

By Fax/ e-Mail

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RDM-LRGEC-CLRFIC-0005-2018- 26871 / R&D.M Dated 7 SEP 2019

From

Avaya Kumar Nayak, OAS (SAG),
Additional Secretary to Government

To

Collector, Balangir

Sub: Clarification regarding settlement of Nazul cases

Ref: - Letter No. 617/Rev. dated 19.06.2018 of ADM, Balangir

Sir,

With reference to the subject noted above, I am directed to say that the ADM, Balangir in letter under reference has sought for clarification as to whether Nazul land can be settled with applicants who do not have registered lease deed documents. He has sought such clarification keeping in view this Department G.O No. 15480/R&DM dated 12.05.2017 where it has been clarified that a person who does not possess a registered document in his favour shall not be eligible for settlement of the Nazul land as such.

2. As per Para (1) of the aforesaid G.O of this Department, Nazul land can be considered for settlement in favour of a person who is in possession of the land for a period of at least three years prior to the appointed date i.e. 26.02.2009 on the basis of a registered lease deed, registered sub- lease deed including subsequent sub- lease deed or registered deed of conveyance, as the case may be. A person who does not possess a registered document in his favour shall not be eligible for settlement of the land as such.

3. In this connection, ADM, Balangir has furnished a copy of the Case Record bearing No. 177 of 2015 of Kantabanji Tahasil relating to a proposal for settlement of Nazul land in village- Kantabanji (Ka) with an individual which has been processed by Tahasildar, Kantabanji under Schedule- V of the OGLS Rules, 1983 and awaiting Collector's prior approval.

4. From the case record, it is observed that the Nazul category of land is recorded in the name of certain person/s under Pattadar status having kisam- Gharabari Ek in Hal settlement. Now, the legal successor-in-interest of the

Recorded Tenant has filed application for permanent settlement of the Nazul land in his favour under the provisions of the OGLS (Amendment) Rules, 2010. As reported by Tahasildar, the applicant is in possession of the case land as homestead for more than three years prior to the appointed date.

5. In this connection, it may be mentioned here that as per Para (i) of the proviso to Clause 1 of Schedule V, one of the criteria for permanent settlement of Nazul land with a person is that he, including his lawful predecessor(s) - in-interest, should have been in possession of such land for a period of at least three years prior to the appointed date i.e. 26th February, 2009.

6. This has also been reiterated at Para (1) of this Department G.O dated 12.05.2017. However, along with the above criterion, some other criteria have also been prescribed in the said G.O which are as follows:-

" The person should have been in possession of the land on the basis of lease granted by the Government, whether renewed or expired,

or

the person should have been in possession of the land on the basis of a registered sub- lease including subsequent sub- lease granted by the lessee or the sub- lessee, as the case may be,

or

the person should have been in possession of the land on the basis of transfer through a registered deed of conveyance, from a lessee, sub- lessee or subsequent sub- lessee. "

7. It may be possible that the applicant in the present case cited by ADM, Balangir may not be having any of the above registered documents. However, it may be noted that the name of his father i.e. the lawful predecessor-in-interest has already been recorded in the Hal settlement record in Pattadar status and a RoR published under the statutory provisions of the Odisha Survey & Settlement (O & SS) Act, 1958 and Rules made thereunder cannot be ignored. Section 13 (3) of the said Act is relevant in this regard which is re-produced below:-

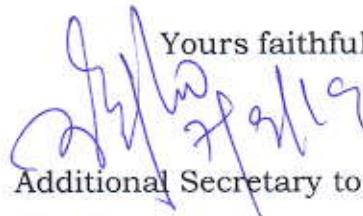
13 (3)- Every entry in a record-of-right so published shall be evidence of the matter referred to in such entry and shall be presumed to be correct until it is provided by evidence to be incorrect:

Provided that, if any entry in a record-of-right is altered in a subsequent record-of-right, the later entry shall be presumed to be correct until it is proved by evidence to be correct, but the previous entry shall be admissible as evidence of the facts existing at the time such entry was made.

8. Keeping the above in view, you are advised to take into account the Hal RoR published under the O & SS Act, 1958 while considering the claim of the persons who fail to produce any registered lease/ sub- lease/ conveyance deed documents, for settlement of Nazul land. In other words, if the Nazul land has been recorded in the Hal RoR published under the provisions of the O & SS Act, 1958 in the name of the person in possession of such land or in the name of his lawful predecessor-in-interest, such entry in RoR may also be treated as an evidence while considering settlement of the land under Schedule V or V-A of the OGLS Rules, 1983.

This is issued with approval of Government.

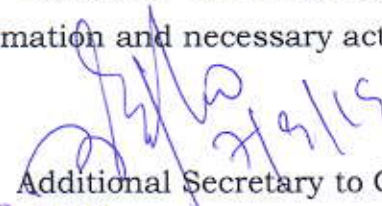
Yours faithfully,



Additional Secretary to Government

Memo No. ²⁶⁸⁷² /RDM Dated **7 SEP 2019**

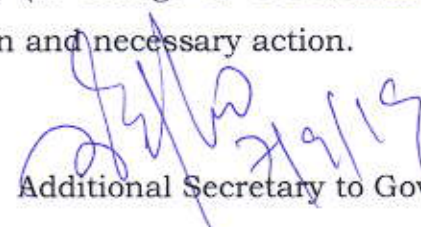
Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ RDC (ND), Sambalpur/ Collector, Sambalpur/ Collector, Jharsuguda/ Collector, Kalahandi/ Collector, Sundargarh for information and necessary action.



Additional Secretary to Government

Memo No. ²⁶⁸⁷³ /RDM Dated **7 SEP 2019**

Copy forwarded to Joint Secretary (in charge of e-Governance Cell), Revenue & D.M Department for information and necessary action.



Additional Secretary to Government