

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

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No. IVC- II- 22/ 2013- 696 / R&DM dtd. 09.01.2014

From

Dr. Taradatt, IAS  
Additional Chief Secretary to Government

To

Secretary, Board of Revenue  
Odisha, Cuttack

**Sub: Clarification regarding jurisdiction of Tahasildars under OPLE Act, 1972 in urban areas**

Sir,

It has come to notice of this Department that Tahasildars are initiating eviction cases under the provisions of Odisha Prevention of Land Encroachment Act, 1972 for eviction of encroachers from public premises as defined under Odisha Public Premises (Eviction of Unauthorized Occupants) Act, 1972.

2. The matter was examined in consultation with Law Department. The word 'Public Premises' has been defined under section 2(f) of OPP (EUO) Act which means any premises situated within the jurisdiction of a Municipal Council or NAC or within an area declared by the State Government to be an Industrial estate and belong to or taken on lease by the State Government etc. As per section 2(d) of the above Act, "Premises" means any land or any building or part of a building and includes garden, grounds and out houses so also fittings affixed to such building or part of building. So as a matter of fact while both the Acts deal with eviction of Government land, the scope of OPP (EUO) Act is applicable to land situated within Municipal/NAC/ Industrial Area. As OPP (EUO) Act is a later Act and a special law and as section 14 of the said Act overrides the provisions of other Acts in respect of matters dealt under this Act, the Estate Officers are only authorized to evict the encroachers from "Public Premises" and Tahasildars have no jurisdiction.

3. Therefore, after careful consideration, it has been decided that all encroachment cases in respect of public premises will now be initiated by Estate Officer notified under section 3 of OPP (EUO) Act and all cases pending before original / appellate authority under OPLE Act will now be transferred to original / appellate authority under OPP (EUO) Act for disposal after giving reasonable opportunity of hearing to the unauthorized occupants.

4. Since there is no provision of revision under OPP (EUO) Act, the pending revision cases under OPLE Act will now be transferred to the appellate authority under OPP (EUO) Act for disposal of appeals afresh under the OPP (EUO) Act.

Yours faithfully,



Additional Chief Secretary to Government

Memo No. 697 /RDM dtd. 09.01.2014

Copy forwarded to all RDCs/ all Collectors/ all Sub-Collectors/ all Tahasildars for information and necessary action.



Additional Chief Secretary to Government

Memo No. 698 /RDM dtd. 09.01.2014

Copy forwarded to Under Secretary, IMU Cell / all seats of LR & GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.



Joint Secretary to Government