

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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No. LA (A)-13//2013 (Misc) 11570 /R&DM, Dated: 2.04.13

From: Dr. Taradatt, IAS  
Principal Secretary  
Revenue & D.M Department,

To

All Collectors  
All Land Acquisition Officers  
All Special Land Acquisition Officers

**Sub: Instructions regarding observance of provisions of Sec 5-A of L.A. Act. 1894.**

Sir/Madam,

I am directed to invite a reference to Section-5-A of L.A. Act.1984 where in it has been provided for filing of objections by any person interested to the notification u/s-4(1) for acquisition of land. Executive Instructions No. 16 & 17 of L.A. Manual prescribes the procedure to be followed by the Collector and LAO/Spl LAO in dealing with the objections filed u/s-5-A. The Legislative intention of this section is to allow the land losers the opportunity to contest the propriety of acquisition and the opportunity of being heard. But it has come to the notice of Government that the provisions of Sec-5-A are not adhered to in some cases.

Provisions u/s-5-A are mandatory which must be complied within the timeline after publication of 4(1) notification & before submission of draft declaration papers u/s-6(1) of LA Act. It is noted with concern that Collectors/LAOs/Spl LAOs are not following these provisions and where followed; those are not in accordance with the procedure charted in Executive Instruction No. 16 & 17. This has not only resulted in lapses, but also in court cases, quashing of the L.A. proceedings by court, law & order situation and contrary observations of C&AG.

In view of the above situation, and to bring fairness and transparency in L.A. cases; it is urged upon to strictly observe the provisions of Sec-5-A and the procedure prescribed in Executive Instructions No- 17 without any deviation as follows:-

- 1) Service of Public Notice of 4(1) notification in the locality should be made strictly in accordance with law.
- 2) Objections filed u/s-5-A should be received within the statutory period of 30 days from the date of the publication of the notification & entered in a Register.
- 3) On expiry of the statutory period of 30 days, the Collector should serve notices on the persons who filed objections fixing a date, time and place for hearing of the objections. The collector should hear the objector or his pleader and the representative, if any.

