VOLUME 3

Government Land, Homestead & Bebandobast

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

03

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Instructions regarding issue of licence for temporary use of Government lands (excepting in urban areas of Bhubaneswar and Sunabeda) for the purpose of holding Melas, Exhibitions, Festivals, Circus, Meetings and for putting up temporary shops and stalls for sale of 'Rakhi', Fire works, Colours for Holi and ex-mass and New Year's Greeting Cards.

It has come to the notice of Government that difficulties are being experienced in the field for grant of permission to variouse applicants for use of vacant Government lands/ sites for specific purposes like festivals, exhibitions, meetings and the like on realisation of fees in the absence of specific guidelines in this regard. Hence after careful consideration of the matter Government have been pleased to issue the following instructions in the matter of issue of licence for temporary use of vacant Government lands / sites on realisation of licence fee for specific purposes.

Purpose for which licence can be granted.

2. Licence for temporary use of government lands / sites may be granted only fo specific purposes i.e. for festivals, meals, 'Yani -yatra', circus, exhibitions and meetings, including purposes incidental to such use such as parking place, roads, space for other fittings and fixture. Similar licence can also be granted for setting up temporary shops and stalls for sale of materials on festive occassions i.e. ex-mass & New Year's greeting cards, 'Rakhi' fire works and colours for holi.

2:1. In no case this licence should be issued for stacking or storing of any material of for setting up hutments for labourers or for any other similar purpose.

Licence fee and other fees.

3. For temporary use of the Goverement land as above licence fee and demarcation/ measurement fee should be collected at the following rates : –

		Licence Fee Purpose	Licence Fee
(A)			
	(I)	For Meals, Festivals, Circus, Yani - Yatra, Exhibitions & meetings : –	
	(a)	In respect of Berhampur, Cuttack, Sambalpur & Rourkela urban areas.	Rs. 100 per acre per day
	(b)	Other towns & urban areas excepting those mentioned in (a) above and Bhubaneswar and Sunabeda.	Rs. 75/- per acre per day
	(c)	Rural areas	Rs. 50/- per acre per day

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(II) Setting up of temporary stalls / shops including roads side shops and stalls on specific festive occassions for sale of materials :–

(a)	In respect of Berhampur, Cuttack, Sambalpur & Rourkella urban areas	Rs. 40/- per 100 sq. ft. per day
(b)	Other towns and urban areas excepting those mentioned in (a) above and Bhubaneswar and Sunabeda	Rs. 30/- per 100 sq. ft. per day
(c)	Rural areas	Rs. 20/- per 100 sq. ft. per day

(B) **Measurement / demarcation fees**

Besides the above licence fees the applicant will also be required to deposit demarcation / measurement fees for identifying the site on the ground at the rate of Rs. 4/- per 100 sq. ft. or part thereof.

(C) The applicant is required to deposit with the concerned authority the full licence fees and demarcation fees before the site is handed over to him/her.

(D) Further, Government reserve the right to modify and revise the above rates of licence fee and measurement fee as and when they deem it proper.

Conditions of licences

4. (I) The grant of licence will be subject to the following conditions :–

(i) No structure, either of permanent or semi-permanent nature, should be put up on the licence ground.

(ii) In case of temporary use of Government land / sites for fairs, exhibitions, meetings etc. when large number of people are expected to congregate, additional measures, mentioned below, will have to be ensured.

(a) Sufficient parking space should be available at the site for vehicles, two wheelers, cycles etc. of the visitors.

(b) Provision should be made for adequate space within the licenced ground and outside so as to avoid any trafic congestion at the site.

(c) Fire safety measures should be ensured at the licenced ground. There should be sufficient number of emergency exits from the licenced ground in case the same is enclosed or fenced. Detailed guidelines indicated in Annexure - I should be strictly followed and these should form a part of the agreement of licence for its due compliance.

(d) Due care should be taken for sound electrification at the site and safety of such electrification should be certified by the authorised officer not below the rank of a Junior Engineer / Sub - Assistant Engineer of the GRIDCO or any other authorised organisation providing electric connection to the site.

(e) Proper sanitation measures at the site should be ensured.

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(II) The licence will have to execute an agreement in Form No. II for the purpose which is appended to these instructions.

Authority competent to grant licence.

5. (i) In respect of cities and towns including urban areas Collector of the district will be competent to grant such licences. For rural areas Tahasildar concerned may grant such licence after obtaining prior approval of the sub-Collector.

(ii) The applicants should apply in Form No. I to the aforesaid authorities i.e. Collector & Tahasildar for grant of licence depending on the location of the site. The agreement will also be executed with the said authority.

Period of licence

6. The maximum period for which the licence can be granted under these instructions is ONE MONTH. In case the licencee wants to use the land beyond one months licence period, he has to apply for a fresh licence which will be considered on merit.

Summary cancellation of licence on violation of condition.

7. The licence will be revoked or summarily cancelled if any of the conditions of lease is violated by the licencee and the site will be immediately taken over by the licensor. In such an event the licencee will not be eligible for any compensation, whatsoever.

8. Exceptions :

(i) Where there are already specific instruction for any area or where a set procedure is being followed for a pretty long time yeild more revenue, those instructions and procedure will continue to be adopted for the said area until further order.

(ii) The Collector of the district concerned will intimate Government about such exceptions within a month from the date of receipt of these instructions for reference and record. Collector will simultaneously keep Board of Revenue and R.D.C. concerned informed of the same.

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FORM - I
APPLICATION FOR TEMPORARY LICENCE OF GOVERNMENT LAND

To

The Collector/ Tahasildar

1. (a) Name of the applicant :
   (b) Age :

2. Father's / Husband's name :

3. (a) Present residential Address (in full) :
   (b) Permanent home Address (in full) :

4. Occupation :

5. Detailed particulars of land applied for licence :
   (a) Name of village / urban area :
   (b) Holding number, if any :
   (c) Plot number, if any :
   (d) Area applied for (approx) :
   (e) Boundary :

6. Purpose for which the land is required :

Date

Signature of the Applicant

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FORM OF AGREEMENT FOR LICENCE FOR TEMPORARY USE OF GOVERNMENT LAND FOR A SPECIFIC PURPOSE

This Licence is made on the ..... day of .....BETWEEN the Governor of Orissa (herein after called "the licensor") of the one part AND Shri .....
Son of ..... aged ..... years
by profession ..... residing in .....
in the district of ..... (hereinafter called "the licencee") of the other part.

WHEREAS THE licencee desired to open a ..... in ..... and for that purpose applied to the licensor to be given a suitable vacant site and the necessary permission to carry on there on his aforesaid business and the licensor has agreed to the same subject to the following terms and conditions :

NOW THIS DEED WITNESSES AS FOLLOWS :-

1. In pursuance of the said agreement and in consideration of the terms and conditions herein specified and the licence fees payable therefor, the licensor hereby grants to the licencee LEAVE AND LICENCE to carry on his said business on the plot of land measuring more or less..... ..... and situate in ..... details whereof have been specified in the schedule appended hereto.

2. This licence is valid for a period of one month, with effect from .....

3. The licensee shall –

   (i) Pay a licence fee of Rs. ..... per day @ ..... and measurement / demarcation fee of Rs. ..... for the use of the said land for the above purpose to the licensor in advance, in the same manner in which land revenue is payable ;

   (ii) not use the said site for any purpose other than the purpose aforesaid or transfer his licence to anybody else; nor shall erect any pucca or other structure of permanent or semi-permanent nature;

   (iii) Surrender the licence hereby given as soon as he ceases to use the site for the above purpose and shall not claim any refund of the fees or any part of it if surrender is made before the expiry of the term of licence;

   (iv) In case of temporary use of land for fairs, exhibition, meeting etc. when large number of people are expected to congregate, following measures will also have to be ensured :

   The licencee shall -

   (a) arrange sufficient parking place at the licenced ground for vehicles, two wheelers, cycles etc. of the visitors.

   (b) arrange proper sanitation at the licenced ground.

   (c) make adequate provision of space and roads within the licenced ground and outside so as to avoid any traffic congestion at the site.

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(d) ensure fire safety measures at the site as per guidelines in Annexure - 1 and provide for sufficient exists in the event of enclosing or fencing the licenced ground.

(e) arrange for due certification of the electrification at the site by an authorised officer not below the rank of Junior Engineer / SAE of the GRIDCO or any other authorised agency giving the electric connection to the site.

(v) Not claim any compensation on account of the outfits left standing on the said sits either after surrender of the licence as contemplated in sub-clause (iii) of clause 3 or after the expiry of the term of the licence.

Provided that the licencee shall be at liberty to dismantle the outfits and remove the materials within fifteen days of the date of such surrender of expiry;

(vi) Surrender the site if it is required for any public purpose at any time during the currency of the licence on receipt of a notice in writing of 7 days and in such a case the licencee may be entitled to refund of licence fee already paid on "pro rate" basis and shall be at liberty to dismantle the outfits and remove the material within 7 days from the date of actual vacation in pursuance of the notice in writing.

(vii) Deliver up the said site on the expiration or earlier revocation of the said licence in such good and substantial order as it was originally delivered to him failing which the cost of bringing back the land to its former position will be recovered from him.

4. All arrears and other dues under this licence shall be recoverable as arrears of land revenue.

5. The licensor shall be at liberty to revoke the licence upon breach of any of the conditions prescribed in Clause - 3 and take immediate possession of the site.

6. It is an express condition of the licence and the license hereby expressly agrees that the licence hereby granted is purely personal to the licensee and is not heritable and does not create any interest in the property or any right to renewal.

IN WITNESS WHERE OF THE parties hereto have signed this deed on the dates respectively mentioned under their signatures.

SCHEDULE OF LAND

Name of the village : .....

Khata No.: .....

Plot No. : .....

Area : .....

Licensee : .....Licensor :.....

Witnesses :

(1) .....

(2).....

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ANNEXURE - I

FIRE SAFETY MEASURES

1. Fire safety measures should be ensured while putting up any temporary structure which should include the following aspects :-

Location and internal arrangements.

1 : 1 (a) The location, materials, designs, constructions, fabrication or devises resorted to for construction of the temporary structure should be in such a manner that the entire gathering can be evacuated within a period of 10 minutes in the event of accidental fire at the site.

(b) All sides of the temporary structures should be left open. If this is not possible, there should be adequate provision for emergency exists. There shall be a clear opening of not less that 5 metres and Arch way (if any) should not have height of less than 5 metres or more than 8 metres. The approach point to the exist from any place within the temporary structure should not be more than 15 metres.

(c) In the matter of location of temporary structure proximity to the railway lines, electric substations, furnaces or other such hazardous sites should be avoided. There should be at least a safety distance of 16 mtrs. from any place likely to be hazardous. Care should also be taken not to locate the temporary structure below the running live electric wires.

(d) There should be a clear space of 4.5 mtrs. on all sides between the temporary structure and the adjacent building or other existing structures.

(e) In case the temporary structure is being used for large gathering, religious functions schools functions etc. the barricading, if provided, should not create any hindrance in orderly evacuation or movement of people in case of emergency.

(f) All exit points should be clearly indicated with the sign lights. This should be adequately illuminated. In the alternative, the existing board should be painted with fluorescent paint.

Storage and building materials.

1:2. As regards materials for constructions of temporary structures no combustible materials like straw etc. or explosive chemicals should be allowed to be stored or used in building the temporary structure. Similarly no synthetic materials or synthetic rope should be used in the temporary structure.

All febric, decorative clothing used in construction and decoration of the temporary structure shall before use, be dipped in a fire retardent solution of prescribed variety or pretreated with other material to give a class - 1 flame spread factor.

Open fire.

1:3. (a) No fire works or open flames of any kind shall be permitted in or close to the temporary structure.

(b) Kitchen area for cooking if any, shall be totally segre-gated from the main temporary structure and preferably made of G.I. sheets. Invariably some fire extinguishers, pots of water, dry loose sands and other fire fighting gadgets should be kept handy at the kitchen site.

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(c) There should be sufficient storage and supply of water to put out any accidental fire at the site. For this purpose at least two 200 ltr. drums of water with two buckets each should be available at the site.

(d) There should also be adequate storage of loose sand and other fire fighting devices at hand such as extinguishers of Carbondioxside etc.,

(e) The site should be approachable by the fire fighting vehicles by road. No part of the temporary structure should be more than 4.5 metres away from the motorable road.

Electrification.

1:4. (a) Where electrification is done for the temporary structure, the same should be done by a competent licenced electrical agency and its safety should be certified by the authorised officer of the agency giving the temporary connection.

(b) All electrical wiring in the temporary structure should be in PVC sheathed conductors or volcanised rubber cables of tough rubber and all joints shall be made with porcelain insulated connectors. Twisted and taped joints should not be permitted and copper wiring of adequate rating shall only be permitted for internal electrification of the temporary structure. Electrical wiring of different metals should not be made together. Circuit breakers should be used in electrical circuits and no part of the electrical circuits in the temporary structure should be within 15 cms. of any decorative materials from the roof. No electric wiring should be laid below the carpets. Proper metal conduct channel should be used for this purpose.

(c) Further, one bag of dry loose sand shall be kept near the electric main switch board and two fire extinguishers of carbondioxide having capacity of 4.5 K.G. should be provided to meet any exigencies.

(d) Adequate number of battery operated emergency lights should be provided in the escape routes / exits.

Alternate lighting arrangements.

1:5. In case gas or portable lights are used for the temporary structure in stead of electricity, such light should not be hung from the ceiling of the main temporary structure but shall be placed on separate stand fixed securedly.

Advance intimation to the fire service station of the area regarding the proposed temporary structure.

1:6. Advance intimation should be given to the nearest fire service station of the proposed construction of any temporary structure indicating details of its nature and arrangements etc. for getting timely assistance from them in case of emergency.

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Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-41/91-44485 / R.,
Dated, Bhubaneswar, the 5-10-1991

From :

Shri B. B. Pattanaik, O.A.S., (I)
Deputy Secretary to Government.

To,

The Secretary to R.D.C. (ND) Sambalpur.

Sub. : Clarification regarding change of classification of land classified as communal.

Sir,

I am directed to invite a reference to your D.O. letter No. 587 dated 21-4-1990. On the above subject and to say that the question of making available lands having communal characterstic for different projects was under consideration of Government for sometime. Government after careful consideration have been pleased to issue the following guidelines which shall be followed in the matter concerning lands classified as communal or Sarbasadharan in the Settlement records.

Lands classified as Nala, Mahara, Adi, Jalasaya, Tank Nayanjori etc having Communal / Sarbasadharan Character.

2. The Sarbasadharan / Communal lands classified as 'Nala' Mahara', Adi, Jalasaya, Tank, Nayanjori etc. in case those come within the compact area taken over by the requisitioning authority and are absolutely necessary for use by the requisitioning authority, they may be permitted for use of the same subject to the condition that such permission shall not affect or infringe the communal rights like irrigation, drinking and bathing facilities of the people of the locality in any manner and shall not cause any obstruction to drainage facility.

Lands recorded as Rasta, Danda etc.

3. (a) The lands classified and recorded as Rasta, Danda etc. shall also be permitted for use by the requisitioning authority subject to the condition that these shall continue to be recorded as such and its use by the requisitioning authority shall not infringe the existing communal rights of the people of the locality.

(b) Where, however, such lands come within a compact area under use by the requisitioning authority, the following guidelines should be followed :–

(i) If such Rasta /Danda etc. is a portion of a continuous path extending beyond the limits of such compact area taken over by the requisitioning authority, there shall be no infringement of the communal / sarbasadharan rights existing thereon and.

(ii) where the said Road /Danda etc. is confined to the compact area taken over and does not extend beyond its limit, its classification may be changed in due course after it has lost its communal character and use as Rasta, Danda etc. by the people of the locality as clarified in this Deptt. letter No. 19834, dt. 31-3-1987.

Gochar land

4 (i) Where Gochar lands are found surplus and are required by the requisitioning authority, those may be dereserved as per the provisions of the Orissa Government Land Settlement Act, 1962 and Rules framed there under.

(ii) Where no surplus Gochar lands are available and where the Gochar lands are absolutely necessary for the project, those lands may be acquired under the Land Acquisition Act by providing equal extent of suitable private land in exchange for being used as Gochar.

Other communal lands like Melan Padia, Hata-pada etc.

5. The other communal lands like Melan Padia, Hata-Pada etc. which are absolutely necessary for the requisitioning authority, may be acquired under the Land Acqusition Act by providing equal extent of suitable alternate sites having similar facilities as are available at the existing sites.

All concerned are being informed.

Your's faithfully

5·10·91

Deputy Secretary to Government

Memo No. 44486/R., dt. 5.10.1991

Copy forwarded to the Secretary, Board of Revenue, Orissa, Cuttack / R.D.C. (CD) Cuttack/ R.D.C. (SD) Berhampur for information and necessary action.

5·10·91

Deputy Secretary to Government

Memo No. 44487/R., dt. 5.10.1991

Copy forwarded to All Collectors for information and necessary action.

5·10·91

Deputy Secretary to Government

Memo No. 44488/R., dt. 5.10.1991

Copy forwarded to All Sub-Collectors for information and necessary action.

5·10·91

Deputy Secretary to Government

Memo No. 44489/R., dt. 5.10.1991

Copy forwarded to All Tahasildars for information and necessary action.

5·10·91

Deputy Secretary to Government

Memo No. 44490/R., dt. 5.10.1991

Copy forwarded to All Assistants of LR-GE (A), (B), (C) Branches for information and guidance / G.A (B) Branch for compilation / 50 spare copies to the LR & GE (A) Branch.

5·10·91

Deputy Secretary to Government

Government of Orissa
Revenue and Excise Department

No. G. E. (GL) S-150/89 (Pt)- 61269/R., dated 28.8.89

To

The Secretary, Board of Revenue,
Orissa, Cuttack.

Sub. : Instructions for reservation of Government lands for specific purposes in rural areas.

Ref. : Government letters.

(1) No. 73063 dated 7.12.64
(2) No. 4898/R., dt. 28.1.66
(3) No. 3410/R., dt. 19.1.66
(4) Paragraph 3 of Government letter No. 30656/R., dt. 5.6.1970.
(5) Paragraph 2 of Government letter No. 7880/R., dated 3.2.65.

Sir,

I am directed to say that instructions were issued in the Government letters cited above regarding reservation of Government lands for specific purposes in rural areas. Where settlement operations were not taken up earlier or where the Settlement Authorities have not reserved lands for various purposes in course of Settlement operations, reservation is done by the Tahasildar. In areas where Consolidation operations are in progress, reservation of land is made under Section 8 (2) (a) of the O.C.H. and P.F.L. Act, 1972 (Act 21 of 1972) read with Rule 17 of the O.C.H. and P.F.L. Rules, 1973. After the coming into force of the Orissa Government Land Settlement Act, 1962 (Act 33 of 1962), reservation of lands for different purposes is made U/s. 3 (1) (a) of the said Act read with instructions communicated in Government letter No. 7880/R., dt. 3.2.1965.

2. According to the normal procedure of reservation, lands reserved for homestead purposes for future is recorded in the Abad Jogya Anabadi Khata in the Kisam "Basti Jogya". Similarly, lands reserved for future use of the community or for development purposes are recorded in Kisam "Sarva-sadharan Jogya or "Unati Jojana Jogya" respectively. But all lands reserved as "village forests" were being recorded in the kisam "Gramya jungle".

3. Therefore, Government have been pleased to decide that all lands which are reserved for being used as village forests in future should not be recorded as Gramya jungle, but should be recorded as "Gramya Jungle Jogya".

Yours faithfully,
Sd/-
Addl. Secretary to Government

Memo No. 61270/R, dt. 28.8.89

Copy to all R.D.Cs /C.L.R.S, Orissa, Cuttack/ D.L.R.S., Orissa, Cuttack/ Director, Consolidation, Orissa, Cuttack / All Collectors/ All Settlement Officers/ All Deputy Directors of Consolidation, for information and necessary action.

Sd/-
Addl. Secretary to Government

Government of Orissa
Revenue & Excise Department

No. GE (GL)-E-28/89- 31124/R.,
Dated, Bhubaneswar, the 20th May, 89.

From

Rai Charan Das,
Additional Secretary to Government.

To

The Collector, Cuttack.

Sub. : Settlement of Government land for homestead purpose in favour of homesteadless persons.

Ref : Your letter No. 598/Rev., dt. 2.2.1989.

Sir,

I am directed to invite a reference to the correspondence cited above and to say that doubts have been expressed about the scope of O.P.L.E. (Amendment) Act, 1987 (Act 10 of 1988) which amended Section 7 of the parent Act. In this connection I am to state that Section 7 (1) of the O.P.L.E. Act lays down the general provision that the encroacher should be summarily evicted. Section 7 (2) of the Act enjoins that if the encroacher is either a "homesteadless person" or a "landless person" then the encroached land should be settled with him, within certain limits. For the purpose of this Sub-Section, "landless person" and "homestead less person" would have the same meaning as defined in Section 3 (a-1) and Section 3 (a-2) of the Act respectively.

2. The first proviso of Section 7 (2) of the Act lays down what constitutes "objectionable encroachment". If the encroachment is objectionable, then even if the person is landless or homesteadless, the land cannot be settled with him. The amending Act, 1987 added a new Sub-Section (2-a) after sub-section 2 of Section 7. In terms of sub-seciton (2-a) encroachments on some categories of lands which were earlier treated as objectionable under the first proviso would no longer be treated as objectionable if the encroachers a homesteadless persons and has constructed a house thereon on or before 10.3.85 and is actually residing therein. In such cases the land should be settled with the encroacher. The land settled with him shall not exceed one twentyfifth of an acre. The position is explained in the table furnished below.

Objectionable.	Encroached by a "homesteadless" persons who is using it as homestead and residing thereon by actually constructing a house on or before 10.3.1985.

Provisio to Section 7 (2) (Pre-amendment)	Proviso to Section 7 (2) after Amendment	
	Objectionable	Unobjectionable
(1)	(2)	(3)
(a) Lands recorded as Gochar, Rakhit or Sarbasadharan in any RORs prepared under any law.	Gochar, Rakhit or Sarbasadharan and	...
(b) Which are set apart for (i) Common use of villagers	Used as burial ground, tanks, roads.	Place set apart for other purposes of common use (exced those in col. 2) used as house site.

(1)	(2)	(3)
(ii) Used as house site, backward, or temple site whether or not recorded as such in the ROR.	Public places of worship.	...
(iii) Likely to be required for any development scheme and declared as such by the State Govt. by a notification.	Government premises	Other places likely to be required for any development scheme and are declared as such by the State Govt. by a notification.
and		
(c) belonging to an estblishment, undertaking owned, controlled or managed by.	....	belonging to an estblishment, undertaking or managed by
(i) State Govt./ Deptt. of Government	.....	(a) State Govt./ Deptt. of Govt.
(ii) Company in which not less than 51% of the share capital is held by Government.	....	(b) Company
(iii) Corporation established by Law which is owned, controlled or managed by Government.	...	(c) Corporation (as in Col. 1)

3. The position can be summarised as follows :–

(a) Prior to amendment, all encroachments on land mentioned in Col. No. 1 of the statement above were treated as objectionable and hence no such land could be settled with the encroachers even if they are homesteadless or landless persons.

(b) After the amendment i.e. w.e.f. 3.5.1988, the encroachments on lands mentioned in Col. 2 of the statement above are also treated as objectionable and no such land can be settled with homestedless / landless encroachers.

(c) If a homesteadless / landless person has encroached upon any category of land mentioned in Col. 3 of the statement above and has constructed a house thereon, on or before 10.3.85 and is actually residing therein then the same can be settled with him so however that the extent of land shall not exceed 1/25th of an acre.

4. This may be brought to the notice of all concerned.

Yours faithfully,

Addl. Secretary to Government

Memo No. 31125 /R., dt. 20.5.89

Copy forwarded to Secretary to Board of Revenue, Orissa, Cuttack / All R.D.Cs/ All Collectors **(except Cuttack)/ D.L.R.S., Orissa,** Cuttack / Director of Consolidation, Orissa, Cuttack for information **and necessry action.**

Addl. Secretary to Government.

Memo No. 31126 /R., dt. 20.5.89

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

Addl. Secretary to Government.

77. Clarification regarding change of classification of land classified as communal.

(Revenue & Disaster Management Deptt. No.GE(GL)-S-15/2014-25616/R&D.M., Dated.27.08.2014)

I am directed to invite a reference to this Deportment's Letter No.44485/R, Dated 5.10.1991 on the aforementioned subject and to say that doubts have been entertained at certain quarters as to whether permissive possession can be accorded for utilisation of the land recorded as communal or Sarbasadharana in the settlement records for industrial/ development purposes in the context of the judgement rendered by the Hon'ble Apex Court in the case of ***Jagpal Singh & others Vrs. State of Punjab & others*** wherein it has been directed interalia to protect the common rights of the villagers and evict the illegal/unauthorised occupants from the land burdened with communal characteristics.

2. This matter was discussed with the Law and Industries Departments. After detailed deliberations, it was decided that, if such communal lands are absolutely necessary for use by the requisitioning authority, the said authority shall have to provide equal extent of suitable land for the same purpose which can be reserved under Rakhit khata/Sarbasadharana khata and utilised for the common benefits of the villagers.

3. Keeping in view the interest of the public at large and the observations of the Hon'ble Supreme Court as indicated *supra,* Government have been pleased to issue the following guidelines which shall be followed, in the matter concerning lands classified as comrnunal or sarbasadharana in the settlement records.

(a) Where the entire land of the village along with the habitation is required for industrial/ development purposes by the requisitioning authority, there is no need to reserve land for communal purpose, In that case the classification of the land may be changed and recorded under Abada Ajogya Anabadi Khata alienated/ acquired in favour of the concerned requisitioning authority.

(b) Where the Road/Danda etc. is confined to the compact area to be acquired/alienated and does not extend beyond its limit, and the same is not required for the use of the villagers, the classification of the land may be changed under Rule 34 (e) of the Odisha Survey & Settlement Rules, 1962.

(c) If the Road/Danda etc. is a portion of a continuous path extending beyond the limit of such compact area to be acquired or alienated, the requisitioning authority shall have to provide alternate road/Danda for the common use of the villagers.

(d) If a Tank/ bandha/ Kata and Aadi is within the compact area and are found surplus and required by the requisitioning authority, those may be dereserved as per the provisions of the Odisha Government Land Settlement Act, 1962.

(g) Where no surplus Gochar lands are available and where the Gochar lands are absolutely necessary for the project, the requisitioning authority shall have to provide equal extent of suitable private land in exchange of the Gochar land to be dereserved/ acquired for industrial/ development purpose. In addition, the requisitioning authority shall have to provide a common passage to the Gochar land to be reserved for the purpose of Gochar, if not available.

(h) If other communal lands like Melana Padia, Hata-Pada etc. are absolutely necessary for the project, the requisitioning authority shall have to provide equal extent of suitable alternate sites having similar facilities as are available in the existing sites.

(i) Where the land is recorded as 'Nala', 'Mahara', 'Nayanjori' etc. and is absolutely required for development/industrial purpose, the requisitioning authority shall have to provide adequate drainage facilities for smooth discharge of water without causing any obstruction.

(j) Where the land is recorded as smasana/burial ground / grave yard etc., in the record of rights and the same is absolutely required for the project, the requisitioning authority shall have to provide equal extent of suitable alternate sites having similar facilities as are available at the existing sites. The classification of land required by the requisitioning authority may be changed under the provisions of Rule 34(e) of the Odisha Survey and Settlement Rules, 1962.

4. The Collector of the District shall ensure that all the conditions as enumeroted above are fulfilled before alienation/sanction of lease in fovour of the requisitioning authority.

5. The instruction issued by the erstwhile Revenue & Excise Department vide No.44485/R., Dated 05.10.1991 is hereby withdrawn.

6. All concerned may please be

78. Diversion of

E-mail/FAX

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

No. RDM-LRGEC-CLRFIC-0010-2021- 2515 /R&DM dated. 29 JAN 2022

From

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

To

All Revenue Divisional Commissioners, Odisha

Sub: Constitution of Committee under the Chairmanship of RDCs for safeguard of Jalasaya Kissam land in rural areas.

Sir,

In inviting reference to the above mentioned subject, I am directed to say that after careful consideration, Government have been pleased to constitute a Committee under the Chairmanship of Revenue Divisional Commissioners in their respective division with the following composition, to examine if the water body in **rural area** has lost its characteristics or not. If it has not lost the characteristics, the Committee may recommend for protection, preservation and conservation of the same. If it has lost its characteristics or no more required for the purpose, than the Committee may recommend for change of kissam of land under Rule- 34(e) of the Odisha Survey & Settlement Rules, 1962.

1	Revenue Divisional Commissioner	Chairman
2	Collector of the District	Member
3	ADM (Revenue)	Member convener
4	Sub-Collector	Member
5	Executive Engineer (Irrigation)	Member
6	Tahasildar	Member

Yours faithfully,

29/1/22

Special Secretary to Government

Memo No. 2516 /R&DM dtd. 29 JAN 2022

Copy forwarded to Secretary to all Collectors/ all ADMs for information and necessary action. The ADMs are requested to take steps for convening the meeting of the aforesaid committee as and when required.

29/1/22

Special Secretary to Government

Memo No. 2517 /R&DM dtd. 29 JAN 2022

Copy forwarded to LA(A),(B) &(C)/ LRGE (A),(B) &(C), LR Branch of R&DM Department for information and necessary action.

29/1/22

Special Secretary to Government

MOST URGENT
FAX/e-Mail

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

No.RE-I-41/2017-44549 /R & DM, Dated 22.12.17

From

Shri Ashok Kumar Naik
Director, R &R & Ex-Officio
Additional Secretary to Government

To

All the Revenue Divisional Commissioners, Odisha

Sub:- Constitution of Committee under the Chairmanship of RDCs for safeguard of Jalasaya Kissam land in urban areas.

Sir,

I am directed to invite a reference to letter No.24230 / H & UD, dated 26.10.2017 of the Commissioner-cum-Secretary to Govt., H& UD Department(copy enclosed) on the subject mentioned above and to say that after careful consideration, Government have been pleased to constitute a committee under the Chairmanship of Revenue Divisional Commissioners in their respective division pursuant to the judgment of Hon'ble High Court in W.P.(C) No.8797 of 2004 & O.J.C. No.6721 of 1999 with the following as Members of the Committee, referred to above, to deal with protection, preservation and conservation of water bodies in urban areas of the State.

1.	Revenue Divisional Commissioner, Concerned division	:	Chairman
2.	The Collector, Concerned district	:	Member Convener
3.	The Regional Officer, Concerned region	:	Member
4.	The Commissioner/ Executive Officer, Concerned Municipal Corporation/ Municipality/NAC	:	Member
5.	The Planning Authority, Concerned Development Authority	:	Member
6.	Two other Members to be nominated by Revenue Divisional Commissioner, concerned division	:	

Therefore, It is requested adopt the same procedure for the concerned District coming under the respective RDCs.

This supersedes this Department Letter No.34034/RDM, dated 16.10.2017 addressed to RDC, (SD) Berhampur.

Yours faithfully,

22/12/17

Director, R &R & Ex-Officio
Additional Secretary to Government

Memo No. 44550 /RDM, Dated 22-12-17

Copy forwarded to the PS to Commissioner-cum-Secretary, H & UD Department for information and necessary action with reference to his letter dated 26.10.2017.

Director, R &R & Ex-Officio
Additional Secretary to Government

Memo No. 44551 /RDM, Dated 22-12-17

Copy forwarded to all Collectors for information and necessary action. They are requested to take steps for convening the meeting of the aforesaid committee as and when required.

Director, R &R & Ex-Officio
Additional Secretary to Government

FAX

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

No. 3185 / CSR&D.M. Dated 30th January, 2010
S.E(G.L) S-6/2009

From :

Shri R.K. Sharma, IAS
Commissioner-cum-Secretary to Government

To

All Collectors.

Sub: Protection of Government land.

Sir/Madam,

This is to say that budget provisions have been made under Plan for protection of Government land. These provisions may be utilized for the following activities :

(i) Demarcation of government land, erection of Pillars on all the corners of the boundary of government, painting of signboards depicting the plot details, kisam and area of land etc.

(ii) Compound wall, fencing (including green fencing) etc on the perimeter of valuable government, particularly in urban areas.

(iii) Engagement of manpower and machinery and equipment for eviction of unauthorized encroachments.

(iv) Physical demarcation of boundaries, erection of pillars and transparency signboards with details of source and licensees etc in case of land under sairat sources.

(v) Other activities essentially required for preventing encroachment of government land.

Due to limited availability of funds, these funds may be utilized giving priority to high value government land in urban/semi-urban/ commercially developed areas under encroachment or at high risk of encroachment as well as for protecting high potential sairat sources. After erection of boundary/boundary marks, regular field visits by R.I., Additional Tahasildars, Tahasildars, Sub-Collectors and other officers should be ensured to prevent further encroachment and damage to the boundary pillars/walls and signboards.

You are requested to take steps for drawal and utilization of funds accordingly.

Yours faithfully,

Commissioner-cum- Secretary to Government

Memo No. 3186 /CSR&DM, dated 30th January, 2010

Copy to Secretary, Board of Revenue/All RDC's for kind information and necessary action.

Commissioner-cum-Secretary to Government

Memo No. 3187 /CSR&DM, dated 30th January, 2010

Copy to FA-cum-Additional Secretary, R&DM Department/F.A.,Board of Revenue, Cuttack for information and necessary action.

Commissioner-cum-Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-LRGEB-MISC-0010-2019 /R&DM- 2328 dated 13 JAN 2020

From

Sri P. K. Mohapatra, IAS

Additional Chief Secretary to Government

To

All Revenue Divisional Commissioners

All Collectors

Sub: Eviction of unauthorized encroachments

Madam/ Sir,

As you are aware, there are elaborate provisions for eviction of unauthorized encroachments in Government land under the Odisha Prevention of Land Encroachment, Act 1972 and Odisha Prevention of Land Encroachments Rules, 1985. Similarly, Odisha Public Premises (Eviction of unauthorized occupants) Act, 1972 provides for eviction of unauthorized occupants of the public premises. Besides, instructions have been issued by this Department to field level functionaries from time to time to take to take proactive steps for prevention/ eviction of encroachments. Despite appropriate provisions and well settled procedures, it has come to the notice of the undersigned that unauthorized encroachments of Government lands, particularly high value urban/ semi-urban lands, lands allotted to educational/ health/ other institutions, water bodies, rivers, rivulets, drains and public roads are rampant through out the State.

2. Government lands are gradually becoming scarce and precious. Very often, it is becoming difficult to provide suitable encumbrance free government lands for more important developmental and infrastructure projects. Besides, encroachments in water bodies, rivers, rivulets, drains and public roads etc create floods and congestion.

3. Funds are being placed every year with the Collectors under the State Plan Scheme "Protection of Government land" from the FY 2009-10 onwards, which can be utilized for engagement of man and machinery for eviction of encroachments and other allied activities for prevention of encroachments like demarcation of Government land, errection of boundary pillars, fencing, construction of boundary walls etc. Out of total amount of Rs.74.23 crores placed under the scheme with different districts as on 31.12.2019, only Rs.33.33 crore have been utilized and more than Rs.40.90 crore lying unutilized till date in the field level. Besides, Rs.5.00 crore has also been placed with the districts in the first week of this month.

4. In view of the above, you are requested to take urgent steps for eviction of encroachments, particularly high value urban/ semi-urban lands, lands allotted to educational/ health/ other institutions, water bodies, rivers, rivulets, drains and public roads on priority and furnish monthly progress reports. Action plan for the purpose must be drawn in advance and executed for eviction purposes. Steps shall be taken to protect the revamped Government land by utilizing the funds placed for the purpose. Revenue Divisional Commissioners will review the progress and furnish MPR to this Department.

Yours faithfully,

16/01/2020

Additional Chief Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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NOTIFICATION

Bhubaneswar, dated

No. RDM-LRGEB-STATUT-0001-2019- 4439 **/R&D.M.** 27 JAN 2020

In exercise of the power conferred under section-3 of Odisha Public Premises (Eviction of Unauthorized Occupants) Act, 1972 (Odisha Act 7 of 1972), all the Tahasildars and Addl. Tahasildars of the State are hereby declared as Estate Officers to exercise their power in respect of their jurisdiction.

By Order of the Governor

Joint Secretary to Government

Memo No. 4440 /R&DM; Dated 27 JAN 2020

Copy forwarded to the Asst. Director, Secretariat Branch Press, Unit-III, Bhubaneswar for information and necessary action with a request to publish the Notification in an extraordinary issue of Orissa Gazette and supply 10(Ten) copies thereof to this Department. The Notification is statutory and will bear S.R.O. No. & Date.

Joint Secretary to Government

Memo No. 4441 /R&DM; Dated 27 JAN 2020

Copy forwarded to all Departments of Government/All Heads of Department/ All R.D.Cs/ All Collectors for information.

Joint Secretary to Government

Memo No. 4442 /R&DM; Dated 27 JAN 2020

Copy forwarded to all Tahasildars/Addl. Tahasildars/Guard File (5 copies) for information and necessary action.

Joint Secretary to Government

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

No.GE(GL)-S- 58/10- 48395 / R & DM. Dtd.26.11.2010

From
Shri R. K. Sharma, IAS
Commissioner-cum- Secretary to Government

To
The Secretary, Board of Revenue, Orissa, Cuttack.

Sub: Principles for determination of the basis for fixation of premium, interest and penalty for occupation of Government land before/after sanction of formal lease.

Sir,

I am directed to say that the principle for determining the basis for fixation of premium, interest and penalty for occupation of Government land before/after sanction of lease/ alienation is being presently regulated by erstwhile Revenue & Excise Department G.O. No. 5914 dated 2.2.1966.

2. However, formulation of a revised principle for determination of the same was under active consideration of Government for some time past. Government, after careful consideration of the matter and in supercession of the existing principles as laid down in the G.O. cited above, have been pleased to decide as follows:-

(a) In respect of the cases where land is to be occupied after formal sanction of lease, the market value of the land as on the date of recommendation of the Tahasildar for sanction of lease should be charged, provided that a period of more than one year has not lapsed from the date of such recommendation to the date of submission of the proposal to the authority competent to sanction the lease. Wherever a period of more than one year has lapsed from the date of recommendation of the Tahasildar, the authority competent to sanction the lease may direct the Tahasildar to reassess the market value based on recent sale statistics.

LRGE Letters

(b) In the cases where the lands are occupied by way of advance possession with the permission of competent authority, the market value of the land should be determined as on the date of taking over advance possession or occupation by the applicant. The arrear land revenue and cess at the prescribed rates shall also be payable for the entire period of occupation. The interest on premium and arrear land revenue and cess for the entire period of occupation shall also be payable at the prevailing rate of interest i.e. 6% per annum up to 27.11.1992 and 12% after that date.

(c) 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 to eviction. However, in the 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:

i) Premium calculated at the market value of the land as on the date of occupation and interest thereon for the entire period of occupation, or the market value as applicable in the cases where the land is to be occupied after formal sanction of lease, whichever is higher.

ii) An amount equal to the penalty as would have been payable under the provisions of the OPLE Act and Rules, and

iii) Arrear ground rent and cess with interest, based on market value prevailing during the relevant period.

3. In respect of cases under 2(c), the benefits of concessional rates of premium, if any, available under any policy of Government for the specified purpose will not be applicable to such cases where the land has been occupied unauthorisedly without formal sanction of lease or without grant of advance possession by an authority competent to sanction the lease.

4. The interest on premium and arrear ground rent and cess will be calculated at the prevailing rates of interest, i.e. 6% per annum up to 27.11.92 and 12% per annum thereafter.

5. These principles will also be applicable to all the pending cases where lease / alienation is yet to be sanctioned. The cases where lease / alienation has already been sanctioned need not be re-opened.

All concerned may be intimated accordingly under intimation to this Department.

Yours faithfully,

Commissioner-cum- Secretary to Government.

Memo No. 48396 /R&D.M. dtd. 26.11.2010

Copy forwarded to All RDCs/Director, Land Records, Surveys & Consolidation, Orissa, Cuttack/ All Collectors for information and necessary action.

Commissioner-cum- Secretary to Government.

Memo No. 48397 /R&D.M. dtd. 26.11.2010

Copy forwarded to all Departments of Government for information and necessary action.

Commissioner-cum- Secretary to Government

Memo No. 48398 /R&D.M. dtd. 26.11.2010

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

Commissioner-cum- Secretary to Government

Memo No. 48399 /R&D.M. dtd. 26.11.2010

Copy forwarded to P.S to Minister, Revenue & D.M. for kind information of Hon'ble Minister.

Commissioner-cum- Secretary to Government

Memo No. 48400 /R&D.M. dtd. 26.11.2010

Copy forwarded to LR&GE(A)/(B)/(C)/ CH&S Branch/Registration Branch/LR (A)/(B)/Budget (B) Branch/OIC, IMU Cell of Revenue & D.M. Department for information and necessary action.

26.11.10.

Under Secretary to Government

DY. No - 137(L)
Dt - 07.05.2020

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By Fax/ e-Mail

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

No. RDM-LRGEA-CTC-0028-2019- 13090 / R&D.M Dated 18 MAR 2020

From

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

To

Collector, Cuttack

Sub: Clarification regarding payment of premium, Ground Rent & Cess of Govt. land in village-Sankarpur under Salipur Tahasil by OPTCL for construction of 132/33 KV Grid Sub-station .

Ref: - Letter No. 2353/Rev. dated 23.07.2018 of A.D.M, Cuttack

Sir,

With reference to the subject noted above, I am directed to say that Para 10.1 of Part II of the IPR, 1992 during the operational period of which advance possession of Ac.3.568 of govt. land in Mouza- Sankarpur under Salipur Tahasil was sanctioned by Collector, Cuttack in favour of erstwhile Orissa State Electricity Board (OSEB), provided as follows:

"Government land wherever available will be allotted for industrial projects including power projects and sub- stations of OSEB at pre-determined rates as notified from time to time."

2. The aforesaid Para also prescribed the area rate per acre at which govt. land would be allotted for such projects.

3. After receipt of the letter under reference of ADM, Cuttack, Industries Department was consulted by this Department as to whether there was any restriction in force during the year 1994 regarding the maximum extent of govt. land which OSEB would be eligible to get at concessional rate of premium prescribed under IPR, 1992 like the restriction which was prescribed by Industries Department vide G.O No. 3017/I dated 27.02.2009 and subsequently revised vide G.O No. 5532/I dated 16.11.2013. Industries Department has clarified that there was no such restriction at that time.

4. So, as per Para 10.1 of Part II of IPR, 1992, allotment of govt. land in favour of OSEB for construction of Grid Sub- stations would be made, at

concessional rate of premium stipulated in the said IPR and as per clarification given by Industries Department, there was no restriction on extent of govt. land which OSEB would be eligible to get at the said IPR rate of concessional premium.

5. Further, this Department, at Para 2 (b) of the G.O No. 48395/R&DM dated 26.11.2010 which lays down the principles for determination of premium, interest and penalty for occupation of govt. land by way of advance possession with the permission of the competent authority, specifies as follows:-

> "In the cases where the lands are occupied by way of advance possession with the permission of the competent authority, the market value of the land should be determined as on the date of taking over advance possession or occupation by the applicant. The arrear land revenue and cess at the prevailing rates shall also be payable for the entire period of occupation. The interest on premium and arrear land revenue and cess for the entire period of occupation shall also be payable at the prevailing rate of interest i.e. 6% per annum up to 27.11.1992 and 12% after that."

6. Para 3 (ii) of this Department G.O No. 47403/R&DM dated 11.12.2013 which lays down the principles under which govt. land is to be allotted to OPTCL (the present incarnation of OSEB), also specifies that in the cases where land has been occupied by OPTCL after sanction of advance possession by the competent revenue authority, the concessional rate of premium will be determined as per the IPR prevalent on the date of taking over advance possession.

7. Thus, Collector, Cuttack had rightly imposed land premium as per the policy of State Government in vogue at that time while sanctioning advance possession of land in favour of erstwhile OSEB.

8. However, the G.O dated 26.11.2010 also speaks about payment of arrear land revenue and cess and also interest on premium and arrear land revenue and cess for the entire period of occupation.

9. In the present case, the erstwhile OSEB had paid the entire premium amount. So, no interest on premium can be levied on OPTCL. However, it shall be liable to pay arrear land revenue and cess and interest on both the components for the entire period of occupation, if not paid.

10. In view of the above, I am directed to request you to take appropriate steps for sanction of lease of the aforesaid govt. land in favour of OPTCL to regularize the advance possession without claiming for any further amount towards premium of the land or any interest on the premium amount. However, before processing of proposal for regularization of the same, it should be ensured that no other due prescribed in Para 2 (b) of this Department G.O No. 48395/ R&DM dated 26.11.2010 like arrear land revenue and cess as well as interest on both the components for the entire period of occupation should be outstanding against OPTCL. You are further requested to comply the audit objection in the above light.

This has the approval of Government in Revenue & D.M Department.

Yours faithfully,

17/3/2020

Additional Secretary to Government

Memo No. 13091 /RDM Dated 18 MAR 2020

Copy forwarded to Sub- Collector, Sadar Cuttack/ Tahasildar, Salipur/ Company Secretary, Odisha Power Transmission Corporation Ltd. (OPTCL), Janpath, Bhubaneswar- 751022 for information and necessary action with reference to Memo No. 2354/Rev. dated 23.07.2018 of ADM, Cuttack.

17/3/2020

Additional Secretary to Government

By e-Mail/Fax

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

No. RDM-LRGEA-CASEOT-0001-2018- 34039 /R&DM Dated 10 SEP 2018

From

Dr. C.S. Kumar, IAS
Principal Secretary to Government

To

All Collectors
All Sub- Collectors
All Tahasildars

Sub: **Due diligence to be followed by field level revenue functionaries while dealing with Court cases involving government land**

Madam/ Sir,

As you are aware, Government land is gradually becoming scarce and many unscrupulous elements are trying to grab the same through different means. A number of cases are being filed by private individuals/ organizations in different Courts of Law claiming right, title and interest over lands belonging to the Government. As field level revenue functionaries are not properly defending such cases and not furnishing real facts and relevant documents in time, sometimes, the Hon'ble Courts are declaring right, title and interest over the government land in favour of such individuals/organizations. There are instances, where Hon'ble Courts are passing ex-parte orders due to non appearance of the Government party.

2. Recently, an instance was brought to the notice of this Department where the Hon'ble Court after allowing as many as 29 nos. of adjournments to adduce evidence on behalf of the State, rejected request of the Government Pleader, Sambalpur for further adjournment and ultimately passed judgment declaring right, title and interest over a piece of government land in favour of the plaintiff. All this happened due to the non-cooperation of the concerned Tahasildar to provide PWC and relevant documents to the Government Pleader to prepare written statement to file the same within the stipuklated period in spite of repeated approaches by the latter and the latter had to argue the case with limited defence.

3. There are also several other instances where field functionaries have not attended to the letters/ messages/ communications of the office of the Advocate General, Odisha resulting in strictures having been passed by the Hon'ble High Court.

4. It is also seriously felt that the litigations pending in different Civil Courts and Hon'ble High Court involving government land are not being properly looked after as a result of which Government is sustaining huge loss and thereby the public interest is being hampered. Due to lack of timely action of the field functionaries, sometimes, the Government is placed in embarrassing situation. This creates an impression that adequate attention is not being given in handling of cases involving government land.

5. The revenue functionaries being Government servants are duty bound to protect the interest of Government including the Government land and when right, title and interest over government land is claimed by a private individual in a Court of Law, it is incumbent upon the concerned revenue officer to provide all necessary documents and PWCs to the Government Advocate/ Government Pleader and that too well in advance, in order to defend the case properly on behalf of the State. Similarly, it is also incumbent upon the officer to properly monitor the case from time to time in consultation with the concerned Government Advocate. On the other hand, if the officer does not cooperate with the Government Advocate/ Government Pleader and Government loses the case due to this reason, it can also be presumed that the officer is in active connivance with the private persons in taking over the ownership of the land which belongs to the State and the officer concerned deserves punishment for such dereliction of duty.

6. Government, therefore, wants to impress upon all concerned that proper efficiency should be maintained so as to safeguard the interest of Government properly in all litigations involving government land. For this purpose, it is also essential that all such pending cases are properly supervised and relevant materials are placed before the Courts in time.

7. In the above context, the following instructions are hereby issued for the guidance of all field level revenue functionaries in dealing with court cases pertaining to Government land:-

(i) whenever any intimation/ correspondence regarding a case filed by individual/s in any Court of Law claiming right, title and interest over government land is received from the Government Advocate/ Addl. Govt. Advocate/ Standing

Counsel/ Addl. Standing Counsel/ Govt. Pleader etc., the concerned Officer should attend to the same with utmost promptitude;

(ii) all Tahasildars shall make inventory of all pending court cases in different courts in respect of the tahasil and upload the same in the Court Case Monitoring System (CCMS) Portal. Even the cases in which orders have been passed and requires action to be taken by the concerned Tahasildar shall be uploaded;

(iii) in respect of all pending court cases, the concerned tahasildar must provide all relevant information/ documents and PWC as and when required by the concerned Advocate within the stipulated time;

(iv) in respect of cases pending in High Courts, the concerned Tahasildar shall regularly monitor the litigation position through Litigation Management System (LMS);

(v) tahasildar should contact the concerned Government Pleader from time to time to get updates of the Cases if the case is filed in a Sub-ordinate Court;

(vi) all the updates of the case should be uploaded in Court Case Monitoring System (CCMS) if the case has been filed in Hon'ble High Court or any Civil Court and also in Revenue Court Case Monitoring System (RCCMS) if the final order has been passed in any case and requires action at the level of Revenue Officers;

(vii) Counter affidavit should be filed before the concerned Court within the stipulated period unfailingly in consultation with the concerned Government Advocate;

(viii) the concerned Sub- Collector shall monitor the pending court cases involving government land of the Tahasils coming under his jurisdiction regularly;

(ix) the ADM should call for a meeting of all the Government Advocates of the district at least once in a month to ascertain as to whether any case is remaining unattended or not being properly attended;

(x) if a sub- ordinate Court declares right, title and interest of a government land in favour of private individual/s, the Collector/ Tahasildar, who is competent, should file appeal before the Appellate Authority or before the Hon'ble High Court, as the case may be, immediately within the period of limitation under intimation to This Department;

(xi) if such an order has been passed by Hon'ble High Court, the Collector should immediately move this Department with all relevant documents/ orders etc.

for filing of Special Leave Petition before the Hon'ble Supreme Court, the approval of which will be communicated from this end in consultation with Law Department.

(xii) if it is learnt that Government has lost any case due to dereliction of duty by any official, then Collector shall immediately bring it to the notice of the Government and disciplinary action may eb initiated against the erring official.

8. Any deviation in this regard will be viewed seriously by Government and appropriate departmental action will be initiated against the delinquent officials.

9. A detailed report on present status of the cases in the proforma given below shall be sent to this Department latest by **22.09.2018.**

1. Format for Civil court cases

sl	Name of Tahasil	No of cases pending in civil courts	Present status of pending cases		No of cases in which final orders	**Present status** of the cases, in which final order passes by Civil Courts		Remarks
			Cases in which documents submitted to Govt pleader	No of cases, Counter filed		No of cases compliance done	No of cases appeal filed	

2.Format for High Court Cases

Sl No	Name of Tahasil	No of cases pending in High Court	No. PWC Filed	No. Counter affidavit filed	No. Final order received	No of cases complied	No SLP filed	Remarks

Yours faithfully,

9.2018

Principal Secretary to Government

Memo No. 34010 /RDM Dated 10 SEP 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 and Survey & Consolidation, Odisha, Cuttack for information and necessary action.

10/9/18

Joint Secretary to Government

Memo No. 34011 /RDM Dated 10 SEP 2018

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

10/9/18

Joint Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-LRA-COMM-0002-2018 33164 /R&DM dated 4 SEP 2018

From

Dr.Chandra Shekhar Kumar, I.A.S.
Principal Secretary to Government

To

All Collectors

Sub: **Allotment of house sites to the eligible homestead less families in the rural area of the State under Vasundhara Scheme-2018.**

Sir,

With reference to the subject cited above, I am directed to say that the Government have been pleased to consider allotment of land to the eligible homestead less families in the rural area of the State as per OGLS Act & Rules and OPLE Act & Rules under **Vasundhara** scheme. As per fresh survey conducted in accordance with instructions contained in this Department letter No.16813 dated 09.05.2018., 97,149 number of eligible families have been identified as homestead less across the State as detailed at **Annexure–"A"** (indicating the districtwise targets). However, this is not the final target as further survey has been ordered vide this Department letter No. 32266 Dated 29.08.2018 after enhancement of annual income criteria of homesteadless persons under OGLS Act & Rules and OPLE Act & Rules. The guidelines for allotment of house sites may please be referred to at **Annexure–"B"**

Please ensure that all such households who do not have homestead land are provided land under **Vasundhara** scheme in a mission mode. You are further advised to ensure that in all cases correction of record / map is ensured and there is proper demarcation at the time of delivery for possession.

Wherever leasable land is not available, you have already been authorized to purchase private land for distribution of the same among the homestead less families vide this Department letter No.30681/R&DM dated 13.08.2013.

Progress in allotment of land for the homesteadless families may be intimated to this Department on forthright basis in the format given at **Annexure-"C"**

This may be accorded **Top Priority** considering its importance and urgency.

Yours faithfully,

3/9/2018

Principal Secretary to Government

Memo No. 33165 / R&DM dtd. 14 SEP 2018

Copy along with copy of the enclosures forwarded to all RDCs / Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.

Additional Secretary to Government

Memo No. 33166 / R&DM dtd. 4 SEP 2018

Copy along with copy of the enclosures forwarded to PS to Minister, Revenue & D.M. Department for information of Hon'ble Minister.

Additional Secretary to Government

Memo No. 33167 / R&DM dtd. 4 SEP 2018

Copy along with copy of the enclosures forwarded to ADMs / all Sub-Collectors / all Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 33168 / R&DM dtd. 4 SEP 2018

Copy along with copy of the enclosures forwarded to IMU Cell / LR&GE (N) branch, R&DM Department for information.

Additional Secretary to Government

Annexure-"A"

Scheme Vasundhara

Target for the districts as per Survey -2018

Sl.No	Name of the District	No. of Homesteadless families identified			
		ST	SC	Others	Total
1	2	3	4	5	6
1	Angul	207	262	217	686
2	Balasore	677	444	217	1338
3	Bargarh	5704	6998	7434	20136
4	Bhadrak	232	367	270	869
5	Bolangir	958	1578	1089	3625
6	Boudh	961	1751	1420	4132
7	Cuttack	244	352	653	1249
8	Deogarh	433	184	238	855
9	Dhenkanal	856	1140	1222	3218
10	Gajapati	1584	101	365	2050
11	Ganjam	412	765	1190	2367
12	Jagatsinghpur	192	324	158	674
13	Jajpur	168	253	194	615
14	Jharsuguda	624	407	494	1525
15	Kalahandi	956	1052	956	2964
16	Kandhamal	256	260	381	897
17	Kendrapara	57	340	496	893
18	Keonjhar	1088	317	433	1838
19	Khurda	49	82	106	237
20	Koraput	5215	1095	957	7267
21	Malkanagiri	5098	1012	1222	7332
22	Mayurbhanj	2611	807	1210	4628
23	Nabarangpur	3238	989	1640	5867
24	Nayagarh	985	2023	2826	5834
25	Nuapada	175	163	294	632
26	Puri	11	288	128	427
27	Rayagada	2763	1095	714	4572
28	Sambalpur	649	476	339	1464
29	Sonepur	379	1212	888	2479
30	Sundargarh	3759	1318	1402	6479
	Total	40541	27455	29153	97149

Guidelines for lease/settlement of land under OGLS Act /OPLE Act and Rules

I. Every application received in prescribed manner shall be registered.

II. General notice under Rule 5(5) of the OGLS Rules 1983 to be issued in the prescribed form.

III. The said notice shall be signed by Tahasildar /Additional Tahasildar with date and court seal shall be affixed.

IV. The PR No and date shall be indicated in the Notice. The name of the applicant, his address, purpose of lease and detailed land scheduled shall be indicated in the notice.

V. The General Notice shall be published by beat of drums and a copy of the notice shall be affixed at a conspicuous place in the village in presence of at least 2 independent witnesses. If the village is uninhabited, the notice shall be published in the nearest village. A copy of General Notice shall also be published by affixing in the notice board of the G.P Office, NAC/Municipality and also in the Tahasil Office. The PRI representatives/ULB representative should be aware of the lease applications.

VI. On expiry of 30 days of the date of publication of the proclamation, the Tahasildar/Additional Tahasildar shall hear and dispose of the objection petitions received if any, on merit.

VII. After hearing and disposal of objections, the Tahasildar/ Additional Tahasildar subject to field verification report from R.I and Record Keeper, may pass appropriate order on the lease cases, as per law.

VIII. Thereafter, the case record will be submitted to Sub-Collector.

IX. While submitting the lease case Records, the Tahasildar shall fill up the check list and submit the case record along with the check list.

X. While making an order, the Tahasildar shall ensure the eligibility of the applicant and leasability of the particular land among other things. In the special drive under 'Vasundhara' Scheme, the objective is to provide land to homesteadless persons.

XI. The Sub-Collector after approval of the case records will return the same to concerned Tahasildar. The ADM and Sub-Collector at their level will explain the procedure to Tahasildar, so that there is hardly any scope by the Sub-Collector to return the case record with objections. Since this is a special drive, all precautions should be taken to achieve the target in time.

XII. Settlement of lease in each and every case should be complete with correction of records and maps. Any deviation will be strictly viewed.

XIII. Demarcation and delivery of possession in all cases, where leases have been sanctioned, should be ensured by **30.11.2018** and the Collector will submit a report in the **1st week of December 2018** to the Govt. that all eligible cases in the district have been taken into consideration as per the target.

XIV. Similarly under OPLE Act and Rules unobjectionable Govt. land can be settled with the encroacher by the Tahasildar as per the provisions.

XV. General Notice /Proclamation may be published following due procedure as provided under OPLE Act & Rules made thereunder.

XVI. Proclamation inviting objections, if any, shall be published with copy of the same affixed in the G.P Office. The objections so received may be disposed of following due process of law. All such proclamations shall be issued in 'Form J' as prescribed under OPLE Rules [Rule5(1)]

XVII. Procedure steps to be taken by the Tahasildar, Sub-Collector, ADM and Collector to involve PRI representatives and to conduct the exercise with maximum transparency in time.

(

Annexure-"C"

Allotment land to the homesteadless families in rural areas of the State during the fortnight (1st / 2nd fortnight of ----------)

Sl.No	Name of the District	No. of Homesteadless families identified				No. of homesteadless families provided land under OGLS Act & Rules and OPLE Act & Rules.								Balance to be covered			
						ST		SC		Others		Total					
		ST	SC	Others	Total	No	Area	No	Area	No	Area	No	Area	ST	SC	Others	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

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By e-Mail/Fax

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

No. RDM-LRGEA-CLRFIC-0001-2018- 31144 /R&DM Dated 21 AUG 2018

From

Dr. C.S Kumar, IAS,
Principal Secretary to Government

To

All Collectors
All Sub-Collectors
All Tahasildars

Sub: Settlement of government land with homesteadless persons in rural areas of the State under the scheme "Vasundhara"- extent thereof

Madam/ Sir,

I am directed to say that this Department vide G.O No. 28733/R&DM dated 03/07/2008 had enhanced the limit of distribution of government land up to 10 decimals under the scheme "Vasundhara" on free of premium basis in favour of rural eligible homesteadless families.

2. As you are aware, it has been the constant endeavour of the State Government that all homesteadless families residing in rural areas of the State should get a piece of homestead land so that their socio- economic condition can get ameliorated. However, allotment of homestead land to such homesteadless families is a continuous process since primary families keep getting divided, resulting in more and more number of homesteadless families.

3. At the same time, availability of suitable government land for homestead purpose is getting scarce day by day due to which Government have already decided to purchase private land from Sthitiban tenants and distribute the same in favour of eligible homesteadless families where no leasable government land is available and accordingly have issued guidelines to that effect vide this Department G.O No. 30681/R&DM dated 13/08/2013.

4. Keeping all the above aspects in view and also with a view to providing a piece of homestead land to all homesteadless families in the State, the Government, after careful consideration, have been pleased to decide that government land up to the extent of 4 decimals (i.e. 1/25th of an acre) instead of 10 decimals shall be settled on free of premium basis with eligible homesteadless persons in rural areas of the State under the scheme "Vasundhara".

5. As has been the prevailing policy of the State Government, the RoR of the homestead land settled under Vasundhara scheme shall be issued jointly in the name of both husband and wife i.e. in the name of the wife followed by the name of the husband. However, in case of widow/ widower/ divorcee/ single person who is otherwise eligible, such RoR may be issued in the name of the individual applicant.

6. It is further clarified that the decision communicated at Para 4 above shall be applicable to the settlement of land made on or after issue of this G.O.

7. This Department G.O No. 28733/R&DM dated 3/07/2008 is hereby superseded.

Yours faithfully,

Principal Secretary to Government

Memo No. 31145 /RDM dated 21 AUG 2018

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

21/8/18

Joint Secretary to Government

Memo No. 31146 /RDM Dated 21 AUG 2018

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, R&DM respectively.

21/8/18

Joint Secretary to Government

Memo No. 31147 /RDM Dated 21 AUG 2018

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

21/8/18

Joint Secretary to Government

Memo No. 31148 /RDM Dated 21 AUG 2018

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

21/8/18

Joint Secretary to Government

By e-Mail/FAX

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

No. RDM-LRA-PROGRM-0001-2017- 44554 /R&DM dated 22-12-17

From

Dr. Chandra Sekhar Kumar, IAS
Principal Secretary to Government

To

All RDCs
Secretary, Board of Revenue, Odisha, Cuttack
All Collectors

Sub: Allotment of homestead land to the eligible homesteadless families of the State.

Madam/Sir,

In inviting reference to the subject cited above, I am directed to say that the project "Basundhara" is a flagship programme of the Government of Odisha for providing housesites to the eligible homesteadless families in rural area, enumerated either in the survey of 2015-16 or otherwise under the relevant provisions of OGLS Act, 1962 & OPLE Act, 1972. It was clarified earlier that under project Basundhara, the allotment of housesites to rural homesteadless families is a continuous process, in view of the fact that families keep getting divided as population increases and the people get married and set up new families.

2- In the districts where adequate leasable government land is not available, Collectors have already been authorized to purchase private land for distribution of the same among homesteadless families vide this Department letter No.30681/R&DM dated 13.08.2013 with detailed guidelines outlined in the letter for purchase of private land. Accordingly, funds were sanctioned and placed in favour of the Collectors of the districts for purchase of private land for distribution among the homesteadless families (as per list enclosed).

3- In the conference of ADMs held on 17.11.2017 under the chairmanship of the Hon'ble Minister, Revenue & D.M. Department, it was ascertained that most of the districts have not achieved the target for allotment of land to homesteadless families. Even the districts, which have been placed with the funds for purchase of private land have not also submitted any information on expenditure position. This is quite unfortunate. The districts as per enclosure (except Ganjam) shall utilize the funds within coming two months for providing houses to eligible homesteadless families. The districts which have achieved the

target as per survey shall invite applications from further deserving families and provide housesites to the eligible families in rural area for success of project Basundhara after observing due formalities.

4- The list of RI-wise homesteadless families shall be kept updated by the concerned RIs in every quarter.

5- Any deviation in the matter shall be viewed seriously.

Yours faithfully

Principle Secretary to Government

Memo No. 44555 Date 22.12.17

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

22/12/2017

Additional Secretary to Government

Memo No. 44556 Date 22.12.17

Copy forwarded to IMU Cell for information and necessary action.

22/12/2017

Additional Secretary to Government

Details list of allotted funds for purchase of private sthitiban land

Sl.No	Name of the districts	Total amount allotted
1	Baragarh	Rs.25,00.000/-
2	Kendrapara	Rs.15,00,000/-
3	Koraput	Rs.26,52,000/-
4	Jharsuguda	Rs.1,00,00,000/-
5	Jagatsinghpur	Rs.15,000/-
6	Puri	Rs.66,60,000/-
7	Sonepur	Rs.1,00,00,000/-
8	Boudh	Rs.1,00,00,000/-
9	Nayagarh	Rs.53,06,000/-
10	Kalahandi	Rs.60,00,000/-
11	Khordha	Rs.13,33,000/-
12	Ganjam	Rs.1,50,00,000/-
	Total	Rs.7,09,66,000/-

By e-Mail

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-LRGEA-Vasun-0001-2024- 26640 /R&DM Dated 07 AUG 2024

From

Sri Satyabrata Sahu, I.A.S.

Additional Chief Secretary to Government.

To

All Collectors

Sub: Fresh Survey and enumeration of homesteadless families in the rural areas of the State for allotment of land under Vasundhara Scheme

Ref: This Department letter No.16183 dated 09.05.2018 & No.32266 dated 29.08.2018

Madam/ Sir,

You are aware that State Government has been giving utmost priority to distribution of house sites to the homesteadless families of the State. It shall be the constant endeavor of the State Government to provide homestead land to every homesteadless family so that not a single person of the State shall remain deprived of homestead land.

2. The scheme "Vasundhara" is a flagship programme of the State Government for providing housesites free of premium to the eligible homesteadless families in rural areas of the State under the relevant provisions of the OGLS and OPLE Act and Rules and to provide shelter security.

3. Enumeration of homesteadless families was last conducted during the year 2018 in a campaign mode as per the instructions contained in Revenue & DM Department letter No.16183 dated 09.05.2018 and letter No.32266 dated 31.08.2018. As per the information available in the Department, out of the total 58,810 numbers of eligible beneficiaries identified during the Survey, 55,128 numbers of beneficiaries have been allotted homestead land so far.

4. In the meantime, the State Government vide Gazette Notification No.476 dated 23.02.2023 and No. 478 of even date have revised the annual income ceiling for the purpose of definition of "homesteadless person" appearing in Rule 2 (1) (dd) (i) of the OGLS Rules, 1982 and Section 3 (a-2) of the OPLE Act, 1972 respectively by enhancing the same to Rs.1,00,000/- per annum.

5. Therefore, as per the new criteria, more persons will come under the purview of the definition of "homesteadless person" and thus, shall be eligible for settlement of land for homestead purpose.

6. In view of the above, the Government have been pleased to decide to conduct a fresh survey on a campaign mode to enumerate the homesteadless families in the rural areas and to provide them with homestead land within a definite timeframe.

7. Accordingly, the Government have been pleased to direct as follows,-

(i) The survey shall be taken up on a campaign mode through the Revenue Supervisors, Revenue Inspectors (RIs) and Assistant Revenue Inspectors (ARIs) and under the close supervision and monitoring of Tahasildars / Addl. Tahasildars from **16.08.2024 to 15.09.2024**.

(ii) Before actual survey is started, the Collectors shall hold preparatory meetings at District level with all Tahasildars, Addl. Tahasildars and BDOs. Similarly, the Tahasildars shall hold orientation meeting of all Revenue Supervisors, RIs and ARIs in their respective Tahasils.

(iii) Awareness programme will be taken up centrally at the Department level by advertising in the local daily newspapers and in the Television channels.

(iv) In order to create awareness among the 'homesteadless persons' to file application for settlement of land, wide publicity shall be given through loudspeaker announcement at Tahasil level. Banners/ Posters regarding enumeration work and filing of application for settlement of land shall be displayed at the Tahasil Office, Block Office as well as at the RI office. The BDOs shall instruct the Sarpanchs to assist the RIs / ARIs in identification and enumeration of homesteadless persons.

(v) The expenditure in this regard shall be met from the IEC Head of the each District Collectorate Office. The Collector of the District shall place the required funds with the Tahasildars for all types of awareness programmes.

(vi) The RIs / ARIs shall hold meetings in all villages under their respective jurisdiction and create awareness among the public. They will make door to door survey for identification of the homesteadless families. They shall also provide application Forms (i.e. FORM-1 of the OGLS Rules, 1983) to the applicants in the meetings and receive filled in application forms from the persons claiming to be homesteadless. The RIs shall also remain present in the headquarters on Tuesday and Friday of every week during the survey period for receipt of application Forms from the applicants. The entire process shall be supervised by Tahasildars and Additional Tahasildars. The Sub-Collectors and ADMs shall test check the survey work. All the applications received during the week shall be deposited by the RIs in the concerned Tahasil office in the next week on a day convenient to the RIs.

(vii) Emphasis should be given on the following persons during the survey,-

(a) Persons residing on the encroached Government land,

(b) Persons residing on revenue forest land but not considered for settlement of land under FRA

(c) Persons enlisted under PMAY (G) but having no homestead land,

(d) Vulnerable persons like STs / SCs / Widows / Persons with Disabilities / Transgenders.

(viii) The details of survey and enumeration of homesteadless families shall be furnished to the Department in the enclosed prescribed format latest by **30.09.2024** positively.

(ix) Subject to availability of leasable Government land, settlement of land for homestead purpose in rural areas in favour of the eligible homesteadless families shall be made under the relevant provisions of the OGLS Act & Rules and OPLE Act & Rules.

(x) The implementation of the programme shall be reviewed regularly during the District level revenue meetings. The achievements on this score shall be taken as a parameter for ranking of the Districts and Tahasils henceforth. Even after survey, any left out case of homesteadless family shall also be considered for settlement of land for homestead purpose.

(xi) Settlement of land in favour of all eligible homesteadless families as per the new survey list and the pending cases in the old list shall be completed by **31.12.2024.**

8. You are, therefore, requested to instruct all the concerned field level revenue functionaries to complete the process of enumeration of homesteadless persons and settlement of homestead land with all such eligible persons by the timeline fixed by the Government.

Yours faithfully,

7/8/24

Additional Chief Secretary to Government

Memo No. 26641 /R&DM Dated 07 AUG 2024

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

07/08/2024

Joint Secretary to Government

Memo No. 26642 /R&DM Dated 07 AUG 2024

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

07/08/2024

Joint Secretary to Government

Memo No. 26643 /R&DM Dated 07 AUG 2024

Copy forwarded to PS to Minister, Revenue and D.M for kind information of the Hon'ble Minister.

07/08/2024

Joint Secretary to Government

FORMAT

SURVEY FOR HOMESTEADLESS FAMILIES IN RURAL AREAS OF THE STATE

Name of the District	Name of the Tahasil	No. of Homesteadless families identified/ enumerated							No. of homesteadless families out of column 3 to 8 unauthorizedly occupying Govt. land for homestead purpose settle-able under the OPLE Act & Rules						Remarks, if any
		ST	SC	SEBC	OTHERS	PwD	TRANSGENDER	TOTAL	ST	SC	SEBC	OTHERS	TRANSGENDER	TOTAL	
1	2	3	4	5	6	7	8	9	10	12	13	14	15	16	17

By FAX/ e-Mail/Post

Government of Odisha
Revenue & Disaster Management Department
***

No.Ag-1/2015 17959 / R&DM Date: 19.06.15

From :
Shri Julius Lakra, IAS
Additional Secretary to Govt.

To
All Collectors

Sub: Enumeration of homestead less families in the rural areas of the State – regarding.

Sir/ Madam,

I am directed to invite a reference to the subject noted above and to say that recently, vide notifications issued on 1st June 2015, Government has revised and raised the annual income ceiling from Rs.24,000/- to Rs.40,000/- for the purpose of the definition of homestead less persons under the OGLS Act,1962/ Odisha Government Land Settlement Rules , 1983 and Odisha Prevention of Land Encroachment Act , 1972 .

With the above increase of the annual income ceiling, more families would be eligible for allotment of land for homestead land in rural areas. As the state Government attaches high priority to shelter security, it is imperative to go for further survey on campaign mode to identify the total number of homestead less families in the rural areas who would be eligible for allotment of homestead land under the relevant provisions of OGLS Act & Rules and OPLE Act & Rules.

The survey may be taken up on campaign mode through the Tahasildars and completed by 10th August, 2015. The Tahasildars & Sub-Collectors shall be responsible to do verification of the eligibility in 100% cases. The ADM shall test check the survey work. The Collector may do some test check in a few cases. Along with survey and enumeration of eligible homestead less families, a survey may also be undertaken to identify leasable / non-objectionable Government land for settlement for homestead purpose. The details of survey and enumeration of homestead less families may be submitted in the prescribed format enclosed.

Subject to availability of leasable/ non-objectionable Govt. land, settlement of land for homestead purpose up to maximum 10 decimals in rural areas in favour of the eligible homestead less families may be done under the relevant provisions of OGLS Rules & OPLE Act & Rules adopting due procedure & the exercise may be completed by 31st October, 2015.

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Implementation of the programme may be reviewed at each stage from time to time and review reports be furnished to the Board of Revenue, Odisha as well as to this Department.

This may be accorded top priority considering its importance and urgency.

Yours faithfully,

19/6/15

Additional Secretary to Government

Memo No 17960 Date: 19.06.15

Copy forwarded to all RDCs / Secretary, Board of Revenue , Odisha, Cuttack for information and necessary action.

19/6/15

Additional Secretary to Government

Memo No 17961 Date: 19.06.15

Copy forwarded to the Additional Secretary to the Chief Minister for information and necessary action with reference to his letter no. 864/CM dated 9.6.2015.

19/6/15

Additional Secretary to Government

Memo No 17962 Date: 19.06.15

Copy forwarded to the Private Secretary to Minister, Revenue & Disaster Management for kind information of Hon'ble Minister.

19/6/15

Additional Secretary to Government

Memo No 17963 Date: 19.06.15

Copy forwarded to the OSD to Chief Secretary/ Private Secretary to the Development Commissioner – cum – ACS/ Private Secretary to ACS Finance for kind information & necessary for action.

19/6/15

Additional Secretary to Government

Memo No 17964 Date: 19.06.15

Copy forwarded to All Sub- Collectors/ All Tahasildars for information & necessary for action.

19/6/15

Additional Secretary to Government

Memo No 17965 Date: 19.06.15

Copy forwarded to IMU Cell/ LR&GE Branch/Guard file of LR Branch for information & necessary for action.

19/6/15

Additional Secretary to Government

FORMAT

Survey of Homesteadless families in rural areas of the State

Name of the District	Name of the Tahasil	Name of the Village	No of Homesteadless families identified/enumerated				No of homesteadless families out of column 4, 5 & 6 unauthorisedly occupying Govt land for homestead purpose settle-able under OPLE Act & Rules				Extent of leasable / settle-able Govt land available in the village for homestead purpose (Area in acres)	Whether available land is adequate to cover the identified beneficiaries or not	Remarks if any
			ST	SC	Others	Total	ST	SC	Others	Total			
1	2	3	4	5	6	7	8	9	10	11	12	13	14

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GOVERNMENT OF ORISSA
REVENUE DEPARTMENT
****
No. LD-1/04 - 2277 / R., Dated 15.1.2004

From
Shri R.L. Jamuda, IAS,
Commissioner-cum- Secretary to Government

To
All Collectors

Sub: Enumeration of Homesteadless families.

Sir/ Madam,

I am directed to invite reference on the subject cited above and to say that one of the 12 new initiatives of State Government is to launch special drive for distribution of House-sites to the homesteadless persons.

2. In this connection, it is pertinent to mention here that enumeration of home-steadless families was conducted last in the year, 1998. In the meantime ground realities must have changed substantially due to various factors. It is therefore felt imperative to take up a fresh enumeration to know the actual number of homesteadless families in the State and accordingly to chalk-out a plan of action to cover them within a definite time frame.

3. You are, therefore, requested to issue suitable instructions to Tahasildars of your district to take up enumeration of homesteadless families in their respective Tahasils. The Tahasildars and his staff may be instructed to take up the enumeration work and complete the same during the current collection season as both revenue collection and enumeration work can be taken up simultaneously by Tahasil/ R.I. staff while they visit the villages for the purpose of collection. After completion of enumeration the consolidated district figures may be reported to this Department by 10.4.2004.

Action taken in the matter may be reported to this Department by 28.1.2004 for information of Government.

Yours faithfully,
Sd/-
Commissioner-cum-Secretary to Government

Memo No. 2278 / R Dated.15.1.2004

Copy forwarded to All Revenue Divisional Commissioners for information and follow up action.

Sd/-
Commissioner-cum-Secretary to Government

Memo No. 2279 / R Dated.15.1.2004

Copy forwarded to Land Reforms Commissioner, Orissa, Cuttack/ Secretary, Board of Revenue , Orissa, Cuttack for information and follow up action.

Sd/-
Commissioner-cum-Secretary to Government

BY FAX/e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

*****

Ag-01/2015 4907 **/R & DM, Dated** 16.02.16

From

Shri Sangram Keshari Mohapatra
Joint Secretary to Government

To

All Collectors

Sub:- Allotment of homestead land to eligible land-less persons and clarification thereon.

Madam/Sir,

I am directed to say that there is a provision for settlement of Government land in favour of those who are in occupation of Abadi Kissam of land. It is pertinent to indicate here that as per the OGLS (Amendment) Rules, 2010, detailed procedure for settlement of Gramakanta Paramboke, Abadi, Khasmahal and Nazul lands for homestead purpose have been communicated vide Revenue and Disaster Management Department Notification No.5374/RDM dated 11.02.2010. Also, under 'Vasundhara' Scheme, a similar but with separate procedure and eligibility criteria has been introduced for allotment of homestead land to the homesteadless persons. In this connection, this Department letter No.17959/RDM, dated 19.06.2015 may please be referred to.

The two programme/schemes are different. It is hereby clarified that the settlement of Gramakanta Paramboke, Abadi, Khasmahal and Nazul lands are being made in favour of the persons who may or may not be necessarily homesteadless and also reside in urban and rural areas. Whereas, under the scheme 'Vasundhara', the allotment of homestead land are being made to the applicants in rural areas who are homesteadless.

Secondly, the Gramakanta Paramboke, Abadi, Khasmahal and Nazul lands are settled with payment of a stipulated amount along with arrear ground rent and cess. Whereas, under 'Vasundhara' scheme the same is being given free of premium to the eligible poor homesteadless persons.

Therefore, the report for 'Vasundhara' should be sent on the basis of guidelines communicated to you for the purpose and not under the settlement made under Gramakanta Paramboke, Abadi, Khasmahal and Nazul lands vide Revenue and Disaster Management Department letter No. 5374/R&DM dated 11.02.2010.

You are, therefore, requested to look into the matter personally and ensure implementation of both of these two separate programme/schemes separately as one is for settlement of Government land already in occupation of the applicant who may or may not necessarily be homesteadless and the other is allotment of homestead land to the eligible applicants who are homesteadless. It is requested that report for both the programme/scheme are to be sent to Government in this Department separately.

Yours faithfully,

Sangram 15.2.16

Joint Secretary to Government

Memo No. 4908 **/RDM, Dated** 16.02.16

Copy forwarded to All RDCs for information and necessary action.

Sangram 15.2.16

Joint Secretary to Government

Memo No. 4909 **/RDM, Dated** 16.02.16

Copy forwarded to the IMU Cell, R & DM Department for information and necessary action. It is requested that this may be uploaded in the Official Website of this Department for all concerned.

Sangram 15.2.16

Joint Secretary to Government

GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
***

No. GE(GL)-S-38/2009 13266 /R & DM., Date. 5.4.10

From

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

To

All Collectors

Sub: Allotment of homestead land to next-of-kin of police personnel who die while discharging their duties in anti- naxalite operation.

Madam/ Sir,

I am directed to say that Government, after careful consideration, have been pleased to decide that next-of-kin of the police personnel of the State Government, who die while discharging their duties in anti-naxalite operations may be allotted upto Ac.0.04 of Government land in an urban area or Ac. 0.10 of Government land in a rural area free of premium for homestead purpose under the provisions of the Government Grants Act, 1895. The land should be allotted at any place of choice of the next-of-kin of the deceased except at Bhubaneswar Municipal Corporation area, subject to availability and suitability.

2. Allotment of land shall be made in favour of the next-of-kin of the deceased police personnel by the respective Tahasildars with the approval of Collector.

All concerned field level Revenue functionaries may be intimated accordingly.

Yours faithfully,

Commissioner-cum-Secretary to Government

Memo No. 13267 **/ R& DM., Date** 5.4.10

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

Commissioner-cum-Secretary to Government

Memo No. 13268 **/ R& DM., Date** 5.4.10

Copy forwarded to Principal Secretary to Government, Home Deptt./ Special Secretary to Govt., G.A Deptt. for information and necessary action.

Commissioner-cum-Secretary to Government

Memo No. 13269 **/ R& DM., Date** 5.4.10

Copy forwarded to Principal Secretary to Chief Minister / Private Secretary to Minister, Revenue & DM/ OSD to Chief Secretary, Orissa for kind information of Hon'ble Chief Minister, Orissa / Hon'ble Minister, Revenue &DM/ Chief Secretary, Orissa respectively.

Commissioner-cum-Secretary to Government

Memo No. 13270 **/ R& DM., Date** 5.4.10

Copy to Guard Files of all seats in LR & GE (A) / LR & GE(B) / LR & GE(C) Branch/ IMU Cell of R&D.M. Deptt. for information and necessary action.

5/4/10

Under Secretary to Government

GOVERNMENT OF ORISSA
REVENUE DEPARTMENT

No. 21097 /R., dtd. 3.6.06
GE(GL)-S-I/ 06

From

Shri Tarun Kanti Mishra, IAS,
Principal Secretary to Government.

To

The Secretary, Board of Revenue,
Orissa, Cuttack.

Sub : Allotment of homestead land to orphans and physically challenged individuals who leave the Government supported orphanages and special schools on reaching the age of 18 in case of boys and 25 in case of girls.

Madam,

A proposal was received from the Women & Child Development Department for preferential allotment of Government land for homestead purpose under Orissa Government Land Settlement Act, to orphans and physically challenged, who leave the Government supported orphanages and special schools on reaching the age of 18 in case of boys and 25 in case of girls.

It may be mentioned here that there are 85 Government orphanages with a total sanctioned inmate strength of 5293 maintained by NGOs as well as Government Organisations and 81 Government supported special schools (for physically challenged) with total sanctioned inmate strength of 4148 (50 special schools funded by the State Government + 31 schools funded by the Government of India). The list of such institutions is enclosed herewith for ready reference.

Barring rare exceptions, the orphans and physically challenged persons are homeless. They are, therefore, eligible for allotment of homestead land under OGLS Act and Rules.

After careful consideration, Government have been pleased to decide that while making allotment of Government land under the OGLS Act and Rules for homestead purpose, preference should be given to orphans and physically challenged individuals who leave the Government supported orphanages and special schools and to consider their cases for allotment of house sites under the project "Vasundhara". Accordingly, subordinate offices may be instructed suitably.

However while disposing of such cases, the competent authorities may not allot house site to any of them if found otherwise ineligible.

Yours faithfully,

Principal Secretary to Government
3/6/06

Memo No. 21098 /R., dated the, 3.6.06

Copy forwarded to the Women and Child Welfare Department with reference to their U.O.I. No.798/SWCD dated 28.12.05 for information and necessary action.

Joint Secretary to Government

Memo No. 21099 /R., dated the, 3.6.06

Copy forwarded to all R.D.Cs for information and necessary action.

Joint Secretary to Government

Memo No. 21100 /R., dated the, 3.6.06

Copy forwarded to All Collectors for information and necessary action.

Joint Secretary to Government

Memo No. 21101 /R., dated the, 3.6.06

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

Joint Secretary to Government

Memo No. 21102 /R., dated the, 3.6.06

Copy forwarded to Land Reform Branch(A & (B)/ L.R. & G.E(A),(B) & (C) Branch/Co-ordination Branch for compilation/10 spare copies for Guard File.

Joint Secretary to Government

6/6

LR&GE(A)

(71)

(81)

GOVERNMENT OF ORISSA
REVENUE AND EXCISE DEPARTMENT
****

No. 67021/R, Bhubaneswar, Dated 16.12.98
L.D. 57/98

From,
Shri D.K. Das, OAS-I (SB),
Deputy Secretary to Government.

Circulate among all Tahsildars / Sublocks.
23/12/98

To
All Collectors.

Sub: Settlement of Government land with homesteadless persons in Lease Barred villages.

Sir,

I am directed to invite reference to this Department letter No. 40598/R., dtd. 11.8.98 communicating certain guidelines for settlement of unobjectionable homestead land with homesteadless persons and to say that it has since been brought to the notice of the Government that in absence of the detailed instructions for providing homestead land to homesteadless persons in lease barred villages, there is delay in disposal of cases. Government after careful consideration have been pleased to issue instructions as under:-

1) Government lands are borne in four khatas in the Record of Rights finally published under the provisions of the Orissa Survey and Settlement Act, 1958, Viz: Abad Jogya Anabadi, Abad Ajogya Anabadi, Rakhit and Sarbasadharan. Villages having no land recorded in Abad Jogya Anabadi Khatian are known as lease barred villages. No land in such village is available for settlement with private individuals or institutions or alienation in favour of any local body or Government Department excepting the land reserved for specific purposes in the Reservation proceedings of the villages.

2) Section 3(1) (a) of the Orissa Government Land Settlement Act, 1962 provides for reservation of such portion of land for the purpose of house sites or for any communal or industrial purposes or for any other purposes whatsoever. According to the above provision of law read with the instructions for reservation of Government land for specific purpose in rural areas communicated vide this Department letter No. 73063/R., dtd. 7.12.1964, lands reserved for homestead purposes for future are recorded under Rakhit Khatian, its Kisam being Basti Jogya. **Hence even if the village is declared as lease barred, lands can be settled for homestead purpose with homesteadless persons if it is available under Kisam- Basti Jogya.**

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3) Land recorded in Abad Ajogya Anabadi Khatian can be used only for a pub purpose. But, if land under Abad Ajogya Anabadi Khatian is ...ltable to homestead purpose and if such use will not cause any inconvenienc anybody, it may be settled with homesteadless persons. But, before settlement, the land requires to be transferred to the Abad Jogya Ana Khatian under orders of the Sub-Collector.

4) The 1st proviso of Section 7(2) of the Orissa Prevention of Land Encroachm Act, 1972 lays down what constitutes objectionable encroachments. If encroachment is objectionable, then even if a person is landless homesteadless, the land cannot be settled with him. The Amendment 1987 added a new Sub-Section (2-a) after Sub-Section (2) of Section terms of Sub-Section (2-a), encroachments of some categories of lands w were earlier treated as objectionable under the 1st proviso would no longe treated as objectionable. **If the encroacher is a homesteadless person has constructed a house thereon on or before 10.3.85 and is actu residing therein, in such case the land should be settled with encroacher.**

In view of the provisions of law enumerated above, even if the villag declared as lease barred, there is no difficulty is settling the land to the ex admissible under law with the homesteadless persons.

Yours faithfully,

DEPUTY SECRETARY TO GOVERNMENT

Memo No. ___67022_____/Dt. 16.12.98
Copy to Secretary, Board of Revenue for information and necessary action.

Sd/-
DEPUTY SECRETARY TO GOVERNMEN

Memo No. ___67023_____/Dt. 16.12.98
Copy to all Tahasildars/Sub-Collectors for information and necessary action.

Sd/-
DEPUTY SECRETARY TO GOVERNMEN

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GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

E.A-I-20/2015- 9057 /R&DM ,Dated 11.01.16

From :

Dr. Mona Sharma,IAS
Principal Secretary to Government

To

The Chief Administrator, Shree Jagnnath Temple,Puri
The Land Reforms Commissioner,Odisha, Cuttack
The Secretary, Board of Revenue, Odisha, Cuttack
All Revenue Divisional Commissioners
All Collectors

Sub: Rent Settlement on Land Recorded in Bebandobasta Status in the Record of Rights
Ref: This Department Circular No. 57677/R dated 06.12.2000 and Circular No.27800/R dated 17.07.2004.

Sir,

I am directed to say that the detailed guidelines regarding rent settlement on Lands recorded in Bebandobasta Status in the ROR were prescribed in this Department letter No.57677/Rev. dated.06.12.2000. In the above circular one year time frame was allowed to wipeout all the Bebandobasta Status from the ROR in a special drive basis.

In the light of the above exhaustive circular, it was contemplated that all the Bebandobasta Status should have been cleared and rent settlement on such land should have been finalized.

In the meantime, it has come to the notice of Government that vast extent of land are still continuing in Bebandobasta status in several districts of the State which not only defeated the very purpose of the circular issued earlier regarding settlement of rent on Bebandobasta Status but also resulted in loss of Land revenue on account of such non-fixation of rent.

In view of the above, Government after careful consideration have decided to wipe out all the Bebandobasta Status of land in the State as a whole within a period of one year from issue of this circular positively in the following manner.

i) All the stipulation and instruction of the Department letter No.57677/R dtd. 06.12.2000 shall be scrupulously followed while settling the Bebandobasta land for rent settlement or for bringing back the land to Govt. Khata.

ii) In case of land belonging to Shree Jagannath Mahaprabhu Bije Puri, the land shall be settled for fixation of fair and equitable rent as per the guidelines framed by this Department Circular No. 27800/R dtd. 17.07.2004.

This extension of time must be brought to the notice of public for their information and remedial steps for rent Settlement on Land Recorded in Bebandobasta Status in the Record of Rights.

Yours faithfully,

11/

Principal Secretary to Government

Memo No. 906 / R& DM Dated- 11.01.16

Copy forwarded to the Director, Land Records & Surveys, Odisha, Cuttack / Director of Consolidation of Holdings, Odisha, Cuttack for information and necessary action.

Sarpam 11.1.16

Joint Secretary to Government

Memo No. 907 / R&DM Dated- 11.01.16.

Copy forwarded to All Sub-Collectors / All Tahasildars / All Additional Tahasildars for information and necessary action.

Sarpam 11.1.16

Joint Secretary to Government

Memo No. 908 / R&DM Dated- 11.01.16

Copy forwarded to the Endowment Commissioner, Odisha, Bhubaneswar for information and necessary action

Sarpam 11.1.16

Joint Secretary to Government

Memo No. 909 / R&DM Dated- 11.01.16

Copy forwarded to the Information & P.R. Department, Odisha, Bhubaneswar for information with a request to publicize the above scheme of Government at least in four widely circulated daily publication.

Sarpam 11.1.16

Joint Secretary to Government

Memo No. 910 / R&DM Dated- 11.01.16

Copy forwarded to the IMU Cell, Revenue & Disaster Management Department for uploading in the website.

Sarpam 11.1.16

Joint Secretary to Government

Memo No. 911 / R&DM Dated- 11.01.16

Copy forwarded to the L.R.(B) Branch / CH & S Branch / L.R. & G.E. (A) / (B) and (C) Branch with 30 spare copies to L.R.(A) Branch for information and necessary action.

Sarpam 11.1.16

Joint Secretary to Government

MOST URGENT
By Fax / By e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. E.A.-I- 20/2015 -44664 / R&DM Dated 23-12-17-

From

Dr. Chandra Sekhar Kumar, I.A.S.
Principal Secretary to Government.

To

The Land Reforms Commissioner, Odisha, Cuttack
All Revenue Divisional Commissioners.
All Collectors.

Sub: Clarification on rent settlement of land recorded in Bebandobasta Status in the Record of Rights in respect of valid transfer deeds by service tenure holders and the ex-intermediaries or their successors-in-interest or their transferees.

Sir,

With reference to the subject cited above, I am directed say that in the last conference of ADMs held on 17.11.2017 under the Chairmanship of the Hon'ble Minister, Revenue and Disaster Management, the clarification was sought by the ADMs regarding dateline till which the valid transfer by the tenure service holders or the ex- intermediaries shall be recognized.

2. In para-3.V of this Department circular No.3776 /R&DM dated 02.02.2017, it has been instructed that "Lands held as service tenure under the ruler or any member of his family u/s-7(g) of the Merged States (Laws) Act, 1950 or land held for service as village servant u/s- 8(2) of the OEA Act., land held for rendering service to the intermediary u/s-8(3) of the OEA Act. shall be settled with them or with their successors-in-interest or their transferees through transfer by registered sale deeds".

3. Similarly, in para-3.iii of the aforesaid letter, it has been clarified that the land transferred by the ex-intermediaries or their successors-in-interest shall be settled with transferees.

4. In both cases, no time limit has been stipulated. The earlier instructions to recognize the valid transfer prior to 25.08.1983 issued vide letter No.57677/ R&DM dated 06.12.2000 may please be treated as superseded with issue of the new circular No.3776/ R&DM dated 02.02.2017.

This may please be brought to the notice of all concerned.

Yours faithfully,

22.12.17

Principal Secretary to Government

Memo No. 44665 / R&DM Dated- 23.12.17

Copy forwarded to the All Sub-Collectors / All Tahasildars for information and necessary action.

22/12/2017

Additional Secretary to Government

Memo No. 44666 / R&DM Dated 23.12.17

Copy forwarded to the IMU Cell, Revenue and Disaster Management Department for uploading in the website.

22/12/2017

Additional Secretary to Government

Memo No. 44667 / R&DM Dated 23.12.17

Copy forwarded to the LR(B) Branch / CH&S Branch / L.R.& G.E.(A), (B), & (C) Branch with 10 spare copies to LR(A) Branch for information and necessary action.

22/12/2017

Additional Secretary to Government

MOST URGENT
By Fax / By e-Mail

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

From **RDM-LRA-POLICY-0005-2017** 10302 **/ R&DM** **Dated** 21/3/2018

Dr. Chandra Sekhar Kumar, I.A.S.
Principal Secretary to Government

To

The Land Reform Commissioner
All RDCs
All Collectors

Ref: This Department letter No.3776 /R&DM dated 02.02.2017
Letter No.347/R&DM dated 02.01.2018

Sub: Rent Settlement of land recorded in Bebandobasta Status in the Record of Rights.

Sir,

With reference to the subject cited above, I am to say that the extension of time was allowed till 31.03.2018 vide letter No.3776 / R&DM dated 02.02.2017 for disposal of all cases instituted for rent settlement of land recorded in Bebandobasta status in the Records of Rights.

2. From the reports received from different districts, it is found that many cases are still pending for disposal for rent settlement of land recorded in Bebandobasta status. Some Collectors have also requested to allow extension of further time for disposal of such cases.

3. After careful consideration of the matter, the Government have been pleased to extend the time for period of six months i.e., up to 30.09.2018 for rent settlement of land recorded in Bebandobasta status in the Records of Rights. All efforts shall be made to wipe out the Bebandobasta cases by 30.09.2018. No further extension of time shall be allowed in the matter.

Yours faithfully,

Principal Secretary to Government

Memo No. 10303 / R&DM Dated- 21/3/2018

Copy forwarded to the All Sub-Collectors / All Tahasildars for information and necessary action.

21/3/2018

Additional Secretary to Government

Memo No. 10304 / R&DM Dated 21/3/2018

Copy forwarded to the IMU Cell, Revenue and Disaster Management Department for uploading in the website.

21/3/2017

Additional Secretary to Government

Memo No. 10305 / R&DM Dated 21/3/2018

Copy forwarded to the LR(B) Branch / CH&S Branch / L.R.& G.E.(A), (B), & (C) Branch with 10 spare copies to LR(A) Branch for information and necessary action.

21/3/2017

Additional Secretary to Government

MOST URGENT
By Fax / By e-Mail

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

RDM-LRA-POLICY-0005-2017 29252 **/ R&DM** **Dated**- 8 AUG 2018

From

Sailendra Dwivedi
Additional Secretary to Government

To

All Collectors

Ref: This Department letter No.10302/R&DM dated 21.03.2018,
No.21876 /R&DM dated 19.06.2018
No.27669 /R%DM dated 26.07.2018

Sub: Rent Settlement of land recorded in *Bebandobast* Status in the Record of Rights.

Sir,

With reference to the subject cited above, I am directed to say that the Government have been pleased to extend the time for a period of six months i.e. up to **30.09.2018** for rent settlement of land recorded in ***Bebandobast*** status in the Record of Rights. This was also intimated in the above cited letters that no further time shall be allowed in the matter.

You are, therefore requested to please instruct the Tahasildars of your district to dispose of the ***Bebandobast*** cases as per the ***Bhulekh*** data by **30.09.2018** unfailingly .

Yours faithfully,

Addititonal Secretary to Government

Memo No. 29253 / R&DM Dated- 8 AUG 2018

Copy forwarded to the All Sub-Collectors / All Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 29254 / R&DM Dated - 8 AUG 2018

Copy forwarded to the IMU Cell, Revenue and Disaster Management Department for uploading in the website.

Additional Secretary to Government

MOST URGENT
By Fax / By e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

RDM-LRA-POLICY-0005-2017 35085 **/ R&DM** **Dated** 19 SEP 2018

From

Dr. Chandra Sekhar Kumar, I.A.S.
Principal Secretary to Government

To

All Collectors

Ref: This Department letter No.10302/R&DM dated 21.03.2018,
No.21876 /R&DM dated 19.06.2018
No.27669 /R&DM dated 26.07.2018
No.29252/ R&DM dated 08.08.2018

Sub: Rent Settlement of land recorded in *Bebandobast* Status in the Record of Rights.

Sir,

With reference to the subject cited above, I am to say that the Government have been pleased to extend the time limit for rent settlement of land recorded in ***Bebandobast*** Status in the Record of Rights up to **30.09.2018.** This was intimated vide the above cited letters that no further time shall be allowed in the matter. From the reports submitted by the Addl. District Magistrates, it is found that many cases are still pending at Tahasil level for disposal .

You are, therefore requested to please instruct the Tahasildars of your district to dispose of all the ***Bebandobast*** cases by 30.09.2018 failing which disciplinary action may be initiated against those Tahasildars whose achievement is **below 60%.** The total no. of Bebandobast cases disposed by 30.09.2018 may be intimated to this Department by 05.10.2018 positively for further action.

Yours faithfully,

14.9.2018

Principal Secretary to Government

Memo No. 35086 / R&DM Dated- 19 SEP 2018

Copy forwarded to the All RDCs / All Sub-Collectors / All Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 35087 / R&DM Dated 19 SEP 2018

Copy forwarded to the IMU Cell, Revenue and Disaster Management Department for uploading in the website.

Additional Secretary to Government

[FOR PUBLIC]

MOST URGENT
By Fax / By e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******
39274

RDM-LRA-POLICY-0005-2017 / R&DM Dated 23 OCT 2018

From

Dr. Chandra Sekhar Kumar, I.A.S.
Principal Secretary to Government

To

The Land Reforms Commissioner
All RDCs
All Collectors

Ref: This Department letter No.10302/ R&DM dated 21.03.2018

Sub: Rent Settlement of land recorded in *Bebandobasta* Status in the Record of Rights.

Sir,

With reference to the subject cited above, I am to say that the extension of time was allowed till 30.09.2018 vide letter No.10302 / R&DM dated 21.03.2018 for disposal of all cases instituted for rent settlement of land recorded in ***Bebandobasta*** status in the Records of Rights.

2. From the reports received from different districts, it is found that many cases are still pending for disposal for rent settlement. Some Collectors have also requested to allow extension of further time for disposal of such cases.

3. After careful consideration of the matter, the Government have been pleased to extend the time up to **31.01.2019** for rent settlement of land recorded in ***Bebandobasta*** status in the Records of Rights. No further extension of time shall be allowed in the matter.

Yours faithfully,

22/10/2018

Principal Secretary to Government

39275

Memo No._____/ R&DM Dated- 23 OCT 2018

Copy forwarded to the All Sub-Collectors / All Tahasildars for information and necessary action.

23/10/18

Additional Secretary to Government

Memo No. 39276 / R&DM Dated 23 OCT 2018

Copy forwarded to the IMU Cell, Revenue and Disaster Management Department for uploading in the website.

23/x/2018

Additional Secretary to Government

Memo No. 39277 / R&DM Dated 23 OCT 2018

Copy forwarded to the LR(B) Branch / CH&S Branch / L.R.& G.E.(A), (B), & (C) Branch with 10 spare copies to LR(A) Branch for information and necessary action.

23/x/2018

Additional Secretary to Government

Urgent
By e-Mail/FAX

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

No. RDM-LRA-POLICY-0005- 2017 43668 /R&DM dated 30-11-2018

From

Dr. Chandra Sekhar Kumar, I.A.S.

Principal Secretary to Government

To

The Land Reforms Commissioner

All RDCs

All Collectors

Ref:- This Department letter No.39274 / R&DM dated 23.10.2018

Sub:- Rent Settlement of land recorded in Bebanadobasta Status in Record of Rights.

Sir

With reference to the subject cited above, I am to say that the Government have been pleased to extend the time for disposal of Bebandobasta cases up to 31.01.2019. However, it has brought to the notice of Government that the Tahasildar / Addl. Tahasildar are recording the Bebandobasta land in Government khata when the party fails to produce the sabik records. The matter has been viewed with deep concern by the Government, as such hasty action on the part of Revenue Officer causes substantial loss to the person who may be occupying the said land for generations. In such cases even eviction may not be feasible alternative if the land is brought to Government khata.

In view of above difficulties, the following instructions are issued:-

i. The cases where the party fails to produce sabik documents to trace his claim, the concerned Tahasildar and Addl. Tahasildar may obtain the copies of the sabik RoR, on his own efforts from the concerned Record Room or Settlement Office or District Office, as the case may be.

ii. In case everything fails and sabik records do not establish the flow of title successfully, the said land may be taken to Govt. khata only after exhausting all provisions.

iii. But the Tahasildar / Addl. Tahasildar should clearly write the reasons of rejection in a speaking order. When the case record will be submitted to the Sud-Collector, he will ascertain that said Certificate is furnished by the Tahasildar / Addl. Tahasildar on the record.

iv. Unless this procedure is accomplished, the order regarding taking of Bebandobast land to Govt. khata cannot be confirmed.

The instructions may please be brought to the notice of the field Officers.

Yours faithfully,

Principal Secretary to Government

Memo No. 43669 / R&DM dtd. 30.11.2018

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

Addl. Secretary to Government

Memo No. 43670 / R&DM dtd. 30.11.2018

Copy forwarded to IMU Cell / LR(B) / L.R.& G.E.(A) (B) (C) / C&HS Branch of Revenue & D.M. Department for information and necessary action.

Addl. Secretary to Government

Memo No. 43671 / R&DM dtd. 30.11.2018

Copy forwarded to P.S. to the Hon'ble Minister, Revenue and Disaster Management for kind information of the Hon'ble Minister.

Addl. Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******
No. RDM-LRA-POLICY-0005-2017 /R&DM- 30414 dated 04-10-2019

From
Sailendra Dwivedi,
Addl. Secretary to Government.

To
The Land Reforms Commissioner,
All RDCs,
All Collectors.

Ref- This Department Letter No.39274/R&DM dated 23.10.2018 .

Sub- Rent Settlement of land recorded in *Bebandobast* Status in the Records of Rights.

Sir,

With reference to the subject cited above, I am directed to say that the extension of time was allowed till 31.01.2019 vide this Department Letter No. 39274/R&DM dated 23.10.2018 for disposal of all cases instituted for rent settlement of land recorded in ***Bebandobast*** status.

2. From the reports received from different districts, it is found that many cases are still pending for disposal for rent settlement.

3. Now, after careful consideration of the matter, the Government have been pleased to extend the time up to **31.03.2020** for rent settlement of land recorded in ***Bebandobast*** status in the Records of Rights. This may please be brought to the notice of field officers.

No further extension of time shall be allowed in the matter.

Yours faithfully,
Sailendra Dwivedi
Addl. Secretary to Government.

PTO

Memo No. 30415 **/RDM, Dated.** - 4 OCT 2019

Copy forwarded to the All Sub-Collectors/All Tahasildars for information and necessary action.

4/10/19
Under Secretary to Government.

Memo No. 30416 **/RDM, Dated.** - 4 OCT 2019

Copy forwarded to the e-Governance Cell, Revenue and Disaster Management Department for uploading in the website.

4/10/19
Under Secretary to Government.

Memo No. 30417 **/RDM, Dated.** - 4 OCT 2019

Copy forwarded to the LR (B) Branch/CH & S Branch/L.R & G.E (A), (B), & (C) Branch with 10 spare copies to LR(A) Branch for information and necessary action.

4/10/19
Under Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-LRA-POLICY-0005-2017 – 13467 /R&DM dated 20 MAR 2020

From :

Sailendra Dwivedi,
Addl. Secretary to Government.

To

The Land Reforms Commissioner,Odisha, Cuttack,
All R.D.Cs,
All Collectors.

Ref- This Department Letter No.30414 dated 04.10.2019

Sub:- Rent settlement of land recorded in *Bebandobast* status in the Record of Rights

Sir,

With reference to the subject cited above, I am directed to say that extension of time was allowed till 31.03.2020 vide this Department Letter No.30414 dated 04.10.2019 for disposal of all cases instituted for rent settlement of land recorded in *Bebandobast* status. However, it is found that 77,553 khatas are still recorded in Bebandobast status.

Now, after careful consideration , the Government have been pleased to extend time up to **31.12.2020** for rent settlement . This may be intimated to all concerned.

Yours faithfully,

Addl. Secretary to Government. 20/3/2020

Memo No. 13468 **/R&DM** **dated.** 20 MAR 2020

Copy forwarded to the All Sub- Collectors / All Tahasildars for information and necessary action.

20/3/20

Deputy Secretary to Government.

P.T.O.

Memo No. 13469 **/R&DM** **dated.** 20 MAR 2020

Copy forwarded to the e-Governance Cell, Revenue & Disaster Management Department for uploading in the website.

Deputy Secretary to Government.

Memo No. 13470 **/R&DM** **dated.** 20 MAR 2020

Copy forwarded to the LR(B) Branch / CH&S Branch/ LR&GE (A), (B) & (C) Branch with 10 spare copies to LR(A) Branch for information and necessary action.

Deputy Secretary to Government.

Satyabrata Sahu, IAS
Additional Chief Secretary

Revenue & Disaster Managment Department
Government of Odisha
Lokseva Bhawan, Bhubaneswar-751001

Telephone : + 91 674 - 253 90 23
Fax : + 91 674 - 239 38 32
E_mail : revsec.od@nic.in I revsec.or@nic.in

No. 6287 / ACSR&DM, Date 16-02-2023

No. RDM-LRA-POLICY-0005-2017

To

The Land Reforms Commissioner
All RDCs
All Collectors

Sub: **Extension of dateline for rent settlement in respect of land recorded as bebandobast status in Record of Right**

Sir,

In inviting a reference to this Department D.O.letter No. 1947/ACS dated 24.01.2022 the above captioned subject, I am directed to say that for rent settlement of land recorded as bebandobast in Record of Rights the date line was till 31.12.2022. Despite such extension, Ac. 44262.4162 land is still pending bebandobast in RoRs as is ascertained from revenue dashboard.

Now, after careful consideration of the matter, Government have been pleased to extend the date line for disposal of Bebandobast cases till 31.12.2023 for rent settlement of land recorded as bebandobast in RoRs.

Yours faithfully,

16/2/23

Additional Chief Secretary to Government

Memo No. 6288 / R&DM dated. 16 FEB 2023

Copy forwarded to PS to Hon'ble Minister, Revenue & DM for kind information of Hon'ble Minister.

16/2/2023

Additional Secretary to Government

Memo No. 6289 / R&DM dated. 16 FEB 2023

Copy forwarded to PS to Additional Chief Secretary, Revenue & DM Department for kind information of Additional Chief Secretary.

16/2/2023

Additional Secretary to Government

Memo No. 6290 / R&DM dated. 16 FEB 2023

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

16/2/2023

Additional Secretary to Government

Government of Orissa
Revenue Department

No.EA-II-14/04 27800 /R.,

Dated, Bhubaneswar the 17th July, 2004.

From

Shri R. L. Jamuda, I.A.S.,
Commissioner-cum-Secretary to Govt.

To

The Land Reforms Commissioner, Orissa, Cuttack/
Secretary, Board of Revenue, Orissa, Cuttack/
All Revenue Divisional Commissioners/
All Collectors.

Sub: Rent settlement on Lands Recorded in Bebandobasta Status in the Record of Rights.

Ref: This Department letter No.57677/R., dt.6.12.2000.

Sir,

I am directed to invite reference to this Deptt. letter on the subject noted above and to say that it has come to the notice of Government that the recording of the land belonging to Public Deity, in the name of the claimants as prescribed in the guidelines issued in this Department letter referred to above at Para-3(xviii) will not help the religious institutions. The deities are considered as perpetual minors in the eyes of law. If the claimants will get the scope to record their status as tenant and only liable to pay 1/4th share, then the fake tenant/claimant will come forward with fictitious claims and the interested Marafidar/the Trustee will also tend to induct their own persons as tenants to take the advantage of recording. Besides whether a person is a tenant in land or not as per the provisions of O.L.R.Act can be decided by the competent authority under the O.L.R. Act,1960. Further, the requirement of recording the name of the tenant whose claim has not been decided under the O.L.R.Act would give rise to widespread malpractice by unscrupulous trustees in collusion and connivance with their persons to raise fictitious claims of tenancy.

Hence noting of claimant in the lands of Public Deities as tenant in remark column of the Record-of-Right is

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not in keeping with the provisions of the O.E.A.Act. If a person is declared as tenant under the provisions of O.L.R. Act, it may be reflected in the R.O.R. by way of mutation or at the time of settlement proceeding.

Therefore, after careful consideration of the above legal implication/aspects, Government have been pleased to substitute para 3-Xviii of the letter under reference as follows

" Under the provisio to Section 7 of the O.E.A.Act, 1951 it has been clarified in the Act that if a temporary lessee of an intermediary has acquired the right of raiyat under the O.L.R.Act, 1960 prior to commencement of the O.E.A. (Amendment) Act, 1975, the same shall not be settled with intermediary under Clause (b) of Section 7 of the O.E.A.Act, 1951.

In case of the land belonging to Public Deity, after settlement the same shall be recorded in the "Stitiban status" in the name of the deity marfat the person/persons under the Management/Trust Board approved by the Endowment Commissioner, Orissa, as the case may be, within the meaning of the Orissa Hindu Religious Endowment Act, 1951. In case of deity land belonging to Lord Jagannath Bije, Puri, the said land may be recorded in the name of the Lord Jagannath,Puri marfat the Temple Managing Committee as per the Jagannath Temple Act."

Yours faithfully,

17/7/04

COMMISSIONER CUM SECRETARY TO GOVT.

Memo No. 27801 /R., dated. 17/7/04.

Copy forwarded to the Director, Land Records & Surveys, Orissa, Cuttack/Director of Consolidation of Holdings, Orissa, Cuttack/Administrator, Shri Jagannath Temple, Puri for information and necessary action.

17.7.04

DEPUTY SECRETARY TO GOVERNMENT

Memo No. 27802 /R., dated. 17/7/04

Copy forwarded to All Sub-Collectors/All Tahasildars/All Additional Tahasildars for information and necessary action.

17.7.04
DEPUTY SECRETARY TO GOVERNMENT

Memo No. 27803 /R., dated. 17/7/04

Copy forwarded to the Endowment Commissioner, Orissa, Bhubaneswar for information and necessary action with reference to his letter No.5544 dated 15.05.2002.

17.7.04
DEPUTY SECRETARY TO GOVERNMENT

Memo No. 27804 /R., dated. 17/7/04.

Copy forwarded to the L.R.(B) Branch/CH & S Branch/ L.R. & G.E. (A)/(B) and (C) Branch with 30 spare copies to L.R.(A) Branch for information and necessary action.

17.7.04
DEPUTY SECRETARY TO GOVERNMENT

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