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.

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,

16/12/98.

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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