

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

SM-117/2016 No. 38869 /R&DM dated 13.12.16

From

Shri Sashadhar Nayak
Joint Secretary to Government.

To

The Director, Land Records Survey & Consolidation, Odisha, Cuttack,
All Collectors.

Sub: Guidelines for Demarcation

Madam / Sir,

With reference to above subject, I am directed to say that numerous grievance petitions are often received in the Department regarding demarcation proceedings. Disputes over boundaries among the tenure-holders, creation of new plots due to partition, subdivision of holdings, and alienation of land after the closure of proceedings under settlement / consolidation operation, force the tenants to approach the tehsils for demarcation of their holdings. The Tahsildars often receive instructions from competent courts / request from other Departments / requisition from the police etc. for demarcation of specific plots or land holdings. There are innumerable cases where either or both the parties do not agree with demarcation done and repeated request are made for re-measurement of land.

Under Rule-32 of Orissa Survey and Settlement Rules, 1962, the finally published RORs and copy of the map which is supplied to the Tahsildar shall be maintained and kept up-to date in accordance with the Rule made there under. Rule-34 of the above Rules, enumerates grounds on which correction of the record-of-rights and map is to be made. Rule 38 prescribes the fees for measurement of plot.

No comprehensive administrative procedure/guideline or executive instruction has been issued for measurement / demarcation of land of tenants after closure of settlement or consolidation proceedings. For convenience of the Revenue field staff, a set of instructions on administrative procedure for demarcation proceeding is enclosed to this letter at **Annexure** which may kindly be brought to the notice of all concerned. It is clarified that, by this act of demarcation, no right, title and interest of the applicant over suit land is sought to be conveyed. Further, possession in favour of any party over the suit land is not intended to be confirmed by this proceeding. These instructions are executive in nature and do not override the deeming provisions of OS&S Act, 1958 and OS&S Rules, 1962.

Yours faithfully,


13/12/2016
Joint Secretary to Government

GUIDELINES FOR DEMARCATION

- 1. The Tahsildar can initiate a proceeding for Demarcation;**
 - a) On application for the same filed by the recorded tenant(s) or his / her legal heir(s);
 - b) On instruction / directions from any competent Court;
 - c) On receipt of written requisition from police;
 - d) On receipt of written requisition from other Department / Government offices;
 - e) On any other ground as he deems expedient;
- 2. The application in prescribed format shall be submitted before the Tahasildar of the concerned area for demarcation. The following documents shall be filed with the original application:**
 - a) A copy of the latest ROR;
 - b) A copy of the trace map of the plot(s) attached to the registered document (in case of a part plot);
 - c) Written declaration by the applicant that there is no prohibitory order of any competent Court over the plot(s) and there is no civil dispute over the plot(s);
 - d) Name and detail postal address of the boundary tenant(s);
 - e) Process fee / user charges as prescribed under the rule;
- 3. Procedure to be followed:**
 - a) A register shall be maintained for demarcation applications in the prescribed proforma as given in **Appendix-1**, containing name and address of the applicant, details of Land schedule containing Mouza / Khata / Plot / Area / Kisam etc.;
 - b) Each voluntary application for demarcation filed by a party shall bear the prescribed process fee. Upon receipt of the application, the Tahsildar shall open a demarcation case record, enter the details in the register and verify the records and documents. Then he shall issue individual notice to boundary tenants inviting objection and fixing a date and place for hearing. The notice can be issued in a similar format as has been prescribed for mutation proceedings under **Appendix-11** of the Odisha Mutation Manual, 1962. After hearing such objections, he shall pass order, as he deems fit for demarcation of the plot(s) as prayed for, directing the R.I / A.R.I / Amin to demarcate the

land in the presence of all boundary tenants / adjacent land owners on the date and time as decided by him;

- c) All boundary tenants shall be intimated the date and the time of demarcation;
- d) In case of order by competent Courts / Magistrates, requisition by the police etc. the date and time of demarcation shall be intimated to all boundary tenant(s) and notice inviting objections need not be issued;

4. Demarcation shall not be conducted in following cases:

- a) If prohibitory / injunction orders passed by the competent Court of law is in force over the suit land;
- b) If apprehension of breach of peace over the suit land in process of demarcation is anticipated, provided that apprehension of breach of peace shall not constitute a bar for demarcation on receipt of intimation from the Executive Magistrate competent to adjudicate cases under the preventive sections of CrPC ;
- c) At the time of objection hearing, if the boundary tenant(s) objects to demarcation, the Tahsildar shall consider the objections and shall pass order as he deems fit. In case of rejection of the request for demarcation, the detail reason of rejection shall be recorded by the Tahsildar;

5. Steps for demarcation:

- a) In pursuance to the order of demarcation passed by the Tahsildar, the R.I / A.R.I / Amin, as the case may be, shall proceed to the spot on the scheduled date and time to demarcate the land in presence of the boundary tenant(s);
- b) He shall demarcate the boundary with accuracy;
- c) In case of requisition by the police, the presence of the police is necessary;
- d) After demarcation is over, the Revenue field staff shall prepare a trace map, prepare a memorandum of demarcation made by him in Odia and obtain the signatures of parties and witnesses, if any, present during demarcation both on trace map and demarcation;
- e) If any party refuses to sign the memorandum, the fact may be recorded in the memorandum;
- f) In case of demarcation of boundaries between Govt. land and private land, the presence of the Revenue Supervisor or any other supervisor officer is mandatory;
- g) Then he will submit the report to the concerned Tahsildar. This report will form a part of the case record.

Appendix-1

Register for Demarcation

1. Serial number with DD / MM / YY :-
2. Name, address and contact No. of the petitioner :-
3. Name of the Mouza (village) and R.I. circle :-
4. Khata No. :-
5. Plot No. :-
6. Area :-
7. Kisam :-
8. Date of application :-
9. Date of order by Tahsildar :-
10. Date of demarcation :-
11. Remarks :-