

Government of Odisha
Revenue & Disaster Management Department.

No. EA-I-20/2015- 3776 /R&DM, Dated 2.2.17
From: Dr. Mona Sharma, IAS,
Principal Secretary to Government.

To
The Land Reforms Commissioner, Odisha, Cuttack
Secretary, Board of Revenue, Odisha, Cuttack
All Revenue Divisional Commissioners
All Collectors.

Ref: 1. Revenue Department Letter No-905, dated 11.01.2016.
2. This office Letter No. 39967, dated 20.12.2016

Sub: **Rent Settlement of land Recorded in Bebandobasta Status in the Record of Rights.**

Sir,

With reference to the above subject, I am directed to state that extension of time was allowed till 11.01.2017 to wipe out Bebandobasta holdings from RoR.

2. After review of land records data from Bhulekh, it has come to the notice of the Government that Ac.1,47,223.86 of land are still continuing in Bebandobasta status. In view of above, after careful consideration, Government have been pleased to decide that the drive to wipe out all Bebandobasta holdings shall continue for a further period of one year till 31.03.2018. The following instructions shall be scrupulously followed for disposal of Bebandobasta cases:-

- i. The cases where order has been passed to bring the Bebandobasta holdings to Government Khata, the order shall be followed by correction of RoRs and necessary entries in Bhulekh.
- ii. In some cases, after order of settlement, RoR has been corrected manually, but not uploaded in Bhulekh. The up-to-date entries shall be entered in Bhulekh forthwith.
- iii. It is also noticed that despite realization of Salami and back rent after due confirmation by the concerned Sub-Collector, records are pending for

correction. As a result, the holdings are still continuing in Bebandobasta status. The concerned Tahasildars shall ensure that pendency in all such Bebandobasta cases for correction of RoRs is cleared within a fortnight and entries in Bhulekh are made accordingly.

- iv. In many cases, after confirmation by the Sub-Collector, parties do not deposit the back rent and Salami. Such cases shall be examined by the Tahasildar on case to case basis to ascertain if the reasoned order has been passed by following due procedure as mentioned in paragraph 3(iii) to (ix) of this letter i.e. after tracing back the claim to the Sabik RoR coupled with possession. If the order has been passed by tracing the succession of interest back to the Sabik RoR and after making Hal-Sabik comparison, then the parties shall be noticed to deposit the requisite dues. And RoR shall be corrected accordingly after deposit of the dues. If any deviation is noticed, then the Tahasildar/ Addl. Tahasildar, as the case may be, file appeal against the order of settlement before the ADM.
- v. The Sub-Collector shall follow the above principles for confirmation of the case records which are pending with him for confirmation.
- vi. Tahsildars and Addl. Tahsildars shall hence-forth dispose of Bebandobasta cases by designation and specific authorization by name shall be discontinued.
- vii. In case where Bebandobasta cases have not been instituted within the period of special drive, either due to receipt of RoR from settlement or Consolidation Organization or any other reason beyond that period, then the cases shall be suo-motou instituted by the Tahasildar against such Bebandobasta holdings that still exist in his Tahasil. Institution of cases on application shall not be refused.
- viii. The Tahasildar shall give a certificate duly countersigned by the Sub-Collector and Collector certifying that cases have been instituted against all Bebandobasta holdings of his Tahasil latest by 31.03.2017.

- ix. The disposal of the cases shall be made village-wise. The spot visit by Tahasildar/Addl. Tahasildar is mandatory and it shall not be delegated to any lower level field official.

3. Manner of settlement of land recorded in Bebandobasti status:-

- i. All instructions contained in the Revenue Department letter No.39967 dated 20.12.2016 shall be followed for the settlement of land belonging to Lord Jagannath. The order dated 15.12.2015 passed by the Hon'ble Supreme Court of India in Civil Appeal Case No. 7729 of 2009 and 10 others of connected cases shall be followed in principle and all lands belonging to Lord Jagannath shall be recorded in the name of the Lord Jagannath marfat Jagannath temple managing committee.
- ii. If the land belongs to any other Public Deity, after settlement it shall be recorded in the Stitiban status in the name of the Deity marfat Trust Board approved by the Endowment Commissioner, Odisha as the case may be within the meaning of the Odisha Hindu Religious Endowment Act,1951.
- iii. Lands recorded in Khamar / Nijote / Private Lands of the Ruler u/s-7(h) of the Merged Stated (Laws) Act, 1950, Homestead land of the intermediaries u/s-6 of the OEA Act., Khas land of intermediaries u/s-7 of the OEA Act. shall be settled with them or with their successors-in-interest or their transferees through transfer by registered sale deeds. Along with accepting the presumptive value of RoR, the Tahasildar is required to trace the claim of the party to the Sabik RoR to ascertain the position of succession of right over the suit land. The intermediaries or their successors-in-interest or their transferees including interim transferees, if any, must have held land in any of the above tenures in Sabik RoR. The Tahasildar / Addl. Tahasildar shall also make spot enquiry in presence of villagers to ascertain the present possession and shall annex his spot visit memorandum to the Case Record. If it is ascertained that the claim is genuine and the claimant is in possession of land as per record and in field, then the same shall be settled with him on payment of back rent and Salami as per rate mentioned in circular No.57677/2000. The local enquiry report as well as the order sheet should contain the details of the devolution

and succession of right and title from the date of vesting and relationship of the present occupant to the person who possessed the land at the time of vesting. If it is a case of transfer, the sale deed No., the date of execution, details of vendors and vendees and details of interim deeds, if any, shall be mentioned in order sheet and local enquiry report. Taking up cases village wise for hearing as well as for spot visit will lead to expeditious disposal of cases.

- iv. After local inquiry, if it is found that the claimant does not come under any of above provisions, but is in possession of Bebandobasta land, his possession shall be deemed to be unauthorized; the facts shall be recorded in the order-sheet; the prayer of the claimant shall be rejected and land shall be taken to Abadajogya Anabadi Khata and necessary correction of RoR shall be made. New case record should be opened and encroachment case should be booked under O.P.L.E. Act and land can be disposed of under relevant provisions of O.P.L.E. Act and Rules.
- v. Lands held as service tenure under the ruler or any member of his family u/s-7(g) of the Merged States (Laws) Act, 1950 or land held for service as village servant u/s-8(2) of the OEA Act., land held for rendering service to the intermediary u/s-8(3) of the OEA Act. shall be settled with them or with their successors- in- interest or their transferees through transfer by registered sale deeds. The principles contained in this para-3(iii) & (iv) as mentioned above, shall be followed *mutatis mutandis* for assessing the case land to fair and equitable rent.
- vi. Only those land which were in khas possession of Ex-intermediaries or under the possession of the personal service Jagir holders, as the case may be on the date of vesting over the same and subsequently transferred by him without acquiring raiyati right shall be given recognition while considering the application of transferees. Transfer made in favour of family deities shall not be recognized. Transfer of Deity land belonging to Trust Estate by the Trustee shall not be recognized and no such land transferred shall be settled with the transferee.

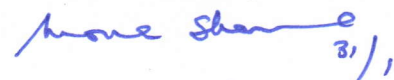
- vii. Land held for service to the intermediary who is a Trust Estate, under provision to sec. 8(3) of OEA Act, 1951 shall be recorded in the name of the Deity marfat Trust Board. Deity is a juristic minor and for continuation its seva-puja, such land is earmarked. So, it shall not be settled in the name of the Sebayat or his transferee.
- viii. In case of transfer, the valid transfer through registered sale deeds shall be recognized. In absence of registered transfer deeds, any claim of transfer shall be rejected. Similarly, if any transfer has been made in contravention of section-22 of the O.L.R. Act, 1960 or Regulation 2 of the Odisha Scheduled Area Transfer of Immovable Properties (by Schedule Tribe) Regulations, 1956 the same shall not be honored and rejected forthwith.
- ix. Either on local enquiry or from the verification of Sabik RoR if it is evident that land was forest land or communal land immediately prior to vesting, no settlement shall be allowed in respect of such claim. It shall be assumed that during settlement operation such land has been recorded in Bebandobasta status on strength of Hata-Pattas or Pola-Pattas or on strength of some rent receipts. In fitness of things those cases should have been rejected or covered by cases u/s 5(1) of the OEA Act, 1951. So in such cases the presumptive value of RoR shall not be accepted and revision cases Under Section 15(b) of OS&S Act, 1958 shall be filed before the Member, Board of Revenue for appropriate order.
- x. The order for settlement of Bebandobasti land made by the Tahasildar/Addl. Tahasildar shall be confirmed by the Sub-Collector.
- xi. Any person aggrieved by the order of settlement as confirmed by Sub – Collector, may file appeal before the ADM/Collector within sixty days of the confirmation of order by Sub-Collector.
- xii. The Member, Board of Revenue, Odisha shall have the power to review/revise any case instituted, rejected or dismissed, allowed or pending with any authority subordinate to him on his own motion or on an application made by the Collector of any district at any time, subject to the overall provisions of OEA Act and Rule and guidelines issued from time to time.

- iii. In cases, where the RoRs prior to vesting of Estate is in operation and same continue as rent free (**Niskara**) and don't come under the provisions of OEA Act, such cases shall be assessed to rent by Tahasildar.

4. Review and Monitoring.

- i. For review and monitoring on the matter, the Tahasildars are instructed to furnish reports on pendency of category wise cases of their Tahasils. The Collector shall send the report of the district in *Format "A"* to the RDC and the RDC shall submit the consolidated report of the Division to Government.
- ii. The Collector shall also fix the officer-wise target of the tahasils, taking the total pendency of Bebandobasta cases in the concerned Tahasil into account and communicate the target to the RDC. Month-wise target shall be so fixed so as to wipe out all Bebandobasta cases within a year. The achievement of target shall be discussed in monthly revenue meeting of the district and communicated to the RDC in the format as per **Annexure-A**. Failure to achieve the target shall be adversely reflected in PAR of the concerned officer. The Collectors, ADMs and Sub-Collectors shall also review the matter during their visit to Tahasil. The RDC shall hold quarterly divisional review meetings of the Tahasildars, Sub-Collectors and ADMs and shall submit the district-wise review report to the BoR, LRC and Government as per format in **Annexure-B**. The pendency of the cases for confirmation by the Sub-Collector shall be reviewed by Collector in monthly review meeting and by RDC in the quarterly review meeting. All efforts shall be made to wipe out the Bebandobasta cases by 31.03.2018.

Yours faithfully,



Principal Secretary to Government.

Memo No. 3777 / R& DM

Dated- 2-2-2017

Copy forwarded to the Director, Land Records & Survey, Odisha, Cuttack / Director of Consolidation of Holding, Odisha, Cuttack for information and necessary action.

Memo No. 3778 / R& DM

Dated-

31/1/2017
Joint Secretary to Government.

Copy forwarded to the All Sub-Collector / All Tahsildars for information and necessary action.

Memo No. 3779 / R& DM

Dated-

31/1/2017
Joint Secretary to Government.

Copy forwarded to the Endowment Commissioner, Odisha, Bhubaneswar for information and necessary action.

Memo No. 3780 / R& DM

Dated-

31/1/2017
Joint Secretary to Government.

Copy forwarded to the IMU Cell, Revenue & Disaster Management Department for uploading in the website.

Memo No. 3781 / R& DM

Dated-

31/1/2017
Joint Secretary to Government.

Copy forwarded to the LR(B) Branch / CH&S Branch / LR&GE(A),(B) and (C) Branch with 30 spare copies to LR(A) Branch for information and necessary action.

31/1/2017
Joint Secretary to Government.

