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REVENUE DEPARTMENT

NOTIFICATION

The 11th December 1974

S. R. O. No. 916/74—In exercise of the powers conferred by section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), the State Government do hereby make the following rules, namely, Orissa Government Land Settlement Rules, 1974, the same having been previously published as required by sub-section (1) of the said section :—

THE ORISSA GOVERNMENT LAND SETTLEMENT RULES, 1974

CHAPTER I

GENERAL

Short title and commencement.

1. (1) These rules may be called the Orissa Government Land Settlement Rules, 1974.
- (2) It shall come into force at once.

Definition

2. In these rules unless the context otherwise requires—

- (1) 'Act' means the Orissa Government Land Settlement Act, 1962;
- (2) 'Form' means a form appended to the rules;
- (3) 'Schedule' means a schedule appended to these rules;
- (4) 'Section' means a section of the Act; and
- (5) All words expressions used in these rules but not specifically defined herein shall have the same meaning as are respectively assigned to them in the Act.

CHAPTER II

Manner of settlement of Government land.

3. (1) All applications for settlement of Government land as defined under section 2 of the Act shall be filed before the Tahasildar or any officer authorised by Government having jurisdiction over the area in which the land is situated.

(2) Application for settlement of land shall contain detailed particulars of the land applied for in Form I.

(3) On receipt of applications, they shall be entered in a register in *pro forma* in Form II forthwith chronologically maintained. The officer receiving applications shall thereafter cause an enquiry to be made in respect of each application. The enquiry shall be completed within a period not exceeding fifteen days. If after enquiry the Tahasildar or the authorised officer is of the opinion that settlement of land may not be granted he shall reject the application recording reasons for rejection.

(4) If after enquiry the Tahasildar or the authorised officer is of the opinion that settlement of land may be granted, he shall publish a proclamation which shall contain particulars of the applicant and particulars of the land applied for settlement such as name of the village, plot number, khata number, kism of the land and area etc., and such other details as may be necessary and invite objections if any, fixing a date for hearing of objections.

(5) The proclamation shall be published by beat of drum and by affixing a copy of the same at a conspicuous place in the village in which the land is situated in the presence of not less than two persons. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the proclamation shall be published by affixing in the Notice Board of Tahasil Office and a copy shall also be sent to the Grama Panchayat in which the land is situated.

(6) On expiry of fifteen days from the date of publication in the villages and after hearing objections if any, the Tahasildar or the authorised officer shall, if he is satisfied that the applicant is deserving and there is no objection to settlement on any ground make an order granting settlement of the land applied for or any portion thereof.

4. Fees payable in respect of matters referred to in section 3 of [the Act shall be in accordance with the rates specified in the Schedule :

Provided that no such fee shall be payable by Government :

Provided further that the Government may exempt the fees prescribed in column 3 of the schedule in any case or class of cases of application for settlement of land.

f. reserva-
on.

5. Any land which has been reserved under section 3 (a) of the Act may be dereserved by any officer not below the rank of Collector, authorised by State Government in that behalf. In making dereservation the following procedure shall be followed, namely:—

- (i) A notice inviting objections to the proposal for dereservation specifying particulars of the area to be dereserved and its situation such as Grama Panchayat and village, khata and plot number and extent shall be published by beat of drums and by affixing a copy of the notice in a conspicuous place in the village in which land is situated. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the notification shall be communicated to the concerned Grama Panchayat. A period of fifteen days shall be allowed for filing objections, if any. If during the said period no objection is received the Tahasildar shall submit his proposal for dereservation giving justification for the same.
- (ii) In case of objections filed before the Tahasildar, he shall hear the parties on a date fixed by him and after such hearing shall forward his recommendations to the authorised Officer for orders. On receipt of recommendation from the Tahasildar the authorised Officer may on being satisfied with the grounds advanced by the Tahasildar for dereservation accept or modify to the extent considered necessary or reject the same. The orders passed by the authorised Officer shall be communicated to the concerned Tahasildar. When the authorised Officer passes order/orders for dereservation such order shall be published by beat of drums in the village in which the land is situated and by affixing a copy of the order in a conspicuous place in the village. A copy of the order of dereservation shall also be published in the Notice Board of the concerned Grama Panchayat and Tahasil Office. The Tahasildar shall thereafter make necessary corrections in the record-of-rights.

Scheme for
management
and develop-
ment of
Gochar
land.

6. For proper development of Gochar lands the Collector may prepare schemes for fodder cultivation in consultation with the Officers of the Animal Husbandry and Veterinary Department and on approval of the scheme by Government may entrust the execution of the scheme to the Grama Panchayat in whose jurisdiction the Gochar land is situated.

Manner of
hearing and
disposal of
appeals and
revisions.

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

- (a) With every appeal or revision a certified copy of the order appealed against or sought to be revised shall be filed;
- (b) Every appeal or revision petition shall be drawn up in the form of a memorandum signed and dated by the appellant or petitioner or his recognised agent or his counsel. The memorandum shall set forth concisely and under distinct head, the grounds of objection to the order appealed against or sought to be revised and such grounds shall be numbered consecutively;

- (c) If an appeal or revision petition is admitted the authority hearing the appeal or revision petition may call for a report from the officer against whose order the appeal or revision petition has been filed:

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

- (d) Pending disposal of the appeal or revision petitions operation of the order appealed against or sought to be revised may, at the discretion of the authority hearing the appeal or revision petition be stayed;
- (e) A notice of the appeal or revision petition 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 lawyers before final order in an appeal or revision petition is passed.

8. (1) The Orissa Government Land Settlement Rules, 1963 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said rules shall be deemed to have been done or taken under these rules.

Repeal

FORM I

[See Rule 3(2)]

APPLICATION FOR SETTLEMENT OF LAND

To

The Tahasildar.....

1. Name of the applicant
2. Father's name
3. (a) Present residential address (in full)
(b) Permanent home address (in full)
4. Caste, whether S. C./S. T./Others
5. No. of family members
6. Whether belongs to joint family or a member of single family
7. Annual income—
(a) From agriculture
(b) From other sources
8. Extent of land owned by him in his name or in the names of other members of his family
9. Occupation
10. Detailed particulars of land applied for—
(a) Name of village
(b) Holding number, if any
(c) Plot number, if any
(d) Area applied for
11. Special ground on which the land should be allotted

Signature of the applicant

Date

FORM II

[See Rule 3 (3)]

PRO FORMA FOR THE REGISTER

1. Serial number
2. Date of application
3. Whether for agriculture, homestead of any other purpose
4. Name and residence of applicant
5. Village Khata No., Plot No of the land applied for
6. Area in acres of the plot with its boundaries given in the application
7. Area in acres of the plot as ascertained by actual enquiry
8. Amount of survey fees paid
9. Date of payment
10. Value of forest on the land paid
11. Date of payment
12. Date of completion of survey
13. Abstract and date of final order
14. Date of settlement
15. Remarks - (Here mention the category under which the applicant comes as provided u/s 3 (3) of the Amendment Act to determine the priority).

SCHEDULE

Fee 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	<p>i, Application fee Rs. 1.10</p> <p>(ii) Pr clamation fee Rs. 1.50</p> <p>(iii) Measurement fee Rs. 2.00 per plot</p>	
2	Petition of objection to the sanction of any settlement.	Rs. 1.10	
3	Fee for service of notice on appropriate parties, respondents or defendants or summoning witness.	<p>(i) In every case where personal substituted service of any notice is required, a fee of Rs. 1.50 for service of the same document is not more than four persons and an additional fee of Re. 0.25 shall be charged for every person in excess of four, and</p> <p>(ii) Fee for issue of a general notice Rs. 1.50.</p>	

[No. 75911—GE (GL)-221/74-R.]

By order of the Governor

S. M. PATNAIK

Commissioner-cum-Secretary to Government