03.1988	Nayapalli, Rampur, &Siripur
24.	Goutam Nagar Unit Noi. 28	08.06.1995	West Badagad& Bhubaneswar
25.	Govind Prasad Unit No. 32	11.4.1990	Govindaprasad, Kalaraput&Jharapada
26.	Haridaspur	19.07.1980	Haridaspur
27.	Haripur Patna, Unit-26	27.06.1987	Haripur Patna
28.	Jadupur	27.04.1982	Jadupur
29.	Jagamara Unit No. 20	25.11.1989	Jagamara
30.	JaydevVihar Unit No. 33	22.10.1992	Nayapalli
31.	Jaypur	20.07.1981	Jaypur
32.	Jharapada Unit No. 33	20.03.1989	Jharapada
33.	Johala	20.07.1981	Johala
34.	Jokalandi	31.03.1962	Jokalandi
35.	Kapileswar Unit No. 25	24.11.1987	Kapileswar
36.	Kapilprasad Unit No. 23	21.03.1989	Kapilaprasad& Bhubaneswar
37.	Keshari Nagar Unit No. 5	13.04.1987	Rampur
38.	Kharavela Nagar Unit No. 3	28.05.1987	Rampur &Laxmisagar
39.	Laxmi Sagar-I Unit No. 30	08.06.1995	Laxmisagar, East Badagada& West Badagada
40.	Laxmi Sagar-II Unit No. 31	25.10.1988	Laxmisagar, Laxmisagarpatana, Jharapada

41.	Madhusudan Nagar Unit No. 14	25.10.1988	Bamikhal, Nayapalli, Rampur
42.	Mancheswar	23.11.1973	Mancheswar
43.	Meherpalli Unit No. 34	30.03.1988	Jharapada, Charbatia &Laxmisagar
44.	Naharakanta	23.11.1973	Naharkanta
45.	Nakhara	01.07.1983	Nakhara
46.	Nayapalli Unit No. 17 (Nilakantha Nagar)	22.07.2014	Nayapalli& Rampur
47.	Nuagaon	23.03.1979	Nuagaon
48.	Pahala	30.07.1980	Pahala
49.	Paika Nagar Unit No. 18	27.06.1987	Nayapalli &Baramunda
50.	Paikarapur	12.03.1962	Paikarapur
51.	Pandra Unit No. 38	28.05.1988	Pandara
52.	Patia	06.12.1973	Patia
53.	Patrapada	28.04.1983	Patrapada
54.	Pokhariput Unit No. 21	09.09.1987	Pokhariput
55.	Rajarani Unit No. 36	21.03.1989	Bhubaneswar & West Badagad
56.	Rudrapur	30.07.1980	Rudrapur
57.	Saheed Nagar Unit No. 11	30.03.1988	Bamikhal, Berana & Kalarapur
58.	Samantapuri Unit No. 15	11.04.1987	Nayapalli
59.	Sampur	12.03.1962	Sampur
60.	Sankarpur	14.11.2013	Sankarpur
61.	Satya Nagar Unit No. 10	30.03.1988	Berana, Bamikhal&Laxmisagar
62.	Subudhipur	03.06.1962	Subudhipur
63.	Sunderpada Unit No.24	25.11.1989	Sundarpada

64.	Surya Nagar Unit No. 7	28.05.1987	Rampur
65.	Vani Vihar Unit- No. 13	13.04.1987	Nayapalli, Gadakan, Bamikhal&Kalaraput

Government after careful consideration have decided to strengthen the Land Branch of GA and PG Deptt. for effective litigation management , protection of government land and to attend various public service s. Accordingly, additional post of different cadre are created and is indicated below:

Name of the Post	Earlier sanction strength	New post created	Total
Joint Director of Estates-cum-Joint secretary	1	1	2
Deputy Director of Estates-cum-Deputy Secretary	3	3	6
A.F.A –cum-Under Secretary	0	1	1
Revenue Supervisor	1	2	3
Revenue Inspector	9	5	14
Amin	8	6	14

In the order No. 20369/Gen dtd. 07.09.2020 read with Order No. 20523/Gen dtd. 09.09.2020 the post of Land Officer and Addl. Land Officer have been re-designated as Joint Director of Estates-cum-Joint secretary and Deputy Director of Estates-cum-Deputy Secretary.

LAND ALLOTMENT-

In public Interest, Government land in Bhubaneswar is allotted to different State Government/ Union Government Departments, Local Authorities, State and Central Government Agencies, Statutory Bodies, Public Sector Undertakings, Institutions, Commercial Organisations from time to time. Government in GA & PG Department allots the land on the recommendation of Site Selection Committee, conducted under the chairmanship of the Chief Secretary on payment of prescribed land premium, as determined by the Government. Government may put any restrictions, conditions and limitations for lease or alienation of Government land which may be deemed appropriate.

During early days development of the capital city, government lands were being allotted to individuals for residential purposes to encourage habitation. Between 1973 and 1990, individuals were allotted residential plots through land allotment schemes. Prior to introduction of such schemes, residential lands were being allotted to individuals and residential colonies had come up in Bapuji Nagar, Gautam Nagar, BJB Nagar and Sahid Nagar areas.In many cases lands were allotted for residential purpose through Co-operative Societies.

The first such Land Allotment Scheme for residential purpose came up in village JayadevVihar in the year 1973, followed by a similar scheme in village Chandrasekharpur in 1987 and Ghatikia in 1989. **(Annexure-II)**

As per provisions of Odisha Development Authorities Act,1982, Government land is also transferred to Bhubaneswar Development Authority for different development purposes. Land is also allotted to Odisha State Housing Board from time to time for housing purposes.

SITE SELECTION COMMITTEE

In order to streamline the land allotment procedure, a Committee which was initially constituted under the Chairmanship of the Director of Estates, has been reconstituted under Chairmanship of Chief Secretary which examines the applications and recommends to the Government for allotment of Government land in appropriate cases. **(Annexure-III)**.In the mean time, the Odisha Government Land Settlement Rules, 1983 has been amended. Rule 3 of the Odisha Government Land Settlement (Second Amendment) Rules, 2020 provides the constitution of Land Allotment Committee to consider and make recommendation to the Government for allotment of land. The Chief Secretary , Odisha shall act as the Chairperson and the Director of Estates shall act of the member convenor of the Committee. The Committee consists of the following members:

(i) Chief Secretary, Odisha
(ii) Secretary, Revenue and Disaster Management Dept..
(iii) Secretary, Housing & Urban Development Deptt.
(iv) Secretary, Finance Deptt.
(v) Secretary, Law Deptt.
(vi) Secretary, GA and PG Deptt.
(vii) Vice Chairman, BDA
(viii) Director of Estates

PERMISSION FOR TRANSFER OF LEASE HOLD LAND-

Government in appropriate cases may consider for transfer of leasehold plots after realization of the consent fee. In the lease deed , there is a specific condition that the lessee shall not transfer the lease hold plot without the consent of the lessor. No such consent to transfer the lease hold plot by way of sale or deed shall be given by the lessor unless the lessee pays such amount as may be decided by the Government from time to time. **(Annexure-IV)**

CONVERSION OF LEASEHOLD RESIDENTIAL PLOTS TO FREEHOLD

In the year 1998, Government introduced a Scheme for conversion of leasehold residential plots to freehold status **(Annexure-V).** It provides that residential plots, under specified condition and procedure would be entitled to convert the lease hold land to free hold status on payment of conversion fee as prescribed by Government from time to time. **(Annexure-VI)**

A lessee of residential plot may apply for conversion through the gaestate.in portal. After the order of conversion , the lessee is required to deposit the conversion fee. After realization of the conversion fee, a deed of conveyance is to be executed and registered

following the provision of the Indian Registration Act, 1908.(**Annexure-VII)** .After registration, the applicant is required to submit a copy of the registered conveyance deed to the Director of Estates. Thereafter, intimation is issued to the Tahasildar for correction of Records Of Right from lease hold status to freehold status.

MUTATION OF GOVERNMENT LAND

In the event of demise of lessee, the legal heirs/successors-in-interest can apply online for mutation of the lease hold land through the gaestate.in portal of the Deptt. A copy of the order allowing mutation is communicated to the Tahasildar to effect necessary changes in the Record of Rights.

TEMPORARY USE OF GOVERNMENT LAND

GA and PG Deptt. is issuing No Objection certificate (NOC) in favour of different individuals /Cultural Associations/organizations for setting up temporary shops, for seasonal business and for organization of opera show etc. To streamline the issue of NOC and issue of permission order by the competent authority, namely Commissioner, BMC/ Deputy Commissioner of Police, Bhubaneswar, standard operating procedure (SOPs) has been formulated by the Government. (**Annexure-VIII) .**Suitable Government land in 32 patches have also been identified and notified for the said purpose. Now steps are being taken for development of a software for online filing of application and issue of permission order.

The Licensees are required to pay ground rent as fixed by the government from time to time at Order No. 1888/CA dtd. 09.03.1998 and Order No. 25451/CA dtd. 30.11.2016.

EVICTION OF UNAUTHORIZED OCCUPANT OVER GOVERNMENT LAND

Encroachment of Government land and public premises withinthe Municipal Corporation area are coming under the ambit of the Odisha Public Premises(Eviction of Unauthorised Occupant) Act,1972. Eviction of unauthorized encroachments over public premises are undertaken by GA & PG Department under the provision of the said Act. GA & PG Department has appointed Estate Officer under the said Act to adjudicate encroachment cases and to issue order of eviction, wherever necessitated. Against the order of the Estate Officer, the aggrieved party can file appeal before the Court of the Director of Estates. Revenue Supervisor, Revenue Inspectors and Amins of the GA and PG Deptt. make frequent visitsto their area and file cases against the encroachers. After disposal of the eviction proceedings, copies of the said orders are communicated to Bhubaneswar Development Authority for eviction through Central Enforcement Monitoring Committee (CEMC). Central Enforcement Monitoring Committee has been constituted vide Order No. 788/CA Dated 11.01.2017, under the Chairmanship of Vice Chairman, BDA for eviction of unauthorized encroachment of government land within BMC area**. (Annexure-IX)**

PROTECTION OF GOVERNMENT LAND

In order to prevent encroachment over valuable government land in Bhubaneswar and to safeguard the same, a project namely "Bhubaneswar Land Utilisation and Intelligence System (BLUIS)" has been launched for timely detection of encroachment over government land and initiation of appropriate action.

BLIUS portal bluis.odisha.gov.in and mobile app has been developed by ORSAC for GA & PG Department, Government of Odisha under the State 5T initiative . It leverages Artificial Intelligence and high resolution satellite imagery to detect any unauthorized development over government lands in Bhubaneswar. Citizens can also use BLIUS Mobile App on crowd sourcing mode to alert authorities of any encroachment that they observe on public land.

STANDARD FORMS OF DIFFERENT DEEDS EXECUTED BY GA & PG DEPARTMENT

The following is the list of different standard forms of deeds executed with lessees in the event of allotment and ancillary activities undertaken depending upon the requirement of case.

Lease deed form for building purpose	**Annexure-X**
Lease of land to Religious , Educational & Other Institutions .	**Annexure-XI**
Lease of land for Commercial purpose.	**Annexure-XII**
Supplemental lease for Industrial/Commercial/ Institutional	**Annexure-XIII**
Deed of Exchange	**Annexure-XIV**
Rectification deed	**Annexure-XV**
Deed of Surrender of lease	**Annexure-XVI**
Deed of Relinquishment	**Annexure-XVII**
Lease for Industrial purpose	**Annexure-XVIII**
Lease to Central Government.	**Annexure-XIX**
12. Tripartite Deed	**Annexure-XX**

*****

BY FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
*****

No.GE(GL)-S- 17/2012 - 45220 **/ R & DM. Dtd.** 8/10/12

From

Dr. Taradatt, IAS
Principal Secretary to Government

To

All Collectors

Sub: Realization of capitalized value of land revenue in addition to premium in respect of Government land alienated in favour of Ministries / Departments of the Central Government.

Madam/Sir,

I am directed to say that the erstwhile Revenue & Excise Department in G.O. No. 57994 dated 4.9.1964 had communicated the decision of Government that in case of transfer of Government land to Union Government, the latter would have to pay the market value of the land which would include capitalized value of land revenue at 25 times of the annual rental. Thus, as per the said G.O., the Union Government are liable to pay market value of the land and capitalized value of land revenue which is 25 times of the annual rental at the time of alienation of Government land. The Union Government will not have to pay annual ground rent and cess. However, the G.O did not specify whether annual rental includes rent and cess or only rent.

2. Doubts have been raised in various quarters as to whether the capitalized value of land revenue would mean 25 times of annual ground rent and cess or 25 times of ground rent only.

3. The matter was examined in consultation with Law Department as well as Finance Department and this Department in Letter No. 44023/R&D.M. dated 16.11.2009 addressed to Estate Manager, DRDO, Chandipur, Balasore with copy to all Collectors vide Memo No. 44026/R&D.M. of even date, has clarified that land revenue includes the ground rent and cess and hence the capitalized value of both these items is leviable on the Central Government Organisations.

4. Even after issue of the clarification as above, various Central Government Organisations have been requesting the State Government to waive out the cess portion of the capitalized value of land revenue.

5. On the other hand, C& AG, in their various audit reports, have raised objections to non-realization of cess portion of the capitalized value from the Central Government in different Tahasils of the State by concerned revenue authorities.

6. In view of the above position, it is felt necessary to issue a general clarification to all field level revenue functionaries to settle the issue.

7. In this context, Government, after careful consideration, have been pleased to clarify as follows:-

i) The Central Government Ministries / Departments are liable to pay capitalized value of land revenue, which is equivalent to 25 times of annual ground rent and cess in addition to premium of the Government land being alienated in their favour for execution of various projects.

ii) In cases where the Central Government Ministries/ Departments have been allotted Government land on payment of capitalized value of land revenue which included 25 times of annual ground rent only by way of sanction orders issued by competent authorities on or after 16.11.2009 i.e. the date on which the earlier clarification was issued by this Department, cess portion of the capitalized value may be realized from such Ministries/Departments as arrear of land revenue.

iii) The cases where lease/alienation has already been sanctioned by competent authority before 16.11.2009 by realizing capitalized value of land revenue, which included 25 times of annual ground rent only, need not be re-opened.

iv) Payment of capitalized value of land revenue will be applicable in cases of alienation of Government land only in favour of Ministries/Departments of the Central Government. However, the Undertakings/ Organizations/ Corporations/ autonomous bodies under Central Government will have to pay the annual ground rent and cess in addition to premium in case of transfer of Government land in their favour.

8. All concerned field level revenue functionaries may be informed accordingly.

Yours faithfully,

6.10.12

Principal Secretary to Government

FAX Memo No. 45221 /R&D.M. dtd. 8/10/12
Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

6.10.12
Principal Secretary to Government

Memo No. 45222 /R&D.M. dtd. 8/10/12
Copy forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.

6.10.12
Principal Secretary to Government

Memo No. 45223 /R&D.M. dtd. 8/10/12
Copy forwarded to P.S. to Chief Minister, Odisha/ P.S. to Minister, Revenue & D.M. / P.S. to Chief Secretary, Odisha for kind information of Hon'ble Chief Minister, Hon'ble Minister, Revenue & D.M. and Chief Secretary respectively.

6/10/12
Joint Secretary to Government

Memo No. 45224 /R&D.M. dtd. 8/10/12
Copy forwarded to OIC, IMU Cell/ LR & GE(A)/(B)/(C)/Budget (B) Branch of Revenue & D.M. Department for information and necessary action.

6/10/12
Joint Secretary to Government

By e-mail/ FAX

GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT
****

No. GE (GL)-S-18/2015- 12592 **/R&DM Dated** 24.4.15

From

Dr. Taradatt, IAS
Additional Chief Secretary to Government

To

All Collectors,

Sub: Allotment of government land/ building to religious, pseudo-religious or socio-political organizations by Government Departments/ Establishments

Madam/ Sir,

I am directed to say that instruction was issued to all subordinate revenue authorities vide erstwhile Revenue & Excise Department G.O No. 65061/R dated 02.11.1987 that application for lease of Government land or building when received from religious, pseudo-religious or socio-political Organizations should be examined carefully and lease granted after obtaining clearance from Home (Special Section) Department.

2. Subsequently, the Department in letter No. 44394/R dated 26.07.1989 has clarified that the competent authorities vested with power to grant lease of government land are required to examine each such application in respect of individual institution carefully and obtain the required clearance from Home (Special Section) Department prior to grant of lease and in no case, the applicant concerned be asked to obtain such clearance from Home Department.

3. Recently, Home Department have proposed that prior clearance in respect of such lease proposals may be obtained from the Superintendent of Police of the

concerned District instead of Home (Special Section) Department since the present procedure is time consuming and causes delay in disposal of cases.

4. In view of the above, Government after careful consideration have been pleased to decide that before sanctioning lease of government land in favour of a religious, pseudo-religious or socio-political organization or before recommending the lease proposal to the next higher revenue authority for sanction in favour of such organization, as the case may be, the Collector shall request the Superintendent of Police of the concerned district to verify the activities and antecedents of such organization from security point of view and only after obtaining clearance from the latter, the Collector shall take further course of action in the matter of sanction of lease.

5. The erstwhile Revenue & Excise Department G.O No. 65061 dated 2.11.1987 and No.44394/R dated 26.7.1989 are hereby superseded.

Yours faithfully,

18.4.15

Additional Chief Secretary to Government

Memo No. 12593**/RDM Dated** 24.4.15

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

18.4.15

Additional Chief Secretary to Government

Memo No. 12594 **/RDM Dated** 24.4.15

Copy forwarded to Home Department for information and necessary action.

18.4.15

Additional Chief Secretary to Government

Memo No. 12595/**RDM Dated** 24.4.15

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/ all seats of LR&GE (A)/ (B)/ (C) of Revenue & DM Department for information and necessary action.

18/4/15

Joint Secretary to Government

By e-Mail/Fax

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM I RDEA MISC 0023 2022 14655 /R&DM dated 31 DEC 2022

From
Shri Satyabrata Sahu, IAS
Additional Chief Secretary to Government

To
All Collectors (Except Puri)

SUB: Permissive possession of Government land in favour of Bharat Sanchar Nigam Limited, Government of India for providing 4G-Mobile Infrastructure in uncovered villages of the State.

Madam/Sir,

I am directed to say that the Government after careful consideration of the proposal have been pleased to sanction permissive possession of Government land measuring @ 2000 Sq. ft. in 1687 locations of the State for construction of mobile infrastructure to cover the 1792 uncovered villages **free of premium, free of incidental charges but subject to payment of a token amount of Re. 1/- per annum per site towards annual ground rent and cess** in favour of Bharat Sanchar Nigam Limited (BSNL), Government of India after approval by the State Cabinet in its 53rd Meeting held on 27.12.2022.

The District wise break up of finalized site of land for mobile infrastructure (installation of mobile towers under 4G Saturation Project) as follows:

Sl No.	District	Tower Site	Sl No.	District	Tower Site
1	ANUGUL	42	16	KANDHAMAL	242
2	BALANGIR	7	17	KENDRAPARA	1
3	BALESWAR	2	18	KEONJHAR	57
4	BARGARH	6	19	KHORDHA	5
5	BOUDH	65	20	KORAPUT	175
6	BHADRAK	5	21	MALKANGIRI	60
7	CUTTACK	15	22	MAYURBHANJ	92
8	DEOGARH	57	23	NABARANGPUR	6

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9	DHENKANAL	5	24	NAYAGARH	87
10	GAJAPATI	149	25	NUAPADA	19
11	GANJAM	119	26	PURI	-
12	JAGATSINGHPUR	1	27	RAYAGADA	144
13	JAJPUR	18	28	SAMBALPUR	57
14	JHARSUGUDA	3	29	SUBARNAPUR	3
15	KALAHANDI	104	30	SUNDARGARH	141
				TOTAL	1687

2. The sanction of permissive possession is subject to the following terms and conditions;

a. The permissive possession of the land will be given for a **period of 30 years.**

b. The BSNL shall have only surface and user right over the land.

c. The land given shall be utilized for the purpose for which it is sanctioned.

d. The land shall not be leased out / sub-leased / transferred / mortgaged/ disposed/ conveyed/ bequeathed without prior consent/permission of Government in Revenue and Disaster Management Department.

e. In case the land sub-leased or any part thereof is not utilized for the purpose for which it is sanctioned, the land and the structures standing thereon shall revert back to the State Government in Revenue and D.M. Department free from all encumbrances and without payment of any compensation.

f. The BSNL shall take all steps to keep the land free from all encumbrances and encroachments etc.

Therefore, you are requested to take further necessary action in the matter. The list of locations of land finalized for installation of mobile tower is attached herewith in "**Annexure**".

Yours faithfully

31/12/22

Additional Chief Secretary to Government

null/01/2022

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By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LRGEA-CLRFIC-0004-2022 /R&DM- 19636 dated 20 JUN 2022

From
Shri Avaya Kumar Nayak, OAS
Special Secretary to Government

To
The Collector, Gajapati

Sub: Clarification regarding de-reservation of Govt. land under Rakhita Khata. Kisam UJJ / Gharabari / Patita for alienation in favour of Govt. Schools.

Sir,

In inviting reference to the letter No.938 dated 07.03.2022 of the Tahasildar, Mohana addressed to this Department on the subject cited above, I am directed to say that clarification was sought for therein as to whether the land reserved as per OGLS Act under Rakhita-UJJ, for developmental works of Government, can be alienated in favour of the school without initiating any de-reservation case.

In this regard it is clarified that the Govt. land under Rakhita Khata. Kisam UJJ/ Gharabari/Patita may be de-reserved and brought to AJA Khata for subsequent alienation in favour of S&ME Department to regularize the Government land under occupation of Government Schools following the G.O No.35491 dated 25.11.2021

Therefore, you are requested to take further necessary action in the matter accordingly.

Yours faithfully,
20/6/22
Special Secretary to Government

Memo No. 19637 /R&DM dtd. 20 JUN 2022

Copy forwarded to the Tahasildar, Mohana, Dist-Gajapati for informatin and necessary action.

20/6/22
Special Secretary to Government

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.1954, CUTTACK, THURSDAY,NOVEMBER 25, 2021/MARGASIRA 4,1943

[No.35491–RDM-LRGEA-POLICY-0012/2018/R&DM]

REVENUE & DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

The 25th November, 2021

Sub:- **Policy for regularization of unauthorized occupation of Government land by Government & Aided Degree Colleges and Higher Secondary Schools as well as Government & Aided High Schools in the State.**

The State Government, in the year 1977, had taken policy decision to provide Government land measuring up to Ac.10.00 in urban areas and up to Ac.15.00 in rural areas, free of premium for establishment of colleges. Similarly, it was also decided that lands will be provided free of premium for M.E. Schools up to Ac.2.00 and Ac.3.00 and for Secondary schools up to Ac.3.00 and Ac.5.00 in urban areas and rural areas respectively. This policy decision for secondary schools and +2 colleges, was reiterated further in the year 1998. Over the years, since 1977, many Government and Aided Educational Institutions have been established under occupation of Government Land and it has taken years together to settle the land in their favour. Sometimes, it is due to delay in processing as per the provisions of the OGLS Act and Rules and in most of times it is due to inability of such institutions to pay the government dues like premium, incidental charges, annual ground rent, cess, encroachment fees with penalty and interest thereon etc.

2. However, in the year 2010, Government took another policy decision, which was communicated vide letter No.48395 dated 26th November, 2010 that "*in the cases where land has been occupied without prior approval of the competent authority, it should be treated as encroachment and will be liable for eviction. However, in exceptional cases, where the Government due to certain good and sufficient reasons, consider to settle the land with the occupier, the occupier will be required to pay, premium at the rate of market*

value, annual ground rent, cess, arrear dues, interest thereon and encroachment charges etc. Further the benefits of concessional rates of premium, if any, available under any policy of Government will not be applicable to such cases, where the land has been occupied unauthorizedly without formal sanction of lease or grant of advance possession by any authority competent to sanction the lease".

3. As many educational institutions have occupied the land without prior approval of the competent Authority, they are required to pay the Government dues as stipulated in the aforesaid guidelines. Since these educational institutions are general schools and colleges having no source of income, those are not in a position to pay the Government dues and get the land recorded in the name of the institution. On the other hand, due to not having the RoR of the land, the colleges get deprived of Government of India funding under RUSA and other schemes. Besides, in NAAC assessment, the colleges are not considered for ranking due to the land problem. Even under 5T transformational initiatives, many schools are facing implementational issues due to non-recording of land in favour of the schools.

4. Keeping the above in view, the State Government, after careful consideration and with approval of the State Cabinet in their 36th Meeting held on 23rd November, 2021, have been pleased to decide the following principles to regularize the unauthorized occupation of Government land by the Government and Aided educational institutions, in relaxation of the restrictions imposed in the guidelines issued vide letter No.48395 dated 26th November, 2010.

i. All land, **irrespective of extent of area**, under occupation of standalone Government Degree Colleges (including autonomous and non- autonomous Government Colleges) and standalone Government Higher Secondary Schools (i.e., erstwhile + 2/ Jr. Colleges) will be recorded in the name of Higher Education Department and School & Mass Education Department respectively with marfat of the concerned Degree Colleges/ Higher Secondary School. But in case of composite colleges (i.e. where a Degree College co- exists with a Higher Secondary School), the land, irrespective of extent of area, shall be recorded separately; i.e. in the name of Higher Education Department (Marfat of the Degree College) for the area under occupation of the Degree College wing and in the name of School & Mass Education Department (Marfat of the Higher Secondary Schools) for the area under occupation of the Higher Secondary School wing. However,

where such splitting of land is not possible due to practical problems and inconveniences, the entire land shall be recorded in the name of Higher Education Department (Marfat of the Degree College).

ii. In case of Aided Degree Colleges having autonomous status and non- autonomous Aided Degree colleges and Aided Higher Secondary Schools, land **up to the extent of area specified** in Revenue Department G.O No. 38870/R dated 23rd May, 1977 and No. 62250/R dated 26th November,1998 (i.e. 10 acres in urban areas and 15 acres in rural areas) shall be recorded in the name of Higher Education Department and School & Mass Education Department respectively with marfat of the concerned educational institution. Wherever a Degree college co- exists with a Higher Secondary School, the land should be settled separately in the name of the Higher Education Department and School & Mass Education Department respectively with marfat of the concerned educational institution. However, where such splitting of land is not possible due to the practical problems and inconveniences, the land shall be recorded in the name of the Higher Education Department with marfat of the concerned educational institution.

iii. All land, **irrespective of extent of area**, under occupation of **Government High Schools** will be recorded in the name of the School & Mass Education Department with marfat of the concerned School.

iv. The land under occupation of **Aided High Schools up to the extent provided** in the G.O. No. 38870 dated 23rd May, 1977 i.e. for lands up to Ac.3.00 and Ac.5.00 for Secondary schools in urban areas and rural areas respectively, will be recorded in the name of the School & Mass Education Department with marfat of the concerned Aided High School.

v. The land to be settled with the educational institutions as mentioned in Para (i), (ii), (iii) & (iv) above should be leasable, non- forest, not in DLC list, un- objectionable category, free from encroachment by anyone other than the said educational institutions, free from any encumbrances and should not be having any mineral reserve.

vi. Land shall be settled with the concerned Department with marfat of the concerned educational institution on **free of all charges**.

vii. The process for settlement of aforesaid land shall be initiated by the Tahasildar and settlement shall be done with the approval of the concerned Collector.

viii. Where land is to be recorded separately in the name of Degree College and Higher Secondary School, local Tahasildar shall consult with the Principals of Degree College and Higher Secondary School and then demarcate the land between the Degree college and the Higher Secondary School and record the land separately. However, as stated earlier, where the two Principals cannot mutually agree for splitting of the land, then the land shall be recorded in the name of the Higher Education Department with marfat of the concerned educational institution.

ix. On settlement of such land, all previous encroachment cases booked by revenue authorities in respect of the aforesaid land shall be dropped and a token amount of Re.1/- per acre per year towards assessment and penalty @ Rs.10/- per acre per year may be charged. Interest on arrear amount if any may also be waived out.

x. The cut- off date for consideration of occupation of government land by an institution shall be **1st January**, **2020**. In other words, the govt. land under occupation of an institution as on 1st January, 2020 shall be considered for settlement. Any encroachment made after the cut-off date shall not be taken into account.

xi. In the event of the college or the Higher Secondary School is permanently closed, merged or shifted, the land so settled along with the infrastructure if any thereon, shall automatically revert back to Government in Revenue and DM Department without any compensation or cost thereof.

xii. This policy will not be applicable to private/ un- aided educational institutions.

ORDER

Ordered that the Resolution be published in an extraordinary issue of the *Odisha Gazette* and copies thereof forwarded to all Departments of Government/ all Heads of Department of Government/ Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information.

By Order of the Governor
BISHNUPADA SETHI
Principal Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SBP Ex.Gaz.1407-183+50

OF THE COLLECTOR
29 NOV 2024
PURI

By e-Mail/FAX

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. PRI-RDM-LRGEA-POLICY-0012-2018-411845 /R&DM Dated 29 NOV 2024

From

Sk. Jamiruddin, OAS (SAG),

Additional Secretary to Government

To

All Collectors

Sub: Regularization of occupation of govt. land by Government & Aided Degree Colleges and Higher Secondary Schools as well as Government & Aided High Schools and Primary Schools in the State

Ref: This Department letter No. 20555 dated 29.06.2024

Madam / Sir,

I am directed to say that instruction has been issued vide this Department letter under reference to complete the process of regularization of occupation of govt. land by Government & Aided Degree Colleges and Higher Secondary Schools and Government & Aided High Schools as well as Primary & Upper Primary Schools in the State and correction of RoRs in favour of such educational institutions by 31.12.2024.

In this regard, a review meeting was held under the Chairmanship of Hon'ble Minister, Revenue & DM on 07.11.2024. In the said meeting, the following dateline has been fixed for regularization and correction of RoR of land in favour of all the aforesaid Government and Government Aided educational institutions.

Sl No.	Action	Dateline
1	Disposal of all undisputed cases / issue of RoR where de-reservation is not required	31.12.2024
2	Disposal of all disputed cases/ issue of RoR where de-reservation is required	28.02.2025
3	In case of forest kisam of land, steps to be taken by the Collector for issue of RoR after complying with the formalities under the FRA, 2006	

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In view of the above, you are requested to complete the process of regularization and correction of RoRs in favour of the concerned educational institutions in your District as per the dateline fixed. The progress in the matter will be reviewed by the Government on fortnightly basis. Hence, you are also requested to furnish the report regarding progress of the same in the enclosed format to this Department on 1st and 16th of every month throughe-Mail-**lrge-rev.od@nic.in**.

Yours faithfully,

29/11/2024

Additional Secretary to Government

Memo No. 41846 /R&DM Dated 29 NOV 2024

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

29/11/2024

Additional Secretary to Government

PT1-RDM-LRGEA-POLICY-0012-2018/01/2024

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Progress on regularization of land

A. Government and Aided Degree Colleges

		DEGREE COLLEGES										
		GOVERNMENT					GOVT. AIDED					
Sl No.	DISTRICT	Total nos of Colleges	Nos of Colleges Applied for regularisation	Lesae / Alienation Proposal Processed	RoR Corrected	Balance	Total nos of Colleges	Nos of Colleges Applied for regularisation	Lesae / Alienation Proposal Processed	Nos of RoR Corrected	Balance	Remarks
1												

B. High School / Higher Secondary School

		GOVERNMENT					GOVT. AIDED					
Sl No	DISTRICT	Total nos of High School / Higher Secondary School	Nos of High School / Higher Secondary School Applied for regularisation	Lesae / Alienation /Misc Case Proposal Processed	RoR Corrected	Balance	Total nos of High School / Higher Secondary School	Nos of High School / Higher Secondary School Applied for regularisation	Lesae / Alienation /Misc Case Proposal Processed	Nos of RoR Corrected	Balance	Remarks
1												

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C. Primary / Upper Primary School

			GOVERNMENT				GOVT. AIDED					
Sl No	DISTRICT	Total nos of Primary / Upper Primary School	Nos of Primary / Upper Primary School Applied for regularisation	Lesae / Alienation /Misc Case Proposal Processed	RoR Corrected	Balance	Total nos of Primary / Upper Primary School	Nos of Primary / Upper Primary School Applied for regularisation	Lesae / Alienation /Misc Case Proposal Processed	Nos of RoR Corrected	Balance	Remarks
I												

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OFFICE OF THE COLLECTOR AND DISTRICT MAGISTRATE, KALAHANDI

Letter No. XXVIII-53/2023- 1914 /Rev. Dated: 23-06-2023

To,

All Tahasildars of Kalahandi District

Sub:- Relinquishment of govt. land recorded in the name of Home Department / Judicial Department for eventual alienation of the same in favour of Law Department and issue of RoR.

Ref:- Letter No. 21387/R&DM dated 12.6.2023 of Govt. in R & D.M. Department, Odisha, Bhubaneswar.

Sir,

In enclosing here with a copy of the letter No. 21387/R&DM dated 12.6.2023 of Govt. in R. & D.M. Department, Odisha received by this Office with request you to take necessary action at your level for correction of RoR in the name of Law Department instead of Home/Judicial Department as per govt. procedures.

Yours faithfully,

Encl:- As above (containing five pages)

Deputy Collector (Revenue)
Collectorate, Kalahandi

Memo No. 1915 Dated: 23-06-2023

Copy along with a copy of the said letter is send to Sub-Collector, Bhawanipatna/ Dharmagarh for information and necessary action.

Deputy Collector (Revenue)
Collectorate, Kalahandi

Urgent/
By e-mail/ Fax

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LRGEC-KDM-0003-2023- 21387 /R&DM dated. 12 JUN 2023

From

Sri Avaya Kumar Nayak, OAS (SS)
Special Secretary to Government

To

All Collector (Except Kandhamal).

Sub: Relinquishment of Government land recorded in the name of Home Department for eventual alienation of the same in favour of Law Department and issue of RoR.

Sir,

In enclosing herewith the copy of the letter No.5013/DJC, dated 25.03.2023 of the Registrar, (Vigilance), the High Court of Orissa, Cuttack addressed to the District & Sessions Judge (All) on the above mentioned subject, I am directed to say that it has been decided in the District Judges Conference, 2023 held from 10th to 12th February, 2023 at the Odisha Judicial Academy, Cuttack that wherever the alienated land has already been recorded in the name of Home Department that should be recorded in the name of Law Department by correcting the RoR. The District Judge of the concerned district shall initiate immediate process for correction of RoR in the name of Law Department in coordination with the local Revenue authority.

As per procedure, the lands which are already recorded in the name of Home Department and RoRs have also been published accordingly, the Home Department has to relinquish the land in favour of Revenue & DM Department in the first place after which the lands can be alienated by Revenue & DM Department in favour of Law Department by following the procedure laid down in the OGLS Act, 1962 and Rules made thereunder and RoRs can be published in the name of Law Department accordingly.

You are, therefore, requested to kindly furnish the land particulars in respect of your district which are recorded in the name of Home Department and used for judicial infrastructure like Court buildings, residential quarters of Judicial Officers/ Staff etc., to this Department at the earliest so that Home Department may be requested to relinquish such lands in favour of Revenue & DM Department for eventual alienation of the same in favour of Law Department and issue of RoR in their name.

The matter may be taken up on **Top Priority basis**.

Yours faithfully,

12/6/23

Special Secretary to Government

Memo. No. 21388 /R&DM, dated 12 JUN 2023

Copy forwarded to the Registrar (Vigilance), the High Court of Orissa, Cuttack for kind information.

12/6/23

Special Secretary to Government

Through e-Mail/ Regd. Post

THE HIGH COURT OF ORISSA: CUTTACK

Letter No. 5013 /DJC-23-BLDLC/Date: 25.03.2023

VI- 10/2020

RECEIVED ON 27 MAR 2023 Registrar, Civil Courts, Phulbani

From

Sri A.K. Paschimakabat
Registrar (Vigilance)

To

The District & Sessions Judge (All)

Sub: Alienation of land in favour of the Judiciary for development of Judicial Infrastructure

Ref:- Court's Letter Nos. 4784 (VI- 07/ 2023) dated 22.03.2023, 4538 (XIX- 07/ 2022) dated 17.03.2023, 5976 (VI- 10/ 2020) dated 13.04.2022, 7401 (VI- 30/ 2014) dated 20.07.2018

Madam/ Sir,

With reference to Letters of the Court and on the subject cited above, I am directed to say that during the recently concluded **District Judges' Conference, 2023** held from 10th to 12th February, 2023 at the Odisha Judicial Academy, Cuttack, the subject **"Challenges faced for proper infrastructure with adequate budgetary provisions w.r.t. Judiciary vis-à-vis establishment of new Courts"** was discussed under item No.1 of Session-IV on 12th February, 2023.

It was observed therein that, 'Alienation of Land' is one of the major challenges faced by the District Judiciary for having proper infrastructure for the Courts.

On detailed deliberation, **it was resolved *inter alia* as follows:**

xxxx xxxx xxxx xxxx

"(2) The District Judges shall make immediate requisition within one month (wherever not yet made) for acquisition of Ac. 5.00 dec. or more land for District Headquarters New Court Complex and Ac. 3.00 dec. or more land for outlying station Courts in one patch in all

R-2139 29-03-23

the revenue Blocks of the State in favour of Law Department, Govt. of Odisha for construction of the Buildings such as Court Building, Quarters for the Judicial Officers and Staff, Transit House and other ancillary buildings etc. with a vision for providing new and modern Court Complex at District Headquarter Stations and for all the establishment of Court in each and every block of the State. Wherever the alienated land has already been recorded in the name of Home Department that should be recorded in the name of Law Department by correcting the R.O.R. The District Judges shall initiate immediate process for correction of R.O.R in the name of Law Department in coordination with the local Revenue Authority.

The Addl. Chief Secretary, Revenue & Disaster Management Department, Govt. of Odisha present in the conference has committed that the Addl. District Magistrates (Revenue) of all the districts shall be declared as the Nodal Officers of the districts to look after and expedite the process of alienation and delivery of advance possession of the selected and requisitioned land in favour of Judiciary. He was impressed upon to instruct the Revenue Authorities of the districts to dispose of the pending alienation cases on priority basis within three months hence. He is also impressed upon to issue instructions to the Nodal Officers to henceforth ensure completion of the alienation process of all the new requisitions within six months from the date of requisition. However, pending alienation process, the advance possession be delivered within three months from the date of requisition.

The Revenue Department shall alienate the land in favour of the Law Department for use of the District Courts free from all encumbrances after taking clearances from other departments and authorities including forest department, wherever required."

xxxx xxxx xxxx xxxx

The Court after careful consideration of the matter, have been pleased to concur with the aforesaid resolution and direct you to scrupulously follow the instructions contained in the aforementioned resolution and take necessary action at your end.

I am, therefore, to request that the above instructions of the Court may be brought to the notice of all the Judicial Officers working in your Judgeship and all concerned for their information and guidance.

Yours faithfully,

23/3/23

Registrar (Vigilance)

Memo No. 5014 **/ Date:** 25 **.03.2023**

Copy forwarded to Additional Chief Secretary to Government of Odisha, Home Department / Additional Chief Secretary to Government of Odisha, Revenue & Disaster Management Department / Additional Chief Secretary to Government of Odisha, Forest, Environment and Climate Change Department / Principal Secretary to Government of Odisha, Finance Department / Principal Secretary to Government of Odisha, Law Department for information and necessary action and with a request to impart necessary instructions to the field officers in the matter.

23/3/23

Registrar (Vigilance)

Memo No. 5015 **/ Date:** 25 **.03.2023**

Copy forwarded to:

1. All Officers of the Court;
2. Superintendent, All the Administrative Sections of the Court;

for kind information and necessary action.

23/3/23

Registrar (Vigilance)

Memo No. 5016 / Date: 25 .03.2023

Copy forwarded to:

1. Joint Registrar-cum-Principal Secretary to Hon'ble the Chief Justice for placing the same before the Lordship for kind information.

2. Additional Deputy Registrar-cum-Addl. Principal Secretary/Asst. Registrar-cum-Sr. Secretary/ Secretary to Hon'ble Judges for placing the same before their Lordship for kind information.

Registrar (Vigilance)

Government of Orissa
Revenue & Excise Department

No. 52412/R., Dt. 13-10-99

From

Shri P. B. Das,
Joint Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : **Instructions regarding issue of licences for temporary use of Government Land (excepting in urban areas of Bhubaneswar & Sunabeda) for the purpose of holding melas, exhibitions, festivals, circus , meetings & for putting up temporary shops and stalls for sale of seasonal articles.**

Ref. : Board's letterNo. II-184 / 98 - 2791 / R. dt. 22.8.98.

Sir,

I am directed to invite reference to Board's above cited letter and to say that in response to the said letter a set of draft instructions had been prepared and sent to Board, vide this Department D.O. Letter No. 16992 / R. dt. 19. 3.99. with a request to communicate the views of Board of Revenue thereof. However, the same was not made available.

2. In the meanwhile, the aforesaid draft instructions have been finalised. The copy of the approved instructions are enclosed herewith for information and necessary action.

3. Copies of the instructions are also being forwarded to all R.D.Cs. all Collectors, all Sub-Collectors and all Tahasildars for their information and necessary implementation.

Yours faithfully

Joint Secretary

Memo No. 52413 /R., 13-10-99

Copy alongwith copy of the instructions are forwarded to :–

1. Secretaries to all R.D.Cs.
2. All Collectors
3. All sub-Collectors
4. All Tahasildars,

for information and necessary action.

Joint Secretary to Government

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