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REVENUE AND EXCISE DEPARTMENTS

NOTIFICATION

The 16th October 1963

No. 59774—GE.-(G1.)-92/63-R.—In exercise of the powers conferred by section 8 of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), the State Government of Orissa hereby make the following rules after previous publication as required by sub-section (1) of the said section, namely :—

**THE ORISSA GOVERNMENT LAND SETTLEMENT
RULES, 1963**

Short title
and com-
mencement.

1. (1) These rules may be called the Orissa Government Land Settlement Rules, 1963.

(2) They shall come into force at once.

Definitions.

2. In these rules unless the context otherwise requires—

(1) "Act" means the Orissa Government Land Settlement Act, 1962.

(2) The expressions "Assistant Settlement Officer" and "Settlement Officer" shall have the same meanings as are respectively assigned to them in the Orissa Survey and Settlement Act, 1958.

(3) "Schedule" means a schedule appended to these rules.

(4) "Section" means a section of the Act.

(5) All words and expressions used in these rules but not specifically defined herein shall have the same meaning as are respectively assigned to them in the Act.

Fees.

3. (1) Fees payable in respect of matters referred to in clause (d) of section 3 shall be in accordance with the rates specified in the schedule appended to these rules :

Provided that no such fee shall be payable by Government.

(2) All the fees payable under sub-rule (1) shall be payable in shape of court-fee stamps except in the case of measurement fee, which shall be payable in cash.

(3) Fees specified in items 1 (1), 2 and 3 of the schedule shall be payable along with the document in respect of which they are payable and the fee under the remaining items shall be paid if and when so ordered by the authority concerned.

Appeal

4. An appeal from every order rejecting an application for settlement of Government land shall lie to the Subdivisional Officer or the Settlement Officer as the case may be to whom the officer passing the order is subordinate :

Provided that if the order rejecting the application for settlement of Government land has been passed by the Subdivisional Officer, the appeal shall lie to the Collector.

Explanation—The expression 'Subdivisional Officer' shall mean the principal Officer-in charge of Revenue administration of a Subdivision.

Manner of hearing and disposal of appeals.

5. Filing and disposal of appeals shall be regulated by the following procedure, namely :—

- (a) with every appeal a certified copy of the order appealed against shall be filed,
- (b) every appeal petition shall be drawn up in form of a memorandum signed and dated by the appellant or his recognised agent or his counsel, the memorandum shall set forth concisely and under distinct heads, the ground of objection to the order appealed against and such grounds shall be numbered consecutively,
- (c) if an appeal is admitted, the authority hearing the appeal may call for a report from the Officer against whose order the appeal has been filed :

Provided that the points on which such a report is required shall be distinctly mentioned in the order calling for the report.

- (d) pending disposal of the appeal, operation of the order appealed against may, at the discretion of the authority hearing the appeal, be stayed,
- (e) a notice of the appeal and the date of its hearing shall be served on the respondent, if any and
- (f) reasonable opportunity shall be given to the parties to be heard in person or through pleaders before final order in an appeal is passed.

Revision

6. A petition of revision against an order passed in appeal shall lie to—

- (a) the Revenue Divisional Commissioner having jurisdiction if such order has been passed by the Collector or the Subdivisional Officer,
- (b) the Director of Land Records and Surveys if such order has been passed by the Settlement Officer.

Manner of hearing and disposal of petitions for revision.

7. The filing, hearing and disposal of petitions for revision shall be regulated by the provisions of the Board of Revenue Orissa Regulation, 1963.

SCHEDULE

Fees to be levied in course of proceedings under the Act

Serial No.	Nature of document etc.	Fees to be charged	Remarks
1	2	3	4
1	Application for settlement ..	(i) Application fee Rs. 1·10 nP. (ii) Proclamation fee Rs. 1·50nP. (iii) Measurement fee Rs. 2·00 nP. per plot.	
2	Petition of objection to the sanction of any settlement.	Rs. 1·10 nP.	
3	Mukhtarnama or Vakalatnama ..	Rs. 1·50 nP.	
4	Fee for service of notice on appropriate parties, respondents or defendants or summoning witnesses.	(i) In every case where personal or substituted service of any notice is required, a fee of Rs. 1·50 nP. for service of the same document on not more than four persons and an additional fee of Re. 0·25 nP. shall be charged for every person in excess of four, and (ii) fee for issue of a general notice Rs. 1·50 nP.	

By order of the Governor

B. K. MISHRA

Secretary to Government