

GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT

RDM-LRGEC Misc-0006/2017-20771 /R&DM. Dated 28-6-17

From

Dr. Chandra Shekhar Kumar, IAS
Principal Secretary to Government

To

Secretary, Board of Revenue
All RDCs
All Collectors

Sub: Standard Operating Procedure for disposal of Mutation cases and delivery of other services.

Sir,

In inviting a reference to the subject cited above, I am to say that up-to-date maintenance of Record of Rights and Maps, finally published under the Survey and Settlement Act, 1958 is one of the important functions of the Tahasildars including Additional Tahasildars. The changes in the field position are reflected in the RoRs and maps through mutation proceedings. Hence, mutation cases and subsequent correction of RoRs, & maps and demarcation of land are very important services to be rendered to the general public in a time bound manner.

2. From the grievance petitions received at Government level and feedback taken from the Senior Officers of this Department after conducting field visits to different tahasils and R.I. Offices through out the State during 5th to 11th June, 2017, it is learnt that delivery of revenue services including mutation cases, correction of RoRs and maps, distribution of pattas and demarcation of land is not up to the expected standards. Although these services have been notified under the ORTPS Act, 2012 with strict timelines for disposal, yet there are remarkable gaps in implementation within the timeline. Many instances have come to the notice of the undersigned that mutation cases are pending for years and correction of RoR, even distribution of corrected pattas are pending for months. Maps are not being corrected at all in many tahasils and R.I. Offices.

3. In order to overcome the inertia at field levels, a Standard Operating Procedure (SOP) for disposal of mutation cases has been prepared keeping in view

the provisions of the ORTPS Act and Mutation Manual. In the said SOP, emphasis has been given to strict adherence to the timeline at all levels and technological intervention for tracking and monitoring to expedite the delivery of services to general public. Proper supervision and monitoring shall also be done by Sub-collector, ADM and Collector of the District.

4. In enclosing herewith a copy of the SOP, you are requested to circulate the same to all field level officers and to ensure adherence to the timeline as per the SOP at Tahasil and R.I. levels for timely disposal of all pending and current mutation cases, thereby ensuring better service to the general public.

Yours faithfully,

Principal Secretary to Government

20772
Memo No. / R&DM

Date 28.6.17

Copy along with the enclosures forwarded to all Sub-Collectors/ all Tahsildars/ all Sub-Registrars/ all DSRs for information and necessary action. Tahasildars are requested to furnish a copy of this letter to all R.I.s under their respective administrative control for information and necessary action.

20773
Memo No. / R&DM

Date 28-6-17

Copy forwarded to all Branch Officers of R&DM Department for information and necessary action. Dy Secretary, IMU Cell is requested to upload the letter in the Department website.

Joint Secretary to Government

Standard Operating Procedure on Disposal of Mutation Cases

1. Tahasildar can initiate mutation proceeding:

- I. On receipt of Form- 3 from the Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908; or
- II. On application for mutation from any person interested; or
- III. On receipt of an order of any Court; or
- IV. On receipt of the abatement order on land acquisition under the LA Act or RFCTLAR&R Act.
- V. On receipt of order of the Revenue Officer, for partition of holdings on mutual agreement under section 19(1)(c) of the OLR Act, 1960

2. Registration of sale deeds:

- Before registration the sub-Registrar shall ensure that the mobile contact number of the petitioner/ purchaser, concerned Tahasildar and R.I is given with the documents for registration.
- Sub Registrar, after registration of the deed shall instruct the petitioner to deposit the required amount with concerned Tahasildar towards court fees, demarcation fee, user fees for mutation of the land.
- Sub-Registrar shall fix a date exactly **one month** after the date of registration for hearing of the mutation case and the petitioner shall appear before the concerned R.I with original documents for verification along with receipt showing deposit of the fees.
- After registration of sale deed, a machine generated **text message** shall go to the petitioner as well to the R.I. concerned with following words.
"Your document submitted on dated _____ has been registered and your date of hearing for mutation is on _____(after one month). You are to deposit the required fees with Tahasildar/ R.I towards court fees, demarcation fee, user fees etc. for mutation of the land.



Appear with all original documents and receipt before concerned R.I on the next date of hearing."

- Sub-Registrar shall forward Form-3 online **within 24 hours** and hard copy **within 3 days** to the concerned Tahasildar.

3. Institution of Mutation case

- On receipt of the intimation slip from Sub Registrar or on application of the parties, Tahasildar (mutation Clerk) shall enter the same in the Mutation Register village-wise and the serial number of the form 3 in the register shall be the number of the mutation case and the Mutation Case Record shall be opened. In case of on-line mutation cases, the LRMS software shall generate Mutation case number automatically.
- The Mutation Clerk shall send the Case Record to the Record Room for verification of records and the Record Keeper shall verify with the existing Khatians of the Tahasil, the land schedule, the recorded tenants and the flow of the title, if flows any to the transferee and record his remarks in the case record/ LRMS.
- The record Keeper with his remarks shall return the case record to the Mutation Clerk. The Mutation Clerk shall attach the General Notice and individual notices to the case record and with approval of Tahasildar shall transmit the same to the concerned R.I for hearing.
- It should be taken care that the case record after completion of all the above processes should reach the concerned R.I. **within 10 days** from the date of Registration.
- If the transaction involves part plots, then Tahsildar shall direct one Amin to cause field verification and prepare trace map, in duplicate with actual measurements and submit the report along with the trace maps to the Tahsildar/ R.I Concerned. The report and trace map should reach the R.I. before the next date of hearing.

4. Disposal of Pending mutation cases:

- Tahasildar shall cause-list of all the pending cases and arrange the same as per seniority.
- A tentative date of hearing in case of all such pending cases shall be indicated. While indicating date of hearing it should be borne in mind that all pending cases must be heard and disposed of within **next 3 months.**
- The Cause list shall be published in the notice board and put in the District website.
- A copy of the cause list shall also be sent to the concerned R.I. for disposal on the stipulated date.

5. Hearing of the case:

- The concerned R.I, immediately after receipt of the case record shall issue the General proclamation in the village inviting objections, if any to be filed **within 15 days** and issue notices to the individual parties to appear before him on the date fixed for hearing.
- In case of online mutation, the Amin report shall be uploaded in the LRMS by the Tahasildar. R.I. shall attach the report of Amin, if any to the hard copy case record or if required, may cause the field enquiry. But this should be completed before the due date of hearing.
- On the date of hearing, the concerned R.I shall verify the original registered documents, hear the necessary parties, examine the objections if any and pass necessary orders in the case.
- If it is found that the case is contested, he shall return the case record **within 7 days** with his remarks to the Tahasildar for hearing.
- If the case is simple and uncontested, he shall allow mutation and pass order for necessary correction of records and send back the case record to Tahasildar **within 7 days** for confirmation.



6. Confirmation of the order and correction of RoR and Map

- On receipt of the case record from R.I., Tahasildar shall confirm the order of R.I. in respect of uncontested cases and remand the case record to Record Room for correction of RoR and map after completion of the appeal period of 30 days.
- The contested cases shall be heard afresh by the Tahasildar.
- On receipt of the case records, the Record Keeper shall correct the RoR and Map as per the order immediately.
- After correction of the RoR, the Record Keeper shall send the following text message to the petitioner.

"Your record has been corrected; please collect the RoR copy from this office on next Monday or within 7 days."

- The Tahasildar shall review his own office work on **every Saturday** and distribute the corrected RoRs in **every Monday**. Thus, Monday shall be the patta distribution day. In the event, one petitioner fails to get the patta on any Monday, he can file a grievance petition to the Tahasildar on the same day as Monday is also the Grievance day.
- Correction of maps should be done simultaneously without waiting for all other pending corrections are updated.

7. Intimation slip to R.I and correction of records

- After correction of documents (RoR & map) at tahasil level, the Record Keeper shall send the intimation slip in duplicate along with the trace map, if any to the R.I. Concerned **within 7 days**.
- On the basis of the intimation slip, The R.I shall correct his RoR and map and return a copy of the intimation slip to the Tahasildar as token of proof of correction incorporated in the documents at his level.
- This process should be completed **within 3 days**.
- **As per the ORTPS Act, the whole process of mutation shall be completed within 90 days from the date of institution.**

8. Checklist of cases requiring mutation

Sl	Cause of Action	relevant Act & Rules/ Checklist	Standard Order
1	Mutation on Sale/ purchase of land through RSD/ Decree of Court	<p>Section 34 of the Odisha Survey & Settlement Act, 1958 and OS&S Rules, 1962/ Mutation Manual</p> <p><u>Checklist:</u></p> <ol style="list-style-type: none"> 1. Check if recorded tenant has sold or 2. all legal heirs of the RT have sold 3. Whether land is Chak in kism, if so, whether full chak has been sold, 4. If ST& SC land, whether permission has been obtained, 5. ST land cannot be transferred to non-ST persons in scheduled area 	<ol style="list-style-type: none"> 1. Delete the land from the present holding 2. Add to the holding of the purchaser or 3. If no land of the purchaser in the village, create a new holding. 4. Change the demand in the old and new holding 5. Correct maps
2	Mutation on Partition of holdings	<p>Under section 19(1) of the OLR Act</p> <p>Correction of RoR & maps on Partition of holdings may be allowed on;</p> <ol style="list-style-type: none"> 1. By Registered Deed 2. By decree of a court or 3. By order of Revenue Officer through mutual consent of all TRs or their legal heirs <p><u>Checklist on mutual agreement cases:</u></p> <ol style="list-style-type: none"> 1. All RTs must give their consent 	<ol style="list-style-type: none"> 1. Create separate khata in favour of each RT as per their consent and possession. 2. Calculate rent and cess and incorporate in each separate khata as per their possession. 3. Create Joint khata in respect of properties jointly held by the RTs. 4. Calculate rent and cess for the properties in the Joint Khata and incorporate in the Joint Khata itself.

		<ol style="list-style-type: none"> 2. There must be separate and independent possession of all RTs agreeing for partition 3. Obtain mutual agreement through an affidavit sworn in by all RTs. 4. Check that all RTs or their legal heirs have received notice 5. Be double sure that no other RT or legal heir has been left out. 6. Check the identity and signature of RTs, before passing order 7. If any RT remains absent during hearing, double check that the notice has been duly served on him and after passing of order, intimate him the decision of partition through RP or by hand service again. 8. Check that the property is not under dispute in Ceiling cases. 	
3	Mutation after acquisition of land	<p>The Land Acquisition Act, 1894 and the RFCTLAR&R Act, 2013</p> <ul style="list-style-type: none"> • All updation of RoRs must be completed within 60 days of the preliminary Notification for acquisition of land under the RFCTLAR&R Act. 	<p>Land acquisition is done by Government on behalf of different agencies and the same land is transferred to the concerned agency for use of the same for the purpose for which it was acquired.</p> <ol style="list-style-type: none"> 1. On receipt of the abatement proposal, delete the acquired



		<ul style="list-style-type: none"> • Mutation of land should not be allowed after the above period. • Mutation proceeding shall be initiated on receipt of the abatement proposal from Land Acquisition Officer after acquisition of land. 	<p>lands from the khatas of the Recorded Tenants.</p> <ol style="list-style-type: none"> 2. Correct the rent and cess in the respective khatas. 3. If the acquired land has been transferred to the concerned agency, record, it in their name like that of NHAI, Railways, IDCO or concerned Industries, etc 4. Incorporate rent and cess as per the order in favour of the industries. 5. If acquired for any Department of Government and duly transferred, record it in the name of that Department. 6. If not transferred to any Agency after acquisition, record it in the Rakshita Khata of Govt and mention in the remarks column that "the land has been acquired for _____ purpose."
4	Mutation of leasehold land	<p>The OGLS Act, 1962 and OGLS Rules 1983</p> <p>Relinquished land:</p>	<p>If the land of any Department has been relinquished to R&DM Department, record the land in 'Anabadi' khata in Urban area or in AJA khata in rural area, with remarks that "this land was originally recorded in the name of _____ Department and has been relinquished to Revenue Department."</p>
		Leasehold land	Record the name in favour of the lessee on 'Pattadar status' with rent and cess as admissible as per order.
		Reserved Land:	Record the land in Rakshita

		If the land has been reserved for any purpose through a Notification u/s 3(a) of the OGLS Act,	Khata, with remarks that the land is reserved for _____ purposes
5	Mutation of acquired land through direct purchase on bilateral negotiations by any Department or Govt Agency	RFCTLAR&R Act Circular No. 10241 dated 31.03.2014/ No. 2846 dated 27.01.2016 & No.10811 dated 5.04.2016	Record the land in the khata of the concerned Department with remarks that "this land was raiyati land earlier and this Department has purchased the land vide RSD No.____, dated ____.

9. Housekeeping and monitoring:

(a) Tahasil level:

- i. All Tahsildars and R.I.s should conduct a review of pendency in their respective offices on weekly basis, preferably on **every Saturday**. If proceeding on tour or busy in other activit, then the review may be conducted in the afternoon. Next week's activity to reduce the pendency should be planned in accordance with the review.
- ii. The Tahasildar shall ensure that cause list of all pending mutation cases is published and disposed of on a mission mode within next 3 months.
- iii. All the pending correction of RoR and maps are also to be completed within 3 months' time.
- iv. Supply of electricity and connectivity to R.I Offices and availability of hardware and computer consumables be reviewed in weekly meetings.
- v. Updation requirements may be brought to the notice of Collector and steps be taken to ensure connectivity and consumables by utilizing the user fee funds.
- vi. Tahasildar and Addl Tahsildar, each shall inspect at least 4 R.I offices in a month and review the process of mutation and correction of RoRs and maps.

(b) Sub-Collector:

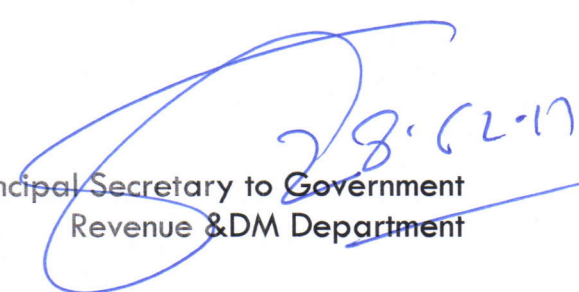
- i. Every Sub-Collector shall inspect at least 4 tahasils in a month and review the progress of delivery of revenue services including mutation in the tahasil.
- ii. Sub-Collector shall also visit at least 4 R.I offices in a month and review the progress.
- iii. Availability of infrastructure and other facilities in the R.I offices may also be reviewed by the Sub-Collector.
- iv. Operationalisation of Sairat sources, collection of land revenue, pendency of public grievances and promptness in delivery of services are to be supervised by the Sub-collector.
- v. At the end of every month, Sub-collector shall prepare the visit note with his findings and suggestions for improvement of service and submit the same to the Collector and concerned Tahsildars for follow up action.

(c) Addl District Magistrate.

- i. Every ADM shall inspect at least 2-3 tahasils and R.I offices in a month and review the progress of delivery of revenue services including mutation in the tahasil.
- ii. He shall review the visit note of Sub-Collectors and suggest appropriate action on the matter to the Collector.
- iii. Care should be taken to choose the tehsil with heavy pendency of public grievances and cases for inspection.
- iv. Tahasils already inspected by Sub-collector during the month should be avoided.
- v. ADM, on the basis of his inspection and visit note of Sub-collector shall prepare a resume on important issues and bottlenecks with suggestions and submit to Collector.

(d) Collector:

- i. **Collector is advised to review the diligent adherence of above matters in the monthly review meeting of ADM, Sub collectors, Tahasildars, DSR and Sub-Registrars.**
- ii. Collector may inspect one or two Tahasils to check the standard and promptness of service delivery system there.
- iii. Care should be taken to choose the tehsil with heavy pendency of public grievances and cases for inspection.
- iv. **Collector is advised to apprise this Department about any shortcomings and suggestions for better functioning of Tahasil, Sub-registrar and R.I Offices.**


Principal Secretary to Government
Revenue & DM Department