

Government of Orissa
Revenue Department

No. EA-II-14/04 27800/R.,

Dated, Bhubaneswar the 17th July, 2004.

From

Shri R. L. Jamuda, I.A.S.,
Commissioner-cum-Secretary to Govt.

To

The Land Reforms Commissioner, Orissa, Cuttack/
Secretary, Board of Revenue, Orissa, Cuttack/
All Revenue Divisional Commissioners/
All Collectors.

Sub: Rent settlement on Lands Recorded in
Bebandobasta Status in the Record of Rights.

Ref: This Department letter No. 57677/R., dt. 6.12.2000.

Sir,

I am directed to invite reference to this Deptt. letter on the subject noted above and to say that it has come to the notice of Government that the recording of the land belonging to Public Deity, in the name of the claimants as prescribed in the guidelines issued in this Department letter referred to above at Para-3(xviii) will not help the religious institutions. The deities are considered as perpetual minors in the eyes of law. If the claimants will get the scope to record their status as tenant and only liable to pay 1/4th share, then the fake tenant/claimant will come forward with fictitious claims and the interested Marafidar/the Trustee will also tend to induct their own persons as tenants to take the advantage of recording. Besides whether a person is a tenant in land or not as per the provisions of O.L.R. Act can be decided by the competent authority under the O.L.R. Act, 1960. Further, the requirement of recording the name of the tenant whose claim has not been decided under the O.L.R. Act would give rise to widespread malpractice by unscrupulous trustees in collusion and connivance with their persons to raise fictitious claims of tenancy.

Hence noting of claimant in the lands of Public Deities as tenant in remark column of the Record-of-Right is

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~~not in keeping with the provisions of the O.E.A. Act.~~ If a person is declared as tenant under the provisions of O.L.R. Act, it may be reflected in the R.O.R. by way of mutation or at the time of settlement proceeding.

Therefore, after careful consideration of the above legal implication/aspects, Government have been pleased to substitute para 3-Xviii of the letter under reference as follows

✓ " Under the provisio to Section 7 of the O.E.A. Act, 1951 it has been clarified in the Act that if a temporary lessee of an intermediary has acquired the right of raiyat under the O.L.R. Act, 1960 prior to commencement of the O.E.A. (Amendment) Act, 1975, the same shall not be settled with intermediary under Clause (b) of Section 7 of the O.E.A. Act, 1951.

In case of the land belonging to Public Deity, after settlement the same shall be recorded in the "Stitiban status" in the name of the deity marfat the person/persons under the Management/Trust Board approved by the Endowment Commissioner, Orissa, as the case may be, within the meaning of the Orissa Hindu Religious Endowment Act, 1951. In case of deity land belonging to Lord Jagannath Bije, Puri, the said land may be recorded in the name of the Lord Jagannath, Puri marfat the Temple Managing Committee as per the Jagannath Temple Act." ✓

Yours faithfully,

COMMISSIONER CUM SECRETARY TO GOVT.

Memo No.

27801

/R., dated.

17/7/04.

Copy forwarded to the Director, Land Records & Surveys, Orissa, Cuttack/Director of Consolidation of Holdings, Orissa, Cuttack/Administrator, Shri Jagannath Temple, Puri for information and necessary action.

DEPUTY SECRETARY TO GOVERNMENT

Memo No.

27802/R., dated. 17/7/04

Copy forwarded to All Sub-Collectors/All Tahasildars/All Additional Tahasildars for information and necessary action.

Memo No.

27803

/R., dated. 17/7/04

Copy forwarded to the Endowment Commissioner, Orissa, Bhubaneswar for information and necessary action with reference to his letter No.5544 dated 15.05.2002.

Memo No.

27804

/R., dated. 17/7/04

Copy forwarded to the L.R.(B) Branch/CH & S Branch/ L.R. & G.E. (A)/(B) and (C) Branch with 30 spare copies to L.R.(A) Branch for information and necessary action.

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