Memo No. 3874 /LR. dated 11.4.78..
Copy to Guard file to D.A./ H.A. Ceiling.

I.C. DAS
DEPUTY LAND REFORMS COMMISSIONER.

I..C..DAS..

GOVERNMENT OF ORISSA
REVENUE DEPARTMENT

No. Re- I -151/78-31863/R.

From

SRI A.R. MISHRA, O.A.S.
UNDER SECRETARY TO GOVT.

To

LAND REFORMS COMMISSIONER.

Dated, Bhubaneswar, the 11th May, 1978

Sub: Clarification regarding 'land' and 'homestead' defined under Sections 2(14) and 2(12) of the O.L.R. Act, 1960.

Ref: Revenue Department letter No.Re-50/72-75665/R. dated 15.12.72.

Sir,

I am directed to say that certain categories of 'land' and 'homestead' which do not confirm to the defination of these terms as provided under clauses (14) and (12) of Section 2 of the Orissa Land Reforms Act, 1960 rspectively may not be subjected to ceiling under the provisions of the said Act.

A doubt has however been entertained in some quarters as to whether the following categories of land and homestead may not be subjected to ceiling under the O.L.R. Act, 1960.

(i) Drinking water tanks.
(ii) Air-strips.
(iii) Built-up areas or open spaces in urban areas.
(iv) House-sites in Towns and urban areas.
(v) Garden not used for garden produce.
(vi) Forest parks.
(vii) Un-cultivable lands including open spaces unfit for cultivation.
(viii) Palaces of the Ex-Soverign rulers of the ex-States including its appurtment areas.

2. It has been advised by the Law Department as follows.

(i) Drinking water tanks.

The definition of land given in the O.L.R. Act relates to lands of different classes which are capable of being used for agricultural purposes. Drinking water tanks if capable of being used for agricultural purposes can come under the definition of land as it is

(ii)Air Strips.

Taking into consideration the definition of land it is to be seen whether the air strip is capable of being used for the purpose of agriculture. If on the point of facts it is found that it is capable of being used for the purpose of agriculture, then it will come under the definition of land as it is existing.

(iii) & (iv) - Built -up areas or open spaces in urban areas and house-sites in town and urban areas.

It is to be seen and finding of facts has to be established whether these categories of lands referred to above are homestead, ancillary and incidental to agriculture. If the answer is in the affirmative then they will come under the definition of lands.

(v) Garden not used for raising garden produce.

It is not clear how a land can be called a garden simply because it was being used sometimes in the part as garden. Here perhaps the test is whether the land is capable of being used for agriculture. If the answer is in the affirmative then it will come under the definition of lands.

(vi) Forest Parks.

Agriculture has been defined under Section 2(1) and it includes lands which are used for forests. In that view forest parks will come under the category of lands as defined in the Act.

(vii) Un-cultivable lands including open spaces unfit for cultivation.

The purpose of the O.L.R.Act being to include lands that are either being used for the purpose of agriculture or capable of being used for the purpose of agriculture, uncultivable lands cannot come within its fold. But it should be always kept in view to record a finding that the land is useless for agriculture.

(viii) Palaces of the Ex-Soverign rulers of ex-States including its appurtment areas.

The palaces of the ex-rulers do not appears to be ancillary or incidental to agriculture. Hence the palaces may not come under the definition of land'.

3. It is, therefore, requested that suitable instructions in the matter may please be issued to all concerned under intimation to Revenue Department.

Yours fathfully,

A.K. MISHRA.
UNDER SECRETARY TO GOVT.

Memo No. XV-66/78-5748/LR. Dated 12.6.78.

Copy forwarded to all Revenue Divisional Comissioners/ All Collectors /All Sub-Divisional Officers /All Tahsildars for information and guidance.

I.C. DAS.
DEPUTY LAND REFORMS COMMISSIONER,
BOARD OF REVENUE, ORISSA, CUTTACK.

Memo No. 5749/Lr. Dated 12.6.78

Copy to file No. XV-11/78-/Guard file of O.L.R. (Policy)
Seat / Head Asst.

I. C. DAS.
DEPUTY LAND REFORMS COMMISSIONER.