

Top Priority

By Fax / e-Mail

Government of Odisha

Revenue & Disaster Management Department

L. No. 1076 / R & DM dated, 2020 8 11 2021
RDM-LRB-POLICY-0008-2021

From

Shri Bishnupada Sethi, IAS
Principal Secretary to Government

To

All Collectors

Sub: **Disposal of cases u/s 23 and 23-A of OLR Act, 1960.**

Madam/Sir,

I am to say that while the provisions of OLR Act, more specifically, Section 22, 23 and 23-A of the OLR Act, 1960 are meant to secure the interests of ST/SC persons in the state, it has been noticed that the Revenue Officers are very slow in disposing of such cases. A copy of the monthly progress report on institution, disposal and pendency of cases u/s 23 and 23-A of OLR Act, 1960 for the month of September, 2020 as furnished by the BoR, Odisha indicates that as on 30.9.2020, **13,830** cases u/s 23 and 23-A of OLR Act were pending in different districts which is a matter of serious concern.

Recently, a petition has been filed by Odisha State SC/ST Youth and Students Council alleging that the Sub-Collectors are not strictly following the provisions of law while according permission u/s 22 of OLR Act and taking up eviction of unauthorised persons from ST/SC land u/s 23-A of OLR Act.



One of the objectives of OLR Act is to safeguard the interest of ST & SC people in Odisha which altogether constitutes 39.98% of state's population.

You are aware that, in case of any transfer in contravention of provisions under section 22 of OLR Act, the Revenue Officer on his own motion or on the application of any person interested in the land, may issue notice and conduct an enquiry as deemed proper and after hearing the persons interested, may declare such transfer to be invalid. He may impose on the transferee a penalty as prescribed and may also order such portion of the penalty as deemed fit to be paid to the transferor or his heirs. It is also provided that, on declaration being made, the Revenue Officer, suo-motto or on the application of any person interested may cause restoration of the property to the transferor or his heirs and for the purpose, he may take such steps as may be necessary for compliance. However, if Revenue Officer is of the opinion that restoration of the property is not reasonably practicable, he shall record reasons thereof and shall subject to the control of the Government, settle the said property with another member of a ST/SC or in absence of any such member, with any other person in accordance with the provisions of OGLS Act/ Rules.

Section 23-A of the OLR Act provides that where a person is found to be in unauthorised occupation of the whole or part of the holding of a raiyat belonging to ST/ SC within any part of the state other than a scheduled area by way of trespass or otherwise, the Revenue Officer may either on application by the owner or any person interested therein or on his own motion after giving the parties concerned due opportunity of being heard, order eviction of the person so found to be in unauthorised occupation and shall cause restoration of the property to the said raiyat or to his heir in accordance with the provisions of sub-section (3) of section 23. This may be appreciated that corresponding rules for enforcement have been provided in Odisha Land Reforms (General) Rules, 1965.

In order to streamline the disposal of cases under the above provisions, the following instructions are issued:

- 1. The Revenue Officer shall ensure that cases registered u/s 23 and 23-A of OLR Act are properly reflected in the corresponding registers. Steps should be taken for preparation of digital registers at the level of Revenue Officer.*
- 2. After application is filed u/s 23, it should bear requisite Court fee and*

application should be signed and verified.

3. Revenue Officer shall endeavour to conduct necessary enquiry himself for better appreciation of the case. Enquiry is to be made in the concerned village or at least in local R.I. Office.
4. Adequate precautions are to be taken in service of notices including show cause notices. Copy of such show cause notices should be sent to the DWO / ADWO and concerned Tahasildar.
5. On completion of enquiry, Revenue Officer shall pass a speaking order. If the order is to restore the land to the transferor, Revenue Officer shall enforce his order by issuing a warrant of delivery as provided under the Code of Civil Procedure, 1968 read with sec.65 of the OLR Act and rule 47 made thereunder .
6. Before passing any order, the Revenue Officer shall give reasonable opportunity to all concerned, so that there will be no violation of natural justice.
7. On effecting delivery of possession of land to the person entitled, i.e., transferor or transferee as the case may be, an intimation should be sent to the concerned Tahasildar for effecting correction in land record including updating record in Bhulekh.
8. All cases filed u/s 23 and 23-A of OLR Act, 1960 shall be disposed of within a period of **12 months** from the date of institution of such case, unfailingly, except for legal reasons, if any. The case record shall be classified and consigned to the Record Room in accordance with the provisions laid down under the Odisha Records Manual. In addition to preservation of physical record, Revenue Officer shall cause the entire case record to be scanned and a digitised copy of the record shall also be kept for easy reference.

These instructions may please be brought to the notice of all concerned. Any deviation will be viewed seriously.

Yours faithfully,


Principal Secretary to Government

8/1/2021

Memo No. 1077 / Dt 8 JAN 2021

Copy forwarded to the Secretary, BoR, Odisha, Cuttack / LRC, Odisha, Cuttack for information and necessary action.

S.endra D. Singh
Addl. Secretary to Govt.

Memo No. 1078 / Dt 8 JAN 2021

Copy forwarded to all Revenue Divisional Commissioners for information and necessary action.

S.endra D. Singh
Addl. Secretary to Govt.

Memo No. 1079 / Dt 8 JAN 2021

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

S.endra D. Singh
Addl. Secretary to Govt.

Memo No. 1080 / Dt 8 JAN 2021

Copy forwarded to all Tahasildars for information and necessary action.

S.endra D. Singh
Addl. Secretary to Govt.

Memo No. 1081 / Dt 8 JAN 2021

Copy forwarded to all DSRs/SRs for information and necessary action.

S.endra D. Singh
Addl. Secretary to Govt.

Memo No. 1082 / Dt 8 JAN 2021

Copy forwarded to Joint Secretary, e-Governance for information and necessary action.


Addl. Secretary to Govt. 5/1/2021