

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

No. RDM-LRGEA-CASEOT-0001-2018- 34039 /R&DM Dated 11 0 SEP 2018

From

Dr. C.S. Kumar, IAS
Principal Secretary to Government

To

All Collectors
All Sub- Collectors
All Tahasildars

Sub: **Due diligence to be followed by field level revenue functionaries while dealing with Court cases involving government land**

Madam/ Sir,

As you are aware, Government land is gradually becoming scarce and many unscrupulous elements are trying to grab the same through different means. A number of cases are being filed by private individuals/ organizations in different Courts of Law claiming right, title and interest over lands belonging to the Government. As field level revenue functionaries are not properly defending such cases and not furnishing real facts and relevant documents in time, sometimes, the Hon'ble Courts are declaring right, title and interest over the government land in favour of such individuals/organizations. There are instances, where Hon'ble Courts are passing ex-parte orders due to non appearance of the Government party.

2. Recently, an instance was brought to the notice of this Department where the Hon'ble Court after allowing as many as 29 nos. of adjournments to adduce evidence on behalf of the State, rejected request of the Government Pleader, Sambalpur for further adjournment and ultimately passed judgment declaring right, title and interest over a piece of government land in favour of the plaintiff. All this happened due to the non-cooperation of the concerned Tahasildar to provide PWC and relevant documents to the Government Pleader to prepare written statement to file the same within the stipulated period in spite of repeated approaches by the latter and the latter had to argue the case with limited defence.

3. There are also several other instances where field functionaries have not attended to the letters/ messages/ communications of the office of the Advocate General, Odisha resulting in strictures having been passed by the Hon'ble High Court.

4. It is also seriously felt that the litigations pending in different Civil Courts and Hon'ble High Court involving government land are not being properly looked after as a result of which Government is sustaining huge loss and thereby the public interest is being hampered. Due to lack of timely action of the field functionaries, sometimes, the Government is placed in embarrassing situation. This creates an impression that adequate attention is not being given in handling of cases involving government land.

5. The revenue functionaries being Government servants are duty bound to protect the interest of Government including the Government land and when right, title and interest over government land is claimed by a private individual in a Court of Law, it is incumbent upon the concerned revenue officer to provide all necessary documents and PWCs to the Government Advocate/ Government Pleader and that too well in advance, in order to defend the case properly on behalf of the State. Similarly, it is also incumbent upon the officer to properly monitor the case from time to time in consultation with the concerned Government Advocate. On the other hand, if the officer does not cooperate with the Government Advocate/ Government Pleader and Government loses the case due to this reason, it can also be presumed that the officer is in active connivance with the private persons in taking over the ownership of the land which belongs to the State and the officer concerned deserves punishment for such dereliction of duty.

6. Government, therefore, wants to impress upon all concerned that proper efficiency should be maintained so as to safeguard the interest of Government properly in all litigations involving government land. For this purpose, it is also essential that all such pending cases are properly supervised and relevant materials are placed before the Courts in time.

7. In the above context, the following instructions are hereby issued for the guidance of all field level revenue functionaries in dealing with court cases pertaining to Government land:-

(i) whenever any intimation/ correspondence regarding a case filed by individual/s in any Court of Law claiming right, title and interest over government land is received from the Government Advocate/ Addl. Govt. Advocate/ Standing

Counsel/ Addl. Standing Counsel/ Govt. Pleader etc., the concerned Officer should attend to the same with utmost promptitude;

(ii) all Tahasildars shall make inventory of all pending court cases in different courts in respect of the tahasil and upload the same in the Court Case Monitoring System (CCMS) Portal. Even the cases in which orders have been passed and requires action to be taken by the concerned Tahasildar shall be uploaded;

(iii) in respect of all pending court cases, the concerned tahasildar must provide all relevant information/ documents and PWC as and when required by the concerned Advocate within the stipulated time;

(iv) in respect of cases pending in High Courts, the concerned Tahasildar shall regularly monitor the litigation position through Litigation Management System (LMS);

(v) tahasildar should contact the concerned Government Pleader from time to time to get updates of the Cases if the case is filed in a Sub-ordinate Court;

(vi) all the updates of the case should be uploaded in Court Case Monitoring System (CCMS) if the case has been filed in Hon'ble High Court or any Civil Court and also in Revenue Court Case Monitoring System (RCCMS) if the final order has been passed in any case and requires action at the level of Revenue Officers;

(vii) Counter affidavit should be filed before the concerned Court within the stipulated period unflinchingly in consultation with the concerned Government Advocate;

(viii) the concerned Sub- Collector shall monitor the pending court cases involving government land of the Tahasils coming under his jurisdiction regularly;

(ix) the ADM should call for a meeting of all the Government Advocates of the district at least once in a month to ascertain as to whether any case is remaining unattended or not being properly attended;

(x) if a sub- ordinate Court declares right, title and interest of a government land in favour of private individual/s, the Collector/ Tahasildar, who is competent, should file appeal before the Appellate Authority or before the Hon'ble High Court, as the case may be, immediately within the period of limitation under intimation to This Department;

(xi) if such an order has been passed by Hon'ble High Court, the Collector should immediately move this Department with all relevant documents/ orders etc.

for filing of Special Leave Petition before the Hon'ble Supreme Court, the approval of which will be communicated from this end in consultation with Law Department.

(xii) if it is learnt that Government has lost any case due to dereliction of duty by any official, then Collector shall immediately bring it to the notice of the Government and disciplinary action may be initiated against the erring official.

8. Any deviation in this regard will be viewed seriously by Government and appropriate departmental action will be initiated against the delinquent officials.

9. A detailed report on present status of the cases in the proforma given below shall be sent to this Department latest by 22.09.2018.

1. Format for Civil court cases

Sl	Name of Tahasil	No of cases pending in civil courts	Present status of pending cases		No of cases in which final orders	Present status of the cases, in which final order passes by Civil Courts		Remarks
			Cases in which documents submitted to Govt pleader	No of cases, Counter filed		No of cases compliance done	No of cases appeal filed	

2. Format for High Court Cases

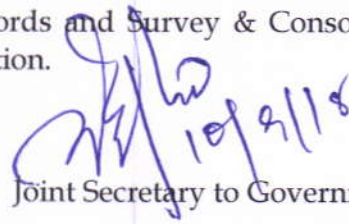
Sl No	Name of Tahasil	No of cases pending in High Court	No. PWC Filed	No. Counter affidavit filed	No. Final order received	No of cases complied	No SLP filed	Remarks

Yours faithfully,


Principal Secretary to Government

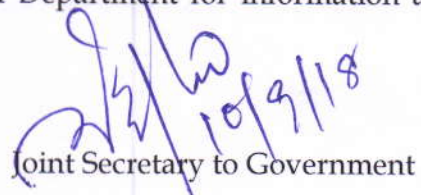
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Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ Land Reforms Commissioner, Odisha, Cuttack/ Commissioner, Land Records and Settlement, Odisha, Cuttack/Director, Land Records and Survey & Consolidation, Odisha, Cuttack for information and necessary action.


10/9/18
Joint Secretary to Government

Memo No. 34011 /RDM Dated 10 SEP 2018

Copy forwarded to Addl. Secretary (in charge of CH&S Branch)/ Addl. Secretary (in charge of LR (A) Branch/ Joint Secretary (in charge of IMU Cell)/ LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.


10/9/18
Joint Secretary to Government