

GOVERNMENT OF ODISHA  
REVENUE & DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0004/2016-3046<sup>\*\*\*\*</sup>/R&DM Dated 29<sup>th</sup> September, 2016

From

Dr Mona Sharma, IAS  
Principal Secretary to Government

To

All Collectors

**Sub:- Abatement of Land revenue and correction of RoRs in respect of acquired land under Land Acquisition proceedings.**

Sir

In inviting a reference to the subject cited above, I am directed to say that instruction have been issued by Government, Member, Board of Revenue and RDCs from time time for proper execution of abatement proposals and correction of record of rights(RoR). Despite repeated instructions, it is observed that abatement of land revenue and correction of RORs are not being effected properly for which the records as well as the demand are not being updated on regular basis. Since the RORs have not been corrected for which the land continues to remain in the name of the earlier land owner and it has resulted in multiple fraudulent sales.

2. The abatement of land revenue is administered under para-93, 94 and 95 of the Land Acquisition Manual, prepared under the Land Acquisition Act, 1894 (Act No.1 of 1894). The paragraph 93 refers to the Statutory Rules issued by the Government of Bengal under section 55 of the LA Act 1894, which continue to be in force in Orissa. Similarly, Para-94 refers to the provisions of rule-1, section-VII, Chapter-II of the Board's Tauzi Manual, 1923 (Orissa reprint 1949). On a thorough reading of the above provisions, it is evident that the context and content of the present day LA Proceedings have undergone changes with passage of time. Besides, after coming into force of the RFCTLAR&R Act, 2013, the Land Acquisition Act, 1894 has been repealed. As such, the rules, executive instructions and formats given thereunder have become redundant. Thus, it has become imperative to revisit the instructions and to issue fresh

guideline elaborating the procedure for abatement of revenue and simultaneous correction of RORs, which was under active consideration of Government for some time past.

3. Keeping in view the existing procedure and practice, the Government, after careful consideration have been pleased to issue following guidelines for abatement of land revenue and simultaneous correction of RoRs in respect of lands acquired under land acquisition proceedings.
  - i. No transaction on land after publication of preliminary Notification u/s 4(1) of the Land Acquisition Act, 1894(Act No.1 of 1894) or Notification for SIA study u/s 4(1) in respect of the projects for which such study is required or preliminary Notification u/s 11(1) of the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) in respect of projects for which SIA study is exempted, without prior approval of the Collector shall be allowed.
  - ii. After Preliminary Notification u/s 4(1) of the Land Acquisition Act, 1894 or u/s 11(1) of the RFCTLAR&R Act, 2013, till the formal sanction of abatement is accorded; it is the responsibility of the Collector to see that collection of land revenue is kept in abeyance. This does not debar the tahasildar to recover the arrear land revenue due in respect of the said land.
  - iii. Thus, pending formal sanction of abatement proposal by the Collector, Tahasildar shall keep in abeyance collection of current land revenue from the land owners, once preliminary Notification is issued. However, the arrear rent and cess, if pending for collection any, shall be collected.
  - iv. As the revenue paying lands are acquired and collection of revenue has been kept in abeyance from the date of preliminary notification till order of abatement, the capitalized value of land revenue i.e. 25 times the annual rent shall be continued to be collected, as is done under Rule 95 of the Orissa Land Acquisition Manual, 1976. The capitalized value of revenue shall be included in the preliminary estimate of the project. The capitalized value so collected shall be deposited in the relevant Head of Account of Government.

- v. Once the possession of land has been taken over by the Collector u/s 16 or 17 of the Land Acquisition Act, 1894, or u/s 38 or 40 of the RFCTLAR&R Act, 2013, as the case may be, the concerned land Acquisition Officer will submit the proposal for abatement of land revenue in Form 38 (revised) to the Collector for approval. The Form No.-38 has been revised and enclosed herewith for reference.
- vi. The Collector shall pass necessary orders for abatement of rent and approve the abatement proposal. Two copies of the approved abatement proposal shall be sent to Tauzi section of the Collector for records and another copy to the concerned Tahasildar for implementation of the order.
- vii. On receipt of two copies of the abatement statements, with the number and date of the order noted on the top and the tauzinavis will return one copy with his signature and the date noted thereon, in token of his receipt of the Statement. The copy of the statement should then be placed in the record of the case to which it refers.
- viii. On receipt of formal abatement order, Tahasildar concerned will initiate a Touzi (abatement) Mis. Case and pass necessary orders to give effect to the abatement of land revenue and correction of RoR. The record keeper of the tahasil shall correct the maintained khatians and record all changes in the Register No.1 (Register of Changes) as per rule 98-101 of the Mutation Manual and shall issue intimation slip (in duplicate) to the concerned Revenue Inspector for necessary correction at his level.
- ix. On receipt of the intimation slip in duplicate, the concerned R.I. shall correct his Register No. 1 (Jamabandi Register), Register No. II (Tenants Ledger) and effect necessary changes in Register No.III A (Register of Changes affecting demand) and No.III B (Register of changes not affecting demand), as the case may be. He shall return the second copy of the intimation slip to Tahasildar as token of the proof of his effecting the changes.
- x. Same procedure shall be followed in respect of acquisition of land under other enactments listed in the fourth schedule of the RFCTLAR&R Act, 2013 like the National Highways Act, 1956 (Act No.48 of 1956), the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Electricity Act, 2003

(36 of 2003) and the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), etc for abatement of land revenue and correction of RoR.

- xi. For abatement of land revenue and correction of RoRs in respect of lands acquired earlier for which correction of RoR has not been done, the Project proponents shall furnish the relevant copies to the concerned Collectors and pursue the matter to get the RoRs corrected.
- xii. Collectors shall ensure that approval of all backlog cases of abatement and correction of pending RORs are completed within six months. Month-wise targets may be given to the concerned Tahasildars to effect corrections. Sub-Collectors may be assigned the task of conducting reviews as special drive for this purpose. The RDCs shall conduct reviews on this item bimonthly and Secretary, Board of Revenue shall conduct quarterly review on such cases and furnish a consolidated report to this Department.

Yours faithfully,

*Mane Sharma*

29/9

Principal Secretary to Government

*By PPT*

*30464*

Memo No. \_\_\_\_\_ / R&DM Dated 29-9-16

Copy forwarded to Secretary, Board of Revenue, Cuttack/ All RDCs/ All sub-Collectors/ All tahasildars for information and necessary action.

*Mane Sharma*

29/9

Principal Secretary to Government

Memo No. 30465 /RDM dated 29.9.16

Copy forwarded to LA(A), LA(B), LA(C), CH&S branch of R&DM Department for information and Dy Secretary to Govt. (in charge of IMU Cell) of Revenue &DM Department for information with a request to upload the same the website.

*[Signature]*  
29/9/16

Joint Secretary to Government

**FORM-38**  
**Statement of abatement of Land Revenue**  
**(SEE PARAGRAPH 94)**

Statement showing the amount of land Revenue to be abated on account of lands in the district of \_\_\_\_\_ taken up under Declaration No. \_\_\_\_\_  
Dated the \_\_\_\_\_ for \_\_\_\_\_ during the month of \_\_\_\_\_ 20\_\_\_\_\_

Case No and Date	No. and date of Declaration	Name of Tahsil	Name of village.	Khata No.	Plot No. & Area	Total Area in the holding	Amount of Govt revenue for the total holding	Recorded tenants	Area acquired out of the holding	Proportionate Govt Revenue to be abated	Date from which the abatement takes effect	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
							Rs. P.		Rs. P.	Rs. P.		

Dated \_\_\_\_\_ 20\_\_\_\_\_

Collector of the District