By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No. RDM-LRGEA-POLICY-0001-2021 /R&DM- 10908 dated 06 APR 2022

From

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

To

The Collector, Ganjam

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

Sir,

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

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

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

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

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

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

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

Encls: As above.

Yours faithfully,

6/4/22

Special Secretary to Government

Memo No. 10909 /RDM Dated 06 APR 2022

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

6/4/22

Special Secretary to Government

BY Fax/ e- Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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

From

Dr. Mona Sharma, IAS,
Principal Secretary to Government

To

Collector, Malkangiri

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

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

Sir,

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

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

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

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

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

(i) lands were recorded under Paramboke khata

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

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

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

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

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

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

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

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

Yours faithfully,

12/5

Principal Secretary to Government

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

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

14/5

Principal Secretary to Government

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

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

Principal Secretary to Government

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

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

Principal Secretary to Government

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

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

Principal Secretary to Government