

The Orissa Government Land Settlement Rules, 1983

Whereas the draft of the Orissa Government Land Settlement Rules, 1983 were published as required by Sub-section (1) of Section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962) in an extraordinary issue of Orissa Gazette No. 1444, dated the 1st November, 1983 under the Notification of the Government of Orissa in the Revenue Deptt. No. 40349-GE-(GL)-S-84/83/R., dated the 22nd June, 1983 inviting objections and suggestions from all persons likely to be affected thereby.

Whereas objections and suggestions received from the public on the said draft have been considered by the State Government.

Now therefore 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 Orissa Government Land Settlement Rules, 1983.

1. Short title and Commencement -

- (1) These Rules may be called the Orissa Government Land Settlement Rules, 1983.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions-

(1) In these Rules, unless the context otherwise requires-

- (a) **Act** means the Orissa Government Land Settlement Act, 1962;
- (b) **Communal with respect to a land** means a land which is used by any village community or any section thereof for a communal purpose like burying or cremating dead bodies, celebrating public festivals, holding melas or common worship and the like without any Interference from anybody or paying any fees for the purpose;
- (c) **Effective area of a village** means the total extent of private agricultural land plus arable Government lands consisting of Gochar, village forests and waste land in the village, multiplied by 20/23.

Note - For the purpose of calculating arable Government land under this clause, the following categories of lands shall be excluded, namely :

- (i) lands known as 'char' and 'diara' ;
- (ii) lands subject to the custom of Utabandi Settlement;
- (iii) Canal side, road side and other lands considered temporarily surplus by the Works Department and Irrigation and Power Department which are placed at the disposal of the Revenue Department for temporary Settlement;
- (iv) surplus railway lands placed by the Ministry of Railways at the disposal of the Revenue Department for being utilised for the purpose of Agriculture; and

(v) lands recorded or used for communal purposes;

(d) **Form** means a form appended to these Rules;

1[(dd) **home-steadless person** means a person who together with all the members of his family living in common mess-

(i) does not have an annual income together with the annual Income of all the members of his family from all sources exceeding Rs. 3,600 or any amount as may be notified by Government from time to time;

(ii) does not have any homestead land here in the State; and

(iii) owns less than one standard acre of agricultural land];

(e) **Rural area** means an area other than urban area;

(f) **Schedule** means a Schedule appended to these Rules;

(g) **Section** means a section of the Act;

(h) **Urban area** means an area constituted into a Municipality or a Notified Area under the Orissa Municipal Act, 1950 and shall include such other areas having urban characteristics which may be notified as such by the Government from time to time.

(2) Words and expressions used but not defined in these Rules shall have the same meaning as are respectively assigned to them in the Act.

3. Plotting of urban lands reserved for house-sites-

(1) Government lands belonging to any urban area reserved for house-sites under Clause (a) of Sub-section (1) of Section 3 shall be divided into convenient plots in accordance with the scale fixed by the consultation with the Municipality or Notified Area Council, as the case may be, subject to the approval of the Revenue Divisional Commissioner with reference to the requirements. In making such Division the principles of Town Planning and hygienic requirements shall be taken into consideration. The plots shall be so arranged as to ensure straightness of streets, guard against overcrowding and make suitable provisions for drainage. Any future requirement of Government and other public institutions shall also be kept in view.

(2) If a Town Planning Scheme has been approved under the Orissa Town Planning and Improvement Trust Act, 1956 for any urban area, the Collector shall follow the said Scheme in preparing the plan of house-sites for disposal.

(3) The plots in urban area shall be divided into five categories and assigned for the following purposes, namely :

(i) 2[land reserved for poor class people having annual family income of less than Rs.8,400];

(ii) 1[land reserved for middle class people having annual family income between Rs.8,400 and 30,000 having no house-site or having inadequate accommodation in an urban area] ;

(iii) land reserved for future requirements of Government and other public purposes;

(iv) land to be settled by public auction; and

(v) land to be reserved for setting up Small or Medium Scale Industries.

Note - It shall not be necessary that the plots assigned for any of the purposes shall be continuous. The Collector shall obtain the approval of the Revenue Divisional Commissioner to the classification of plots made as above.

4. De-reservation Principles-

(1) Any land which has been reserved under Clause (a) of Sub-section (1) of Section 3 or recorded as Gochar may be de-reserved by any officer not below the rank of Collector authorised by the State Government in that behalf. In making such de-reservation the following procedure shall be followed, namely:

(i) A notice inviting objection to the proposal for de-reservation specifying particulars of the area to be de-reserved and its situation such as village, Gram Panchayat and town, khata or holding and plot number and extent shall be published in the manner prescribed in Sub-rule (5) of Rule 5. A period of thirty days shall be allowed for filing objections, if any, before the concerned Tahasildar. If during the said period no objection is received, the Tahasildar shall submit his proposal for de-reservation 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 recommendation 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 de-reservation, accept and modify to the extent he considers necessary or reject the same. The orders passed by the authorised Officer shall be communicated to the concerned Tahasildar. When the authorised Officer passes orders for de-reservation such order shall be published in the manner prescribed in

Sub-rule (5) of Rule 5. The Tahasildar shall thereafter make necessary corrections in the record-of-rights".

(2) While de-reserving any Government land recorded as Gochar the authorised Officer shall assess the reasonable requirements for the purpose of Gochar for use by the community in the following manner :

(i) in every surveyed village which is not included within the limits of an urban area, five per cent of the effective area of the village shall be set apart for pasturage (Gochar) subject to availability of suitable Government land ;

(ii) in every un-surveyed village, land for pasturage shall be set apart at the rate of one acre for every fourteen inhabitants of the village, and if the village is un-inhabited ; reservation for pasturage, shall be made at the rate of one acre for every three persons having land in the village, subject to availability of suitable Government land :

Provided that the above provision shall not apply to Gochar situated in an urban area.

5. Manner of settlement of Government land:-

(1) All applications for settlement of Government land irrespective of the purpose of lease or the extent of area involved, either in rural or in urban area, shall be filed before the Tahasildar having jurisdiction over the area in which the land is situated.

(2) Application for settlement of land shall be in Form-1.

(3) On receipt of applications, they shall be forthwith entered chronologically in a register maintained in Form-II. There shall be two such registers, one for the urban area and another for the rural area. The Tahasildar shall, on receipt of the application, cause a verification to be made in respect of each application with reference to the existing record of-rights and maps, ascertain, if the land applied for is free from encroachment or encumbrance or not, and whether the lease can be granted, and examined whether any de-reservation will be necessary and the applicant is eligible to get the land for the purpose for which he has applied and the like. Such verification shall as far as prescribed, be completed within a period of fifteen days from the date of receipt of the application. If, after such verification, the Tahasildar is of the opinion that settlement of land shall not be granted because of non-availability of land in question or non-eligibility of the person applying for the land or the like, he shall reject the application after recording in writing reasons of such rejection in respect of each application. He shall do so irrespective of the fact whether the sanction of the lease in the said case is within his competence or rests with any other officer.

(2) If after necessary verification, as mentioned in sub-rule (3) the Tahasildar is of the opinion that settlement of land may be granted he shall publish a proclamation in Form No. III and invite objections, fixing a date for hearing the said objections, if any.

(3) The proclamation shall be published by beat of drum and by affixing a copy of the same at a conspicuous place in the village or urban area in which the land is situated in the presence of not less than two person of the locality. If the village is un-inhabited, the notice shall be published in the nearest inhabited village. A copy of the proclamation shall be published by affixing in the Notice Board of the Tahasil office and a copy shall be sent to the Gram Panchayat or Notified Area, Council or Municipality, as the case may be, urban which the land is situated.

(4) On expiry of thirty days from the date of publication of the proclamation, the Tahasildar shall hear objections, if any, received during the proclamation period, after hearing objections or immediately after expiry of thirty days from the date of publication or the proclamation, where no objection has been filed, the Tahasildar shall, if he satisfied that the applicant is deserving and there is no objection to settlement on any ground, make order granting such settlement of the land applied for or any portion thereof and submit the case record, after expiry of the appeal period, to the Sub-divisional Officer having jurisdiction for approval. If the settlement has to be granted by an Officer superior in rank to the Tahasildar under these rules the case records shall be submitted to such Officer for disposal. The Tahasildar shall forward a list of leases granted every month to the Collector for his information.

(5) Settlement of land shall be in conformity with reservation, if any, made under clause (a) of sub-section (1) of Section 3.

Provided that no such settlement shall be made, unless the premium fixed for the land is paid:

Provided further that the Government may exempt the premium payable in any case or class or cases for settlement of land.

5-A. Notwithstanding anything contained in Rules 3,5,8,11,12 and 13 lease /settlement of Government land in the Civil Township of Rourkela Notified Area shall be made in the manner prescribed in Schedule IV.

5-B. Notwithstanding anything contained in rules 3,5,5-A, 8,11,12 and 13 ,Settlement of Khasmahal and Nazul land, Gramakantha parambok and Abadi land leased out prior to the 9th day of January ,1991 shall be made in the manner prescribed in Schedule-V.

6. Principles for settlement-

(1) Settlement of Government land for agricultural purposes shall be made village-wise. Every year, applications received in each quarter shall be considered in one batch for disposal in the first month of the succeeding quarter. Applications of each category of applicants specified in sub-section (3) of Section 3 shall be considered together and disposed of in the order of priorities.

(2) Where reclamation schemes are undertaken by Government for agricultural development or for resettlement or rehabilitation of displaced persons of any category including tribes or of weaker sections of the society, settlement of the land reclaimed shall be made according to such scheme in each case.

(3) Char and Diara land which are thrown out of a reservoir or any other irrigation project temporarily shall be settled for cultivation for a season only.

(4) No Government land shall be settled in urban areas for agricultural purposes.

(5) Land covered by forest growth coming within the purview of clause (ii) of Section 2 of the Forest (Conservation) Act, 1980 or recorded as forest inside village boundary of lands inside village boundary covered by forest shall not be settled for any purpose whatsoever without prior approval of Government. Where areas having sparse tree growth inside village boundary are proposed to be settled under these rules, no intimation slips as provided in Rule 12, shall be issued unless the following formalities are observed, namely -

(a) the Divisional Forest Officer in-charge of the area shall be intimated of the decision to settle the land if there is sparse tree growth on it and he shall be called upon to dispose of the trees within a period of three months from the date of such intimation either by himself or through an officer not below the rank of a Range Officer;

(b) the Divisional Forest Officer shall arrange for disposal of the trees by auction to the village community in the presence of the Tahasildar or his representative not below the rank of a Revenue Supervisor which shall not be less than the royalty at the rates approved by the Forest Department. Only very small growth which is not saleable or which is not worth-selling may be settled with any person at four times the rate of royalty prescribed by the Forest Department.

(c) If within three months the Divisional Forest Officer does not dispose of the trees or remove them, the Tahasildar or any officer authorised by him in this behalf shall do the same through public auction.

(d) On receipt of intimation under clause (a) of sub-rule (5) the Divisional Forest Officer may raise objection to settlement of such lands. In all such cases the area objected to shall not be settled without the orders of the Collector after due consideration of the objection of the Divisional Forest Officer, provided that the grant of lease does not contravene the provisions of clause (ii) of Section 2 of the Forest (Conservation Act, 1980 and that the proposed lease of land if inside a village boundary, is not recorded as forest or otherwise covered by forests.

7. Settlement of land for homestead purpose in rural areas -

- (1) in each village the land for homestead purposes shall be demarcated separately and for such purposes no settlement shall be made outside the demarcated areas.
- (2) The extent of land to settled in favour of each person having no homestead land shall be such as may be determined by Government from time to time. Where the land is not sufficient to accommodate all such persons, settlement shall be made subject to the limit of availability.

8. Settlement of house-sites in urban areas :-

(1) In respect of each plot of land reserved for house-sites which falls under the categories mentioned in clauses (ii) and (iii) of sub-rule (1) of Rule 3 the Collector shall, with the approval of the Revenue Divisional Commissioner, fix a minimum premium; equal or approximate to the market value of the land prevailing in the urban area for similar lands in the vicinity, for payment by persons for whom such reservation is meant. The premium so fixed shall be reviewed every three years and revised with the approval of the Revenue Divisional Commissioner. For areas where the prices of house-sites rapidly fluctuate, the Collector may get the rate revised at shorter intervals.

(2) Applications for house-sites shall be taken up for consideration once in every half year. All pending applications shall be duly considered by the Collector and leases of plots granted strictly in conformity with the division of plots approved under sub-rule (1) of Rule 3 in consultation with the Committee consisting of two members of the concerned local bodies to be nominated by the Revenue Divisional Commissioner for the purpose;

Provided that such consultation may be dispensed with during the period when Government take over the affairs of the concerned Local Body or Bodies.

(3) Lands falling under the category mentioned in clause (i) of sub-rule (3) of Rule 3 shall be settled in the following order of priority, namely-

(i) Poor persons (inhabitants) of the urban area whose presence in it is necessary in the general interest of the people, but who are unable to acquire house sites and have no adequate living accommodation of at least five cents for each separated family.

(ii) Poor persons belonging to the concerned district who do not have house in the urban area but whose presence in it is essentially necessary any for the general interest of the public or for their business, trade or profession or any other legitimate reasons directly connected with their livelihood;

(iii) Any poor inhabitant of the State other than one belonging to a district in which the urban areas occur who do not have a house-site or whose presence in the urban area is necessary in connection with their trade, business or other avocation and in the general interest of the public.

(4) Lands falling under the category mentioned in clause (ii) of sub-rule (3) of Rule 3 shall be settled in the following order or priority, namely:

(i) inhabitants of the urban area who do not have a house in any urban area and in the urban area in question or who do not have adequate living accommodation of at least five cents for each separated family;

- (ii) inhabitants of the district in which the urban area is situated who do not have a house in any urban area and whose residence in the urban area is necessary for the purpose of business, trade or profession or any other justiciable reasons ;
- (iii) inhabitants of other districts of the State whose, continued presence in the urban area is necessary for the sake of their trade, business, avocation or any other reasons justifying allotment;
- (iv) others whose presence in the urban area is necessary for any justiciable reasons.

Note-Each application for house-sites for middle and poor class people shall accompany an affidavit duly sworn in before a Magistrate in the Form as prescribed in Schedule-I.

(5) Lands falling under clause (iv) of sub-rule (3) of Rule 3 shall lease out to the highest bidder by public auction in the following manner, namely-

(a) before public auction is held, the Collector shall cause publication of a notice, giving fifteen clear days time from the date of such publication and before the date of auction, fixing the date, hour and place of auction in two daily news papers of the State and in such other manner as he considers necessary for wide publicity;

(b) the auction shall be held by the Collectors;

(c) the highest bid for premium shall, in no case, be less than the minimum premium fixed under sub-rule (1) after taking into account the cost of development, if any, and other incidental expenses;

(d) notwithstanding anything contained in this sub-rule, if-

(i) the Collector for sufficient reasons considers that the land may not be settled with the highest bidder he shall, after recording his reasons, therefore, order settlement of the land with any other bidder who participated in the auction or put the land to fresh auction after recording the reason in that behalf in the case record;

(ii) the application is for small plot adjoining and existing holding of the applicant and the plot is very much necessary for the beneficial enjoyment of the existing holding or residence of, the applicant the Collector may dispense with the settlement by public auction of the site or part thereof and make settlement with the applicant on payment of a premium fixed under sub-rule (1);

(iii) earnest money not less than 5% of the minimum premium fixed under sub-rule (1) shall be deposited by the persons desirous of participating in the auction before the auctions are started. The amounts de-positd as such by the person wining the bid or any other bidder in whose favour the land is decided to be settled as provided in clauses (c) and (d) are to be adjusted towards the premium payable by them. The earnest money, deposited by other bidders, in whose favour the land is not decided to be settled as provided in clauses (c) and (d) shall be refunded to them at the end of the bid. The bidders in whose favour the land is decided to be settled as provided in clauses (c) and (d) shall make payment of the balance amount within fifteen days from the date of auction (both days inclusive) to the Collector, failing which the bid will automatically lapse and the earnest money deposited by them shall, after deducting reasonable damages determined by Collector, be refunded.

(6) Where the reservation of plots cannot be finalised within reasonable time, the Collector may, after preparing a tentative plan with the approval of the Revenue Divisional Commissioner, lease house-sites according to the above provisions and shall incorporate the same while finalizing the reservation;

(7) The auction shall be held by the Collector or any officer authorised by him not below the rank of a Deputy Collector on the date fixed in the notice. The auction may be adjourned from time to time for good reasons to any subsequent date with due public notice.

9. Temporary settlement -

Where a plot has been reserved under Section 3 of the Act for any purpose, but no immediate settlement for that purpose is contemplated, the Collector, with the prior approval of the Revenue Divisional Commissioner, may give temporary lease of the whole plot or any portion thereof for any specific purpose, within the terms and conditions as may be prescribed by Government from time to time.

10. Terms and conditions of settlement-

Terms and conditions of settlement of land for purposes other than agriculture, both in rural and urban areas, shall be such as may be determined by the Government from time to time.

11. Authorities competent to dispose settlement -

Disposal of application for settlement of land for various purposes shall be made by the authorities specified in Schedule II up to the extent mentioned therein. All other cases for settlement of land shall be referred to the Government for orders.

12. Fees-

Fees payable In respect of matters referred to in Clause (d) of Sub-section (1) of Section 3 shall be in accordance with the rates specified in Schedule III:

Provided that the Government may exempt the fees prescribed in the said Schedule in any case or class of cases for settlement of land.

13. Intimation slip, lease deed, etc.-

In all cases where a settlement of land is granted an intimation slip in Form IV shall be issued by the Tahasildar in the name of the lessee. Lease deed as wherever necessary, shall be executed and registered at the cost of the lessee.

14. Procedure for disposal of appeals and revisions-

Disposal of appeals and revisions under the Act 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 drafted 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 has been filed;
- (d) Pending disposal of the appeal or revision petition, 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 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 Advocate before final order in an appeal or revision is passed.

15. Repeal-

(1) The Orissa Government Land Settlement Rules,1974 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Rules so repealed shall be deemed to have been done or taken under Rules.

FORM-I
[See Rule 5 (2)]
APPLICATION FOR SETTLEMENT OF LAND

To
The Tahasildar

1. (a) Name of the applicant	
(b) Age	
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. Number 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 name of other members of his family in Urban Area/ Rural Area	
9. (a) Occupation of the applicant	
(b) Occupation of the family Members	
10. Detailed particulars of land applied for:	
(a) Name of villlage/Name of urban area	
(b) Holding number , If any	
(c) Plot number, if any	
(d) Area applied for	
(e) Boundary	
11. Purpose for which the land is required	
Dated:	Signature of the Applicant

FORM II
(See Rule 5(3))
FORM OF REGISTER

1. Serial number	
2. Date of application	
3. Whether for agriculture, homestead or any other purpose.	
4. Name and residence of applicant	
5. Name of village/Urban area, Khata No. Plot No.of the land applied for	
6. Area of the plot with its boundaries as given in the application.	
7. Area of the plot as ascertained by actual enquiry.	
8. Amount of survey fees paid .	
9. Date of payment. .	
10. Value of forest growth paid	
11. Date of payment	
12. Date of completion of survey	
13. Abstract of final order with date amount of premium fixed.	
14. Amount of premium paid, if any .	

15. Date of payment	
16. Date of settlement area settled	
17. Date of issue of Patta/ execution of agreement, as the case may be,	
18. Remarks- [Here mention the category under which the applicant falls with reference to sub-section [3] of Section 3 and sub-rule [3] of Rule 3 of the Rules)	

FORM-III
[See Rule 5 (4)]
PROCLAMATION OFFICE OF TAHASILDAR

It is hereby informed to the General Public that Shri..... son ofVillageP.O....., Districthas applied for lease of Government land mentioned in the Schedule below. Anybody having any objection to such settlement may file objection petition within a period of thirty days from the date of publication of this proclamation affixing Court Fee of Rs.1.30 (Rupees one and thirty paise) only to the undersigned. No objection petition will be entertained after expiry on the schedule period.

SCHEDULE

Village..... Khata No:..... Plot No.Area

TAHASILDAR

FORM IV
[See Rule 13]
INTIMATION SLIP FOR SETTLEMENT OF LANDS

Office of the Tahasildar	
District	
Case No.	
Name of Village	
Name of Thana	
Thana No. of the village	
Name of the person in whose favour land is ordered for settlement.	
Plot No. and Area in acres	
Annual rent and cess ,	
Purpose of settlement	
Remark.	
Certified that the above particulars have been incorporated in the relevant register .	TAHASILDAR

SCHEDULE I
[See Note below Rule 8 (4)]
AFFIDAVIT

In the Court of Shri.....

Magistrate

I, Shri..... agedson of.....village P.O.....

P.S..... in the district ofat presentby profession do hereby solemnly affirm as follows-

1. That my Income from all sources is Rs (Rupees).
2. That I or any of my family members do not own or possess any residential house / building or homestead land in the jurisdiction oftown
3. That I own or possess a residential house/ building or homestead in the jurisdiction of town but this has inadequate accommodation, the extent of the homestead land being cents.

4. That my family consists of besides myself . (i) Husband	
(ii) Wife	
(iii) Sons	
(iv) Unmarried daughters.	
(v) Widowed and dependant daughters.	
(vi) Brothers belowyears and unmarried sisters.	
(vii) Father	
(viii) Mother,	
(ix) Step Children.	
(x)	
(xi)	

5. That my continued stay in this town is necessary in the interest of my employment business trade profession and avocation,
6. That I have not been considered for any homestead plot in the town earlier and that my application has been rejected.
7. That I solemnly swear and affirm that the above statement are true to my knowledge, and I swear that I have concealed anything regarding existing property, owned either by me or by any of my family members mentioned above.

Identified by me Signature of the deponent

ADVOCATE

Shriagedyears, son ofresident of village.....
P.O..... P.Sin the District of at present by profession who is identified by Shri Advocate, appears before me and states on oath that the contents of this affidavit are true to the best of his knowledge.

Deponent Magistrate

(Strike out whatever is unnecessary)

SCHEDULE II
[See Rule II]
POWER TO SANCTION SETTLEMENT OF GOVERNMENT LAND

Sl.No.	In whose favour	Officer exercising powers	In rural area	In urban area excluding Bhubaneswar, Rourkela, Sunabeda
1.	In favour of Educational Charitable, Religious ,Cultural Philanthropic, Literary, Social and Financial Institutions.	Collector R.D.C Member, Board of Revenue	Not exceeding one acre Exceeding one acre but not exceeding five acres Exceeding five acres but not exceeding ten acres.	Nil Not exceeding one acre Exceeding one acres but not exceeding five acres.

1A.	In favour of Deptt of Government.	Collector	Not exceeding five acres.	Not exceeding one acre.
		R.D.C	Exceeding five acres but not exceeding ten acres	Exceeding one acre but not exceeding five acres.
		Member, Board of Revenue	Exceeding ten acres but not exceeding fifty acres.	Exceeding five acres but not exceeding ten acres.
2.	In favour of Local Authorities. Statutory Bodies, and Corporations established under any law for the time being in force	Collector	Not exceeding one acre.	Not exceeding one acre.
		R.D.C	Exceeding one acre but not exceeding five acres.	Exceeding one acre but not exceeding five acres.
		Member, Board of Revenue	Exceeding five acres but not exceeding ten acres.	Exceeding five acres but not exceeding ten acres.
3.	In favour of Small and Medium Industries. Collector	Collector	Not exceeding five acres on the recommendation of the Dist. Industries Centre.	Not exceeding one acre on the recommendation of the Dist. Industries Centre.
		R.D.C	Exceeding five acres but not exceeding ten acres on the recommendation of the Dist. Industries Centre.	Not exceeding one acre but not exceeding five acres on the recommendation of the Dist. Industries Centre.
4 .	In favour of Live Stock Farms in private sector.	Collector	Not exceeding two acres Five acres with recommendation of Director of Animal Husbandary and Veterinary Services.	Not exceeding one acre.
		R.D.C	Nil	Exceeding one acre but not exceeding five acres.
5.	In favour of Orissa Cashew -nut-Development Corporation and Orissa Forest Corporation for Cashew -nut-plantation.	Collector	Any event subject to availability and suitability.	Nil.
6.	In favour of Orissa Industrial Infrastructure Development Corporation for industrial purposes.	Collector	Ditto	Any extent subject to availability and suitability.
7.	In favour of individuals for homestead purposes.	Collector	Nil	As per plottings made in the plan, approved under Rule 3(1).

8.	In favour of landless agricultural labourers for agricultural purposes.	Tahasildar; subject to confirmation by sub-divisional officer.	Up to one standard acre or to the extent to which the land already owned falls short of one standard acre (as defined the O.L.R. Act.1960)	Nil
9.	In favour of homesteadless persons for homesteads	Tahasildar, subject to confirmation by Sub-divisional Officer.	Not exceeding (ten) decimals.	Nil
10.	In favour of Cooperative societies.	Tahasildar, subject to confirmation by Sub-divisional Officer.	Not exceeding one standard acre per each member of the society.	Nil
11.	In favour of ex-servicemen.	Ditto	Up to one standard acre.	Nil
12 .	Any other person not include in the above categories. (i) Displaced persons of irrigation project. (ii) Displaced person of other project or categories. (iii) Any other person	Tahasildar, subject to confirmation of the Subdivisional Officer .	As per scheme formulated by Government from time to time up to one standard acre	Nil
13.	For salt manufacture	Government	Full powers	
14.	For Brackish Water Pisciculture/Prawn Culture	(i) Sub- Collector	Not exceeding ½ hectare.	Nil
		(ii) Collector	Not exceeding one hectare.	Nil
		(iii) Revenue Divisional Commissioner	Not exceeding two and half hectares	Nil
		(iv) Government	Full power	Full Power
15.	For Coffee Plantation	Government	Full power	Full power
16.	Any other purposes Government Full power			

SCHEDULE III

(See Rule 12)

Fees payable in course of proceedings under the Act

Serial No.	Nature of documents, etc.	Fees and Premium to be charged
1.	Application for settlement:- (i) Application fees	Rs. 3.00
	(ii) Proclamation fees	Rs. 3.00 (Up to three persons and Re. 1 for each person exceeding three).
	(iii) Measurement fee per plot	Rs. 4.00
2.	Petition of objection to the sanction of any settlement	Rs. 3.00

3.	Fee for service of notice on appropriate parties respondents or dependants on summoning witness-	Rs. 3.00
	(i) In every case where ,personal or substituted service of any notice is required for service of the documents	Rs.3.00 (On not more than three same persons and additional fee of Re. 1 for every person in excess of three persons).
	(ii) Fee for Issue of a general notice Fee for incidental charges like establishment cost, contingencies etc. in case of lease/alienation of Government land covering 500 Acre and above in favour of any Department of of Government for commercial purposes, in favour of any company, corporation or other organization for industrial mining or commercial purpose and in favour of any individual for the purpose of industry mining or , purposes other than agriculture and homestead.	Rs. 3.00 At the rate of 10 per cent of the market value of the land

**SCHEDULE IV
(See Rule 5-1)
RULES FOR ALLOTMENT OF GOVERNMENT LANDS IN THE CIVIL TOWNSHIP OF ROURKELA NOTIFIED AREA**

1. Definition:-In this schedule, unless there is anything repugnant to the subject or context;-

- (a) "Additional District Magistrate" means the Revenue Officer who is appointed by State Government as such with headquarters at Rourkela.
- (b) "Authorised Local Representative" means the officer who is duly authorized by a Head Department of the State Government or concerned Ministry of the Union Government, to file requisition for land within the township and receive in its behalf.
- (c) "Commissioner" means the Revenue Divisional Commissioner, Northern Division Sambalpur;
- (d) "Committee" means the Land Allotment Committee constituted under clause 3 of this Schedule;
- (e) "Director of Industries" means the officer appointed as such by the State Government;
- (f) "Form" means a form appended to the Schedule;
- (g) "Middle class" means families having an income exceeding Rs. 8,400 but not exceeding Rs.30,000 per annum;
- (h) "Poor class" means families having an income ,not exceeding Rs. 8.400 per annum.
- (i) "Registered Societies, etc." means Societies Associations, etc. registered under the Societies Registration .Act, 1860 or under

any other Act for the time being in force;

(j) "Rourkela Civil Township" means the area within the limits of the Rourkela Civil Notified Area;

(k) "Director, Town Planning, Orissa" means the officer appointed as such by State Government;

(m) "Year" means the financial year.

2. Earmarking of plots to be settled on application and through public auction:- The Regional Improvement Trust, Rourkela shall, in consultation with the [Director, Town Planning, Orissa]

(a) divide in accordance with the Master Plan approved by Government in the Urban Development Department different areas reserved for different purposes in the said plan into plots of suitable size; and

(b) Earmark the plots, except those reserved for use by Government Departments for allotment on application from private individuals, institutions, Societies of local bodies and for settlement in public auction;

Provided that the plots to be settled on application shall not be more than two-thirds of the total number of plots earmarked for settlement on application and public auction:

Provided further that the area of the plots to be settled on application shall be one-third of the area of the plots earmarked for settlement in public auction;

Provided further that no family should be allotted more than one plot either on application or through public auction.

3. Principles to be followed - In the matter of allotment of land on application the following principles shall be observed, namely :-

(a) There shall be a Land Allotment Committee to consider and dispose of all applications for allotment of land received from private individuals, companies, institutions, societies and local bodies.

(b) The Committee shall have five members, namely:-

(i) (i) Commissioner,

(ii) (ii) Collector, Sundergarh,

(iii) (iii) Director, Town Planning, Orissa

(iv) (iv) Director of Industries,

(v) (v) Additional District Magistrate

(c) The Commissioner shall act as the Chairman and Additional District Magistrate shall act as the Secretary and Convener of the Committee.

(d) Decision of the Committee shall, subject to the order of the Government in appeal, be final.

(e) Applications for allotment of land shall be taken up by the Committee which shall meet at least once in every quarter of a year.

(t) All applications duly received in response to the notice issued under sub-clause (1) of clause 4 shall be considered in one batch at a time and application received after the date fixed in the said notice shall be considered in the next quarter along with other applications duly received during that quarter.

g) In the matter of allotment the applicants shall receive priorities in the following order .

(i) Applicants who are displaced due to acquisition of land in connection with the establishment of the Steel Plant and Township at Rourkela and have no lands in the (Rourkela Civil Township or Rourkela Steel Township) for the purpose, applied for;

(ii) Industrialists who have set up small or medium industries in the (Rourkela Civil Township or Rourkela Steel Township) and do not possess any land or building in the said township for the purpose applied to:

(iii) Persons belonging to the poor class or middle class of Sundergarh District who have no lands in the (Rourkela Civil Township or Rourkela Steel Township) for the purpose applied for;

(iv) Registered societies, etc. and permanent residents of the State who belong to the poor class or middle class and have no lands in (Rourkela Civil Township or Rourkela Steel Township) for the purpose applied for ;

(v) Other applicants who belong to the poor class or middle class who have no lands in (Rourkela Civil Township or Rourkela Steel Township) for the purpose applied for;

(h) Allotment for residential purpose shall not exceed one-tenth of an acre in extent in any individual case. For other purpose not more than one plot as delimited in the approved Master plan shall be ordinarily allotted.

(i) Anyone allotted land on application shall be required to pay a premium as fixed from time to time by the Collector, with the approval of the Commissioner. In addition, he shall be required to pay annual rent at the rate of one per cent of the premium.

(j) All allotments of land to be made on application shall be by way of lease and the lessee shall be required to execute lease deeds in Form No. I and get them registered at his own cost.

(Provided that the Government may exempt or reduce the premium payable in any case or class of cases for settlement of land).

4. Filing of Applications -

(1) In each quarter of the year the Additional District Magistrate, shall invite applications for allotment of lands by publishing a notice in the Official Gazette, in the newspapers having wide circulation in the locality and in the notice boards of his office, Office of the Collector, Sundergarh and other Revenue offices in the district.

(2) Applications shall be made in the form obtainable from the Regional Improvement Trust or the Additional District Magistrate, on payment of a sum of rupees ten or any other sum as may be notified by Government from time to time.

(3) The notice inviting applications shall specify clearly the details required to be furnished by the applicant, the amount of court fee to be affixed, the authority before which and the date on or before, which the application to be filed which date shall not be less than thirty days from the date of issue of the notice.

(4) On expiry of the last date fixed for filing of applications, all applications so received shall be scrutinized and entered in a register arranged according to the purpose for which the land is required, and numbered serially for each purpose.

(5) Enquiry into the applications-

The Additional District Magistrate shall enquire either himself or through any of his Subordinate Revenue Officer into the contents of the applications and about such other matters as are relevant to the question of allotment of land and draw up lists of allottees for different purposes whom he considers most deserving and put up before the Committee constituted for the purpose within a period of thirty days from the last date of receipt of applications.

(6) Consideration by the Committee -

(1) The Committee shall

consider the application of persons recommended by the Additional District Magistrate along with those not recommended and after such enquiries as they may consider necessary, draw up final lists of allottees for different purposes within a period of fifteen days from the date of consideration.

(2) While considering the lists under sub-clause (1) the Committee shall abide by the principles enumerated in clause 3.

(7) Publication of the final lists of allottees -

The final list of allottees drawn up by the Committee shall, as soon as possible, be published by the Additional District Magistrate in the notice-board of his office, of the offices of the Commissioner, Collector, Sundergarh, Sub-divisional Officer, Panposh and Tahasildar, Panposh.

(8) Sanction of lease -

(1) After expiry of the appeal period the Additional District Magistrate, Rourkela shall issue orders sanctioning the leases and calling upon the applicants in whose favour allotments have been finally made to deposit the amount of premium payable, execute the lease deed in the prescribed form by a specified date.

Provided that no sanction order shall be issued in cases regarding which appeals have been filed till the appeals are disposed of.

(2) Validity of the sanction order - Allotments unless altered in appeal or where appeals are pending shall remain valid for a period of ninety days from the date of issue of the sanction order. The Additional District Magistrate, may, however, extend the period of validity after duly recording reasons therefore by not more than thirty days.

(3) Failure, of the allottee to deposit the premium, due and register the lease deed after execution, within a period of ninety days from the date of sanction of lease or in case of extension, within period so extended under sub-clause (2), shall entail forfeiture of the claim of the allottees to the land allotted.

9. Appeal -

(1) An appeal against the order of the Committee if presented within thirty days from the date of publication of the list of allottees under clause (7) shall lie to Government in the Revenue Department.

(2) The petition of appeal shall bear court-fee stamps worth rupees two and paise sixty only or as may be notified by Government from time to time and state the grounds of appeal clearly and shall be filed before the Additional District Magistrate.

(3) On receipt of the petition of appeal, the Additional District Magistrate shall acknowledge it and within a week of the expiry of the appeal period, forward it along with all relevant papers to the Secretary to Government in the Revenue Department giving his comments if any.

(4) Orders of Government on the petition of appeal shall be final and ordinarily be communicated to the Additional District Magistrate within four months from the date of receipt of the appeal petitions.

(5) On receipt of orders from Government, the Additional Magistrate shall intimate the decision of Government to the applicant and where necessary issue orders sanctioning lease which shall be deemed to have passed under Sub-clause (1) of clause 8 for all purposes.

10. Principles to be observed for allotment of land through public auction -

Plots earmarked for allotment through public auction shall not be disposed of otherwise without specific orders of Government in the Revenue Department.

11. Eligibility for participating in the auction sale -

Any person who is a citizen of India will be eligible for participation in the auction sale.

12. Entitlement to plots -

Successful bidders in whose favour the sale is confirmed shall, subject to the decision in appeal, if any, be entitled to the grant of the lease of the plots auctioned.

13. Annual rent payable in addition to the bid amount-

Bidders in whose favour the leases are sanctioned shall be required to pay, in addition to the bid amount, an annual rent equivalent to one per cent of the premium realized for the plot.

14. Notice for auction sale -

(1) In each quarter of the year the Additional District Magistrate, shall issue a notice stating among other things, the date on which and the time and place at which plots available for allotment for different purposes will be put to public auction.

(2) The date of auction to be fixed shall not be less than thirty days from the date of issue of the notice.

(3) The notice shall be published in the notice boards of all Revenue Offices in the district of Sundergarh, in the Official Gazette and in news papers having wide circulation in the locality.

15. Presiding Officer for the auction sale -

(1) The Collector, Sundergarh shall preside over the auction sale.

(2) Earnest money - Every eligible person intending to participate in the auction sale shall be required to deposit an earnest money with the Additional District Magistrate on the appointed day of auction sale and before the auctions are started a sum calculated at the rate of five hundred rupees per decimal of the acre of the plot for which auction is to be held.

(3) Decisions of the Presiding Officer regarding the priority of Plot , the number of plots whether single or otherwise, etc., to be put to auction shall be final.

16. Successful bidder to furnish an undertaking:-

The successful bidder on completion of the bid shall forthwith deposit with the Additional District Magistrate twenty-five per cent of the bid knocked down in his favour and furnish an undertaking on plain paper to the effect that he shall deposit the balance amount within thirty days from the date of issue of orders sanctioning lease and calling upon him to pay the amount, unless allowed extension of the period on application by the Additional District Magistrate and immediately thereafter execute a lease deed In Form No. 2 get it registered at his own cost or in default, to forfeit his claim to the plot, the earnest money deposited by him and, in case the plot when put to fresh auction because of default in payment of the balance amount, execution of lease deed etc, fetches an amount lower than the amount earlier fixed in bid for, to pay the difference within such period as will be allowed by Additional District Magistrate failing which to agree to the recovery of the dues as a public demand.

17. Confirmation of the sale by the Commissioner:-

(1) As soon as the auction is over, the Additional District Magistrate shall, with the approval of the Collector, Sundergarh, forward the names of the successful bidders along with the bid lists and other relevant records to the Commissioner for confirmation.

19. Sanction of lease:-

After the expiry of the appeal period, the Additional District Magistrate shall issue orders sanctioning the lease in all cases in respect of which the bids are confirmed by the Commissioner and calling upon the successful bidders in whose favour the bids have been confirmed to deposit the balance amount payable, execute the lease deed in the prescribed form and get it registered at their own cost. Provided that no such orders shall be issued in respect of plots regarding which appeals have been filed in his office.

20. Appeal: -

(1) An appeal by a bidder against the order of the Commissioner confirming or rejecting the highest bid in any case, if presented within thirty days of the date of publication of the lists of Successful bidders, shall lie to Government in the Revenue Department.

(2) The Petition of appeal shall bear court fee stamps worth rupees two and paise sixty only or as may be notified by Government from time to time, stating clearly, the grounds of appeal and shall be filed before the Additional District Magistrate.

(3) On receipt of the petitions of appeal the Additional District Magistrate shall acknowledge it and shall within a week of the expiry of the appeal period, forward them along with the bid lists, order of the Commissioner, etc., in original giving his comments if any, to the Secretary to Government in the Revenue Department.

(4) Orders of Government on the petition of appeal shall ordinarily be communicated, to the Additional District Magistrate within four months from the date of receipt of the appeal petition.

(5) On receipt of orders of Government the Additional District Magistrate shall intimate the applicant and where necessary, issue orders sanctioning lease in the manner indicated in sub-clause (1) of clause 8.

(6) Orders passed on appeal shall be final.

21. Refund of earnest money:-

Earnest money received from the bidder's unless forfeited under clause 16 shall be refunded within fifteen days from the date of

expiry of the appeal period of within fifteen days from the date of disposal of the case in appeal, ii any.

22. Government to allot lands to departments of Government, Departmental Committee:-

Allotment of lands to offices of State or Union Government shall be made by the Collector to the extent, not exceeding one acre by the Commissioner where the area exceeds one acre but does not exceed 5 acres, by the Member, Board of Revenue where the area exceed five acres and does not exceeds ten acres and by the Government in respect of the area, exceeding ten acres.

23. Additional District Magistrate to administer these Rules:-

The Additional District Magistrate will be responsible for administration of the provisions made in this Schedule and in all matters connected with allotment of land for different purposes subject to the administrative control of the Collector, Sundergarh and the Commissioner.

24. Clarification of doubts :-

(1) Doubts arising or clarification needed about provisions made in the Schedule shall be referred to Government in the Revenue Department for decision.

(2) In case of any point of reference relating to the approved master plan, the clarifications shall be issued after consultation with the Urban Development Department:

25. Issue of executive instructions:-

All matters relating to maintenance of accounts; payment of dues to the Regional Improvement Trust. Rourkela or any other Organisation shall be regulated by such instructions as would be issued from time to time by the Government in the Revenue Department.

FORM-I

Standard form of lease Deed for Lease of Government Lands Allotted on Application in the Rourkela Civil Township

THIS INDENTURE made on theday of19 between the Governor of Orissa (hereinafter called the "lessor" which expression shall, where the context so admits or implies, include his Successors in office and assignees) of the one parts.

AND

Shri Son of age Years, resident of village P. S , District , (Hereinafter called the "Lessee" which impression shall where the context so admits or implies include his heirs executors administrators and assignees) of the other part.

WHEREAS the land described in the Schedule below is situated within the Rourkela Civil Township.

AND WHEREAS: - the Committee having allotted the land to the lessee for a premium of Rs... Rupees) the Additional District Magistrate has sanctioned the lease by order dated and the lessee has paid the premium in full;

NOT THIS INDENTURE WITNESSETH: that the lessor both hereby grant and the lessee both hereby accept a lease for the purpose of on the land specified in Schedule below with effect from the date of execution of this lease for a period of ninety years subject to the terms and conditions mentioned below:-

1. The lessee shall pay annually to the Additional District Magistrate or such other office authorised by him to receive the same as rent for his holding the sum of Rs till the rent is revised under clause 2.
2. The rent of the holding shall be liable to enhancement at the end of each (20) Twentieth year subject to the maximum limit of (50) fifty per cent over the rate of rent in force in the previous year.
3. The rent shall become payable in two equal half yearly installment, i, e., on the 15th July and 15th January of every year
4. The lessee shall construct a house or other building of such description and dimensions as may be approved by the Regional Improvement Trust, Rourkela within a period of three years from the date of this lease.
5. (a) The lessee shall not commit any act of waste on his holding so as to render it unfit for the purpose of being used as a house site.
(b) The lessee shall not use the house or building or its premises for any purpose other than the purpose for which the lease is granted.
6. If no house or building is constructed according to the particulars approved by the Regional Improvement Trust, Rourkela as provided for the Clause - 4 or the lessee contravenes any condition in Clause 5 ; the Additional District Magistrate after giving one month's notice to the party and after hearing him if satisfied, shall determine the lease and the Additional District Magistrate shall have the right to re-enter immediately on the land on behalf of the lessor and take possession of the site.
7. In the event of re-entry by the Additional District Magistrate in pursuance of Clause 6, the lessee shall not be entitled to refund of any premium paid by him and shall not also be entitled to any compensation whatsoever from the lessor for any improvements of construction affected or made by him.
8. In the event of re-entry under clause 6, the lessee shall be entitled to remove the materials collected and construction made, if any from the land at his cost within fifteen days of such re-entry failing which the Additional District Magistrate shall be entitled to remove such materials or constructions removed at the cost of the lessee and to sell the same by auction. The lessee will, in that event, be entitled only to the balance of the sale proceeds after deduction of the costs and arrears of rent, if any.
9. Notwithstanding the untimely termination of the lease in accordance with clause 6, the lessee shall be liable for the ground rent fixed for his holding till the date of re-entry.
10. That the lessee shall not by any means or in any way whatsoever bequeath, mortgage, charge, transfer, assign subject or part with possession of his holding or any portion thereof to any person without first obtaining the written permission of the Additional District Magistrate save in case of mortgage of the lease-hold land or any portion thereof in favour of the Life Insurance Corporation of India for obtaining house building loan from the said Corporation for construction of a house on the holding or any portion thereof. The lessee shall inform the Additional District Magistrate of the mortgage within fifteen days. Any bequest, transfer, assignment, subletting or parting with possession of the holding or part thereof without permission in writing as aforesaid shall be avoidable at the option of the Additional District Magistrate and he may determine the lease and take possession of the holding or

part thereof as the case may be. In case of unauthorized bequest taking effect from the death of the lessee, the option to take possession will accrue on the date of death of the lessee.

11. The lessee shall keep the boundaries of his holding unaltered and well defined and point them out to any officer or person duly authorized by the Additional District Magistrate in writing to inspect them, when so ordered by the Additional District Magistrate.

12. The lessee shall keep the land free from jungle and all sorts of nuisance and if he fails to do so, on notice given to him in writing by the Additional District Magistrate, the land shall be cleared up by the Additional District Magistrate and the expenses incurred hereby shall be recovered from the lessee after notice as a public demand.

13. It at any time the lessee is found to be in occupation of excess land belonging to Government than that is covered by the lease, the Additional District Magistrate shall be at liberty to dispossess him summarily after notice in writing, from the said excess land held without a lessee or license and dispose of it as he thinks proper and the lessee shall be liable to pay assessment, penalty and fine as provided under the Orissa Prevention of Land Encroachment Act, 1972.

14. In the case of any intestate succession on the lessee's death or that of any subsequent holder holding wholly or partly hereunder, the successor shall give notice of his succession and the manner thereof, and apply to have his name entered in the register of the Additional District Magistrate within six months from the date of death of the person whom he has succeeded. No transfer fee shall be payable in such a case but it shall be incumbent upon such successor to present to the Collector an application for mutation of name bearing court fee as prescribed by law.

15. In the event of the lessee's not paying any instalment or premium or rent in full on or before the dates herein fixed for such payment, he shall, in addition to the arrear, pay interest at the rate of ten per cent annum, such arrear and all such dues shall be recoverable as public demand.

16. The lessee shall pay all municipal and other local rates and taxes, which may be assessed upon his holding under any law for the time being in force whether payable by the owner or occupier.

17. On the expiry of the term of the lease, the lessee shall, if he has duly observed all the conditions thereof, be entitled to its renewal for a further period of ninety years on the same terms and conditions, the rent being liable to enhancement at each renewal.

SCHEDULE

Signature of the Additional District Magistrate acting in this premises for
and on behalf of the Governor of Orissa

.....

In the presence of witnesses:-

- 1.
- 2.

Signature of the lessee.

In the presence of witnesses:-

- 1.
- 2.

FORM No.2

Standard Form of Lease-deed for Lease of Government Land allotted through Public Auction in the Rourkela Civil Township

THIS INDENTURE made on theday of..... 19..... between the Governor of Orissa (hereinafter called the "lessor" which expression shall, where the context so admits or implies include his successors in office and assignees) of the one part,

AND

Shrison of.....aged..... Years..... resident of village..... P.S. District (hereinafter called the "lessee" which expression shall where the context so admits or implies include his heirs, executors administrators and assignee) of the other part.

WHEREAS the land described in the schedule below is situated within the Rourkela Civil Township ;

AND WHEREAS the Commissioner has confirmed the bid given by the lessee in the public auction held on and the Additional District Magistrate has sanctioned the lease of the said land to the lessee by his order, dated..... and the lessee paid the premium and all other dues in full;

NOW THI S INDENTURE WIITNESSETH that the lessor doth hereby .grant and demises to the lessee ALL THAT plot of land containingacres in the Rourkela Civil Township as described in the Schedule hereto for the purpose of thereon TO HOLD the same to the lessee from theday of 19 for a term of ninety years PA YING therefore during the said term a yearly rent of Rs..... in each year at the office of the Additional District Magistrate or such other officer authorized to receive the same and subject to the terms, conditions and covenants hereinafter appearing, namely :

1 .The rent of the holding is liable to enhancement at the end of I every (20th) Twentieth year subject to the maximum limit of (50) fifty per ent over the rate of rent in force in the previous year.

2. The rent shall become payable in two equal half-yearly instalments, i.e. on the 15th July and 15th January of every year.

3. The lessee shall construct a house or other building of such description and dimensions as may be approved by the Regional Improvement Trust, Rourkela in writing within a period of three years from the date of this lease.

4. (a) The lessee shall not commit any act of waste on his holding so as to render it unfit for the purpose of being used as a house site.

(b) The lessee shall not use the house or building or its premises for any purpose other than the purpose for which the lease is granted.

5. If no house of building is constructed according to the particulars approved by the Regional Improvement Trust, Rourkela as provided for in clause 3 or the lessee contravenes the conditions in clause 4 the Additional District Magistrate shall, after giving one month's notice in writing and after giving a reasonable opportunity of hearing to the party, if satisfied about the breach as aforesaid, shall determine the lease and have the right to re-enter immediately on the lands on behalf of the lessor and take possession of the site.

6. In the event of re-entry by the Additional District Magistrate in pursuance of clause 5 the lessee shall not be entitled to any compensation whatsoever from the lessor. for any improvement or constructions effected or made by the lessee except that in the event of such re-entry the lessee shall be entitled to remove the materials collected and construction made, if any, from the land at his cost within, fifteen days of such re-entry, failing which the Additional District Magistrate shall be entitled to cause such materials or constructions removed at the cost of the lessee and to sell the same by auction. The lessee will, in that event be entitled only to the balance of the sale proceeds after deduction of the cost and arrears or rent, up to the date of re-entry if any.

7. The lessee shall not by any means or in any way whatsoever bequeath mortgage, charge transfer, assign, sublet or part with possession of his holding or any portion thereof to any person without first obtaining the written permission of the Additional District Magistrate in case of mortgage of the lease hold or any portion thereof in favour of the Life Insurance Corporation of India for obtaining a house building loan from the said Corporation for the construction of a house on the holding or any portion thereof. The lessee shall inform the Additional District Magistrate. of the mortgage within fifteen days. Any bequest transfer assignment, subletting or parting with possession of the holding or part thereof without the permission of the Additional District Magistrate obtained in writing shall be voidable ail the option of the Additional District Magistrate and ha may determine the lease and take possession of the holding or part thereof. In case of an unauthorised bequest taking effect after the death of the lessee, the options to take possession will accrue on the death of the lessee.

8. The lessee shall keep the boundaries of his holding unaltered and well defined and point them out to any officer or person duly authorized by the Additional District Magistrate in writing to inspect them, when so ordered by the Additional District Magistrate.

9. The lessee shall keep the land free from jungle and all sorts of nuisance and if he falls to do so on notice given to him in writing by the Additional District Magistrate, the land shall be cleared by the Additional District Magistrate and the expenses incurred thereby shall be recovered from the lessee after notice, as public demand.

10. If at any time the lessee is found to be in occupation of excess land belonging to the Government than that is covered by lease the Additional District Magistrate shall be at liberty to dispossess him summarily after notice in writing, from the said excess land held without a lease of licence and dispose of it as he thinks proper and the lessee shall be liable to pay assessment penalty and fine as provided under the Orissa Prevention of Land Encroachment Act, 1972.

11. In the case of any intestate succession on the lessee's death or that of any subsequent, holder holding wholly or partly there under, the successor shall give notice or his succession and the manner thereof and apply to have his name entered in the register of the Additional District Magistrate within six months from the date of death or the person whom he has succeeded. No transfer fee shall be payable in such a case but it shall be incumbent upon such successor to present to the Collector an application for mutation of name bearing court fee prescribed by law.

12. In the event of the lessee's not paying any instalment or premium or rent in full on or before the dates herein fixed for such payment, he shall, in addition to the arrear, pay interest at the rate of ten per cent annum, such arrear and all such dues shall be recoverable as public demand.

13. The lessee shall pay all municipal and other local rates and taxes, which may be assessed upon his holding under any law for the time being in force whether payable by the owner or occupier.

14. On the expiry of the term of the lease, the lessee shall, if he has duly observed all the conditions thereof, be entitled to its renewal for a further period of ninety years on the same terms and conditions, the rent, being liable to enhancement at each renewal.

SCHEDULE

Signature of the Additional District Magistrate acting in his premises for and on behalf of the Governor of Orissa.

In the presence of witnesses:-

- 1.
- 2.

Signature of the lessee.

.....

In the presence of witnesses:-

- 1.
- 2.

SCHEDULE V (See rule 5-B)

RULES FOR LEASE AND SETTLEMENT OF KHASHMAHAL AND NAZUL LAND AND GRAMAKANTHA PARAMBOK AND ABADI LANDS WHICH WERE LEASED OUT PRIOR TO THE 9TH JANUARY ,1991

1. Manner of recording of leases, sub-

leases etc. in respect of Nazul / Khashmhal lands, payment of Compensation:- Tahasildar shall record the holder of Khashmahal / Nazul lease hold land as a lessee if such land was leased out prior to the 9th day of January 1991. The holder of such land includes a lessee, sub-lessee and a subsequent sub-lessee. This provision shall not apply to cases of Khashmahal / Nazul lease hold lands utilized for homestead purposes in any urban area.

(b) Before recording as a lessee/sub-

lessee and subsequent sub-lessee as provided under sub-clause (a) above, the Tahasildar shall satisfy himself that the lease for the land was granted prior to the 9th day of January 1991, and that sub-lessee and subsequent sub-lessee held the land as such before the said date with reference to record of rights and other relevant records. In each such case, the Tahasildar should make field enquiry and obtain the approval of the Collector.

(c) In the event of sub-

lessees and subsequent sub-lessees being recorded as lessees the person immediately under whom they were holding the land as such shall be entitled to a compensation equal to an amount ten times the annual rent stipulated in the lease agreement.

(d) The sub-lessee or the subsequent sub-

lessee shall produce a stamp receipt in Form I before the Tahasildar within a period of six months from the date he is recorded as lessee in support of payment of such compensation to the person immediately under whom he held the land.

(e) On failure of production of the stamped receipt in the manner indicated in sub-

clause (d), the Tahasildar shall proceed to recover the compensation as an arrear land revenue and shall pay the same to the persons entitled to it.

(f) All the lessees so recorded in the manner indicated in the preceding sub-

clauses shall execute a lease deed in Form III.

2. Settlement of Gramakantha Parambok / Abadi land:-

(a) The Tahasildar shall settle Gramakantha Parambok / Abadi land with the person in occupation of such land for a period of not less than five years as on the appointed day on the following manner, namely :-

(i) In urban areas such land used only for the non-homestead purposes shall be settled on lease hold basis subject to execution of a lease deed in Form III.

(ii) In rural areas such land shall be settled on raiyati basis irrespective of the use of land and the rent thereof shall be assessed in accordance with that of similar lands in the vicinity.

(b) The procedure for the settlement of the land under sub-clause (a) shall be as follows :-

(i) The Tahasildar shall initiate a case record suo motu or an application from the occupants of such land and make a detailed enquiry into the possession of such land and ascertain the actual extent of land under possession of any person.

(ii) On the basis of the enquiry, plotting of the land under possession shall be made and after preparing the necessary map, the Tahasildar shall issue proclamation inviting objections for settlement of the land with that individual.

(iii) The proclamation shall be published in the manner provided in sub-rule (5) of rule 5 by giving thirty days, time to file objections, if any.

(iv) Where objections have been received within the period so specified, the Tahasildar shall dispose of the same after notice to the concerned parties and by giving an opportunity of being heard to all such parties.

(v) The Tahasildar after disposing the objections, if any, and where no objections has been received, may settle the land with the person found to be in actual possession of the land after obtaining prior approval of the Collector .

3. Nazul/Khasmahal lands used as homestead in urban area:-

Tahasildar on being satisfied after enquiry that any Nazul / Khasmahal land is used and in occupation by any person as homestead for a period of not less than five years as on the appointed day shall settle the said land in favour of the person holding such land, on execution of lease deed in Form IV. In case of a sub-lessee and subsequent sub-lessee such settlement shall take effect on production of the stamped receipt in Form I from the date of payment of such compensation to the person (s) immediately under whom they held the land :

Provided that on each such settlement, approval of the Collector shall be obtained.

(b) The amount of compensation shall be equal to ten times of the annual rent as provided in the lease deed.

4. Settlement of Gramakantha Parambok Abadi land, used as homestead in urban area:-

(a) In case of Gramakantha Parambok / Abadi land utilized as homestead in the urban, areas, the Tahasildar shall initiate a case record suo motu on application in Form II from the occupants of such land and after making a spot enquiry, shall find out individual occupation of the land, determine area of such occupation and prepare a map of the area assigning separate plot/plots for each such occupation.

(b) After such field inspection and preparation of map, the Tahasildar shall record a finding as to the period of actual occupation by such person if exceeded five years as on the appointed date.

If the Tahasildar is satisfied with regard to eligibility of such person, he shall issue a proclamation inviting objections for settlement of the land.

(c) The procedure laid down in sub-clause (b) of clause 2 shall be followed in the matter of publication of proclamation and disposal of the objections.

(d) Settlement of land shall be made after obtaining prior approval of the Collector and on, execution of a lease deed in Form IV. The rent of such land shall be fixed with reference to that of similar lands in the vicinity.

FORM I
[See Clauses 1 (d) and 3 (a)]
RECEIPT FOR RECEIVING THE COMPENSATION AMOUNT BY THE
LESSEE/ SUB-LESSEE FROM THE SUB-LESSEE / SUBSEQUENT SUB-LESSEE UNDER HIM FOR THE
KHASMAHAL/ NAZUL LAND,

To
The Taliasildar ,

I, Shri:son of Shri, VillagePostDistrict
..... received herewith a. sum of Rs(Rupees) only as compensation @. ten times of the rent
from Shri..... son of .ShriVillage Post. District
.....who is a sub-lessee/subsequent sub-lessee under me for the Khasmahal/Nazul land measuringacres
bearing Plot No./Khata No. Holding No..... in village/urban area.

.Date. Signature of lessee/Sub-lessee

In the presence of two respectable persons
Of the locality who should attest to the fact
of payment.

1(Signature)

2 (Signature

FORM II
[See clause 4 (a)]
**APPLICATION FOR SETTLEMENT OF GRAMAKANTHA
PARAMBOK AND ABADI LAND**

To The Tahasildar ,	
1. (a) Name of the applicant :	
(b) Age :	
2. Father's name :	
3. (a) Present residential address (in full) :	
(b) Permanent Home address (in full) :	
4. Occupation of the applicant:	
5. Extent of Gramakantha Parambok/ Abadi land in his occupation (Delete which is not applicable) :	
6. Date from which in occupation :	
7. Detailed particulars of the land .applied for- (a) Name of village/Urban area :	
(b) Holding No./Plot No./Khata No., if any:	
(c) Area applied for	
(d) Boundary:	
8. Manner of utilisation of larid under occupation. :	
Date ,.....	Signature of the applicant

FORM III
[See clauses 1 (f) and 2 (a) (i)]
**STANDARD FORM OF LEASEDEED F9R LEASE OF KHAMAHAL,
NAZUL, GRAMAKANTHA PARAMBOK AND ABADI LAINDS USED FOR PURPOSES OTHER THAN
HOMESTEAD IN URBAN AREA**

This indenture made theday of..... 19..... BETWEEN THE Governor of Orissa (hereinafter called the

"Lessor" which expression shall where the context so admits or implies include his successors in office and assigns) of the one part.

AND

Shri.....S/o Shri...aged..... years resident of village..... P.S...

.....,District...(hereinafter called the "lessee" which expression shall where the context so admits or

implies include his heirs/executors and assigns) .of the other part.

NOW THIS INDENTURE .WITNESSETH that the lesser doth hereby accept the aforementioned person as lessee/raiyat in respect of the land in question clearly described in the Schedule below subject to the terms and conditions hereinafter mentioned :

1. The lessee/raiyat shall pay annually to the Tahasildar as rent the sum Rs..... being the rent payable by tenants for similar lands in the vicinity and will also pay cess as per Rules. Such rent is subject to revision at the time of settlement and resettlement operation

2. The above rent shall be paid in one instalment on or before the 31st March of each year. In the event of the lessee falling to pay any instalment of rent on or before the above date, such arrears shall carry interest at the prescribed rates from the date on which the same become payable until payment.

3. That the lessee shall not mortgage or transfer by sale or gift or otherwise his holding or any part thereof without the previous written permission of the Collector and keep the land free from encroachment.

4. The lease held land shall not be utilized for any other purpose except for the purpose for which it has been assigned without specific permission from the Collector nor the land shall be made unfit for such use.

5. In case of any transfer of the holding or part thereof or in case of intestate succession on the lessee's death or that of any subsequent holder holding wholly or partly the lease hold land it will be incumbent upon the person on whom the said land devolves to make an application to the Tahasildar under whose jurisdiction the land is situated for necessary mutation.

6. If the land or any part thereof is required by Government at any time for any public purpose, the said land or part thereof can be resumed by giving a three month's notice in writing. In such an event the lessee can claim compensation for any building erected or other improvement that he might have done on the said land. The amount of such compensation will be fixed by the Collector whose decision shall be final, Conclusive and binding on the lessee.

7. The lessee shall pay all municipal and other local taxes which may be assessed upon the demised premises under any law for the time being in force.

8. In case of breach of either of the provisions of Clause 3 or 4 of this lease agreement by the lessee, the lease shall be determined

and the Collector on behalf of the lessor shall have the right to re-enter immediately and take possession of the said land.

9. That in the event of re-entry provided in clause 8 hereof, the lessor shall not be liable to pay any compensation for any improvement effected or made by the lessee :

SCHEDULE OF THE LAND

Signature of the Tahasildar acting in the
premises for and on behalf
Government of Orissa.

In the presence of witnesses:

Signature of the Lessee

in the presence of the witnesses

1.

1.

2

2.

FORM IV

[See clauses 3 (a) and 4 (d)]

STANDARD FORM OF LEASE DEED FOR LEASE OF KHAMMAHAL, NAZUL, GRAMAKANTHA PARAMBOK AND ABADI LAND USED FOR HOMESTEAD PURPOSES IN URBAN AREA.

This indenture made on theday of.....19 BETWEEN the Governor of Orissa (hereinafter called the 'lessor' which expression shall, where the context so admits or implies includes his successors in office and assignees) of the one part,

AND

Shri s/o Shriaged years resident of villageP.SDistrict(hereinafter called the assignee which expression shall where the context so admits or implies include his heirs / executors and assigns) of the other part.

NOW THIS INDENTURE WITNESSETH that the lessor do hereby accept the aforementioned person as the assignee on payment basis

In respect of the Khammahal /Nazul/ Gramakantha Parambok / Abadi lands described in the schedule below, subject to the terms and conditions hereinafter mentioned :-

1. The assignee shall pay annually to the Tahasildar as rent the sum of Rs being the rent payable by tenants for similar lands in the vicinity and will also pay cess as per Rules.

2. That the assignee shall not commit any act of waste on his holding so as to render it unfit for the purpose of being used as a homestead.

3. The lessee shall keep the boundaries of his holding unaltered and well defined and point them out to any officer or person duly authorised by the Collector in writing to inspect them when so ordered by the Collector.

4. In the case of any transfer of the holding or part thereof in case of intestate succession on the assignee's death, it will be incumbent upon the person on whom the said land devolves to make an application to the Tahasildar under whose jurisdiction the

land situates for necessary mutation.

5. If the land or any part thereof is required by Government at any time for any public purposes, the said land or part thereof can be resumed by giving a three months notice in writing. In such an event, the assignee can claim compensation for any building erected or other improvement that he might have done on the said land. The amount of such compensation will be fixed by the Collector whose decision shall be final, conclusive and binding on the assignee.

6. The lessee shall pay all municipal and other local taxes which may be assessed upon the demised premises under any law for the time being in force.

SCHEDULE OF THE LAND

Signature of the Tahasildar acting

In the premises for and on behalf of
the Governor of Orissa.

In the presence of witness

- 1.
- 2.

Signature of the Lessee

in the presence of the witnesses

- 1.
- 2.

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 224 CUTTACK, WEDNESDAY, FEBRUARY 17, 2010/MAGHA 28, 1931

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 11th February 2010

No. 5374—GE(GL)-S-5/2009-R&DM.— Whereas the draft of certain rules further to amend the Orissa Government Land Settlement Rules, 1983 were published as required by sub-section (1) of Section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), in an extraordinary issue of the *Orissa Gazette* No. 1739, dated the 2nd December, 2009 under the notification of the Government of Orissa in the Revenue & Disaster Management Department No. 46165—GE(GL)-S-5/2009, dated the 1st December, 2009 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the same in *Orissa Gazette*;

Whereas objections and suggestions received on the said draft have duly been considered by the Government;

Now, therefore, 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 further to amend the Orissa Government Land Settlement Rules, 1983, namely :—

1. (1) These rules may be called the Orissa Government Land Settlement (Amendment) Rules, 2010.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), for Rule 5-B, the following rule shall be substituted, namely :—

“5-B. Settlement of Khasmahal, Nazul, Gramakantha Paramboke and Abadi lands—Notwithstanding anything contained in Rules 3,5,5-A, 8,11,12,13, settlement of Khasmahal and Nazul land leased out, and Gramakantha Paramboke and Abadi land occupied, prior to 26th day of February, 2006 and used for homestead purpose shall be made in the manner prescribed in Schedule V”.

3. In the said rules, in Schedule III, after the words and figures “covering 500 acres and above” occurring in the Para. appearing at the end of Serial No. 3 shall be deleted and the said Para. shall be numbered as Serial No. 4.

4. In the said rules for Schedule V including the forms appended thereto shall be substituted by the following Schedule, namely :—

“Schedule V

(See Rule 5-B)

Rules for Settlement of Gramakantha Paramboke, Abadi,
Khasmahal and Nazul Lands for homestead purpose

1. Persons eligible for settlement—(a) A person who is in possession of Gramakantha Paramboke or Abadi (Basti) land in exercise of customary right or usage or has acquired possession of such land by way of transfer, through a registered deed of conveyance, from a person who was in lawful possession of such land in exercise of customary right or usage; and

(b) a person who is in possession of Khasmahal or Nazul land on the basis of lease granted by the Government, whether renewed or expired, or a registered sub-lease including subsequent sub-lease granted by the lessee or the sub-lessee, as the case may be, or by way of transfer of such land, through a registered deed of conveyance, from a lessee, sub-lessee or subsequent sub-lessee shall be eligible for settlement of land in his favour for homestead purpose :

Provided—

(i) the person, including his lawful predecessor(s) in-interest, was in possession of such land for a period of at least three years prior to the appointed date, i.e. the 26th February, 2009; and has submitted or submits a valid application for such settlement within a period of six months from the date of publication of Orissa Government Land Settlement (Amendment) Rules, 2010 or within such further period as may be appointed by a notification published in the official Gazette from time to time; and

(ii) the land has been used for homestead purpose.

2. Submission of Application—The eligible persons shall submit application, in writing, in Form 1 along with attested true copies of all documents if any, in support of their claim to the Tahasildar concerned in whose area of jurisdiction the land is situated.

3. Procedure on receipt of application—(a) The Tahasildar shall initiate a case record on an application made in Form 1 by the occupant of such land and make a detailed enquiry as regards possession of such land, eligibility of the applicant, purpose for which land is being used, actual extent of land under possession of the applicant and such other aspects as may be necessary for considering the claim for settlement of such land ;

(b) On the basis of such enquiry the Tahasildar shall prepare necessary map with plotting of land under possession and shall publish proclamation inviting objection for settlement of the land with the applicant(s) in the manner provided in sub-rule (5) of Rule 5 of these rules giving 30 days time to file objections.

(c) Where objection have been received within the period in sub-clause (b), the Tahasildar shall dispose of the same after notice to the concerned parties giving an opportunity of being heard to all such parties. The onus of adducing evidence in support of the claim shall lie with the applicant. In all the cases, including the cases where the name of the applicant has already been recorded in the present settlement record in “Gharabari” or “Pattadar” status, it shall be ascertained by verification that the land was recorded in the Sabik record as Gramakantha Paramboke or Abadi or Nazul or Khasmahal land, as the case may be, before the settlement is made. In cases, where Sabik records are not available, the Tahasildar shall certify that the Sabik records are not available and shall proceed with settlement, if otherwise found eligible.

(d) The Tahasildar, after conducting field verification and verification of records, shall settle the land with the applicant(s) found to be in actual possession of the land if he/she is otherwise eligible, for homestead purpose.

(e) The Tahasildar shall, as per delegation of powers, either approve the settlement, or, submit the case record to the Sub-Collector for confirmation of such settlement. While submitting the case record, all proposals of that particular village shall have to be processed together, as far as possible, taking the village as one unit. While sending proposals to the Sub-Collector, the Tahasildar shall also append a certificate in the case record to the effect that he has verified both Sabik and Hal record of rights and found that the subject land qualifies for action under the Act and these rules. In cases where Sabik records are not available, the Tahasildar shall certify that Sabik records are not available and shall conduct the verification on the basis of Hal records.

(f) The Sub-Collector shall either dispose the case or submit the case records to the Collector for settlement as the case may be.

4. Purpose for which land may be settled—(a) Land shall be settled only for homestead purpose under this Schedule.

(b) Land used or essentially required for community purpose such as, but not limited to, roads, playground, public places of worship, Government institutional buildings shall not be settled under this Schedule and shall be recorded in 'rakhit' khata as such.

5. Powers to settle land—(a) The settlement of land under these rules shall be made by the Tahasildar where the land is used for homestead purpose and the total extent of land with the applicant does not exceed 4 decimals (one-twenty fifth of an acre) and is situated in rural area.

(b) Cases involving area of land used for homestead purposes will be approved by the Sub-Collector if the extent of land is up to four decimals (one-twenty fifth of an acre) in urban area or exceeds four decimals but does not exceed ten decimals (one-tenth of an acre) in rural area.

(c) Prior approval of Collector shall be obtained, through Sub-Collector, for the settlement of land under this Schedule if the extent of land exceeds the area mentioned in sub-clause (b).

(d) The settlement of land under this Schedule shall be made on Raiyati basis on payment of Salami and rent.

(e) The Sub-Collectors will verify at least ten per cent of the cases sanctioned by the Tahasildars and Collectors shall verify at least 5 % of the cases sanctioned by the Sub-Collectors, to be selected on a random basis.

6. Payment of amount and arrear ground rent and cess—(a) Amount at the following rates shall be payable as Salami for settlement of Gramakantha Paramboke, Abadi (Basti), Khasmahal and Nazul land under these rules :

Extent (1)	Amount payable for settlement (2)
(i) Urban—Up to 4 decimal	3 times the normal annual rent
(ii) Rural—Up to 10 decimal	Ditto
(iii) Extent above 4 decimals but not exceeding 10 decimals in urban areas.	10 times the normal annual rent
(iv) Extent above 10 decimals in rural as well as urban areas.	15 times the normal annual rent

(b) The unpaid arrear rent for last ten years will also be recovered in case of Khasmahal and Nazul land before settlement of such land to an applicant.

(c) The applicants will be liable to pay land revenue as per relevant laws from the date of settlement of land on Raiyati basis.

(d) The 'normal rent' for the purpose of this Schedule means the rent applicable for similar category of lands in the adjoining area in the village.

(e) For the purpose of determining the amount payable under sub-item (a), the purpose of land shall be deemed to be homestead if not more than 30 % of the constructed area on land applied for or 250 square feet of constructed area, whichever is less, is being used for non-residential purpose, provided that the entire remaining portion is being used for homestead purpose by the applicant. Homestead purpose will mean residential dwelling unit used for own residence by the applicant and his family members or rented out on monthly rental basis to a tenant for residential use but shall exclude renting out of residential building as a hotel, guest house. In case of any doubt whether the particular building is used for homestead purpose or not, the Tahasildar shall prepare a report on the factual aspects of the use in the case record and the matter will be referred to the Collector for final decision.

(f) For the purpose of this Schedule, one decimal area, is area equal to one-hundredth of an acre.

7. Miscellaneous provisions—(a) Applications, if any, received before the coming into force of the Orissa Government Land Settlement (Amendment) Rules, 2010 for settlement of Gramakantha Paramboke, Abadi (Basti), Khasmahal or Nazul lands shall be deemed to be applications received under this Schedule and shall be disposed of in accordance with this Schedule notwithstanding that the applications have not been made in Form I.

(b) Persons who have been granted lease of Gramakantha Paramboke, Abadi (Basti), Khasmahal and Nazul land prior to commencement of the Orissa Government Land Settlement (Amendment) Act, 2009 shall be eligible for settlement of land in accordance with the provisions of this Schedule.

(c) Government shall have powers to issue executive instructions not inconsistent with the provisions of these rules to the authorities entrusted with the responsibility for settlement of land under these rules”.

By order of the Governor

RAJ KUMAR SHARMA

Commissioner-cum-Secretary to Government

FORM I

(See Clause 2)

Application for Settlement of Gramakantha Paramboke, Abadi (Basti), Nazul and Khasmahal land

(See Schedule V)

To

The Tahasildar,

-
1. Name of applicant :
 2. Age :
 3. Father's Name :
 4. Present residential Address :
 5. Permanent Home Address :
 6. Caste (S.T./S.C./O.B.C./Others) :
 7. Particulars of land applied for :
 - (i) Village/Urban Area :
 - (ii) Mouza :
 - (iii) Khatian No. :
 - (iv) Plot No. :
 - (v) Boundary (East/West/North/South) :
 8. Extent of land in possession of the applicant : Acre.....decimal.....
 9. Purpose for which land is utilized :
 10. Type of land :

Gramakantha Paramboke/Abadi (Basti)/Khasmahal/Nazul
 11. Year from which the applicant is in possession of land :
 12. Whether inherited/obtained on lease or sub-lease/purchased :
 13. List of documents in support of possession, if any :

(Lease/sub-lease/sale deed/copy of RoR/Any other, please specify)

Signature of the Applicant

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2397, CUTTACK SATURDAY DECEMBER 7, 2013/ MARGASIRA 16, 1935

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 4th December, 2013

S.R.O. No. 731/2013—Whereas the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required by sub-section (1) of Section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), in an Extraordinary issue of the *Odisha Gazette* No. 881, dated the 9th May, 2013 under the notification of the Government of Odisha in the Revenue & Disaster Management Department No. 16825-GE(GL)-S-10/2013, dated the 7th May, 2013 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the *Odisha Gazette*;

And, whereas, no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by Section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely: —

1. (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2013.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Government Land Settlement Rules, 1983, (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), for clause (h), the following clause shall be substituted, namely : —

“(h) ‘urban area’ means an area within the limits of—

- (i) a Municipal Corporation, Municipality or Notified Area Council;
- (ii) the area of jurisdiction of a Development Authority; or
- (iii) such other area as the Government may, by notification, decide from time to time.”.

3. In the said rules, in rule 3, after sub-rule (3), the following sub-rule shall be inserted, namely: —

“(4) Notwithstanding anything contained in sub- rules (1) and (3), any land in urban area may be settled on lease basis, —

- (i) by public auction, by such authority in such manner, following such procedure and subject to such condition as the Government may decide;
- (ii) in favour of a Development Authority or the Odisha State Housing Board or any other Corporation or Company owned by the Government for the purpose of a housing or commercial scheme for eventual allotment to eligible persons or organizations on sub-lease basis subject to such condition as the Government may, by notification, decide;
- (iii) in favour of any Government Department, Corporation or Authority or any other organization or institution for such purpose and on such condition as may be decided.”.

4. In the said rules, in rule 5, in sub-rule (2), after the word and figure ‘Form – 1’, the following words, commas and the figure shall be inserted, namely: —

“or as the case may be, in Form 1-A.”.

5. In the said rules, in rule 8, for sub-rule (5), the following sub-rule shall be substituted, namely: —

“(5) Public auction of land under clause (iv) of sub-rule (3) of rule 3 shall be conducted in the following manner, namely: —

- (a) the public auction shall be conducted by the Collector or such other officer or authority as the Government may direct;
- (b) before public auction is held, a notice, giving at least clear twenty- one days time, shall be published fixing the date, hour and place of the public auction in two daily newspapers having wide circulation in the State and in such other manner as may be considered necessary for wide publicity;
- (c) the notice shall also specify the upset price for the land below which no bid shall be entertained and the upset price will be fixed by the Collector with the approval of the Revenue Divisional Commissioner;
- (d) the persons desirous of participating in the public auction shall deposit five per centum of the upset price as earnest money before the time fixed for commencement of public auction which will be refunded to the unsuccessful bidders at the end of the bid;
- (e) the successful bidder shall be required to deposit balance amount up to five per centum of the winning bid amount on the same working day as earnest money and the balance of the bid amount shall be payable within thirty days or such other period as may be specified in the notice, failing which the earnest money shall be forfeited and it shall be a disqualification for participating in any further auction for a period of one year; and
- (f) the land shall be settled in favour of the highest bidder on lease basis or, for the reasons to be recorded in writing, put to fresh auction.”.

6. In the said rules, after rule 8, the following rule shall be inserted, namely: —

“8-A. Auction of land in rural areas. —(1) Notwithstanding anything to the contrary in these rules, where the Revenue Divisional Commissioner is of the view that any plot of land in a rural area is suitable for commercial or residential purpose for High Income Groups having regard to its location and market potential, he may allow such land to be settled by public auction.

(2) Public auction of such land shall be conducted by the Collector in the manner provided in sub- rule (5) of rule 8.”.

7. In the said rules, after rule 9, the following rule shall be inserted, namely: —

“9-A. Permissive possession.—(1) Permissive possession of land may be granted by the Collector for the purpose of plantations subject to such terms and conditions and

on payment of ground rent, cess and such amount of fee as may be decided by the Government by a general or a special order.

(2) Collector may, by a written order, cancel the permissive possession on violation of any of the terms and conditions of the grant of such possession, and all the immovable properties including trees or structures and any other improvement on the land shall be forfeited to the Government on passing of such order:

Provided that no such order shall be passed without giving reasonable opportunity of being heard to the party concerned.

(3) Collector shall have power to terminate the permissive possession, at any time, if the land is required for the purpose of settlement for any purpose under these rules, without payment of any compensation.”.

8. In the said rules, after rule 11, the following rule shall be inserted, namely: —

“11-A. Sanction of advance possession.—(1) Wherever the power to settle land vests with an authority above the rank of Collector and the Government is satisfied that it is necessary or expedient in the public interest so to do, it may allow grant of advance possession of land by sending to the Tahasildar concerned, a speaking order for such purpose and subject to such conditions as may be specified in such order.

(2) On receipt of an order under sub-rule (1), the Tahasildar shall handover advance possession of land to the applicant on fulfillment of the conditions specified in the order and submit the lease case records to the Collector within sixty days of giving such advance possession through the Sub-Divisional Officer.

(3) In all cases where advance possession has been granted, the Collector shall directly send the lease case records to the authority competent to settle the land.”.

9. In the said rules, after Form 1, the following Form shall be inserted, namely: —

“Form I A

[See rule 5 (2) of the Odisha Government Land Settlement Rules, 1983]

APPLICATION FOR SETTLEMENT OF LAND BY THE APPLICANTS OTHER
THAN INDIVIDUALS

To

The Tahasildar,.....

1. Type of the Applicant: (Strike out whichever is not applicable)
 - (a) Central Government Ministry or Department
 - (b) State Government Department
 - (c) Corporation or Company or Society or Agency owned by Central Government.
 - (d) Corporation or Company or Society or Agency owned by State Government.
 - (e) Public Limited Company or Private Limited Company other than those in (c) or (d)
 - (f) Registered Society or Trust other than those in (c) or (d)
 - (g) Any other entity (please specify):
2. Address of the applicant organization:
 - (a) Headquarters:
 - (b) Local office in Odisha [if other than (a)]
3. Particulars of the authorized representative of the applicant organization:

Name :

Father's Name :

Designation :

Address :
4. Detailed particulars of the land applied for :

Name of Village / Urban Area :

Holding No, if any :

Plot No :

Area applied for

Boundary
5. Purpose for which the land is required:

DECLARATION

I solemnly affirm that the particulars given above and the documents enclosed with the application are correct and true to the best of my knowledge.

Office seal of the authorized
representative or organization

Signature of the
authorized representative with
name and designation

Date

DOCUMENTS TO BE ENCLOSED

- (i) Authorization of the organization in favour of the representative;
- (ii) Attested true copy of the Certificate of incorporation or Registration, if applicable;
- (iii) Attested true copy of Memorandum or Articles of Association, if applicable;
- (iv) Copy of audited statement of accounts for last three years; and
- (v) Land Utilization Plan, if available.

Note : Documents at Sl. No. (ii) to (iv) shall not be required in respect of applicant organizations of State Government or Central Government as described at (a) to (d) of Serial No. 1 of the Form.”.

10. In the said rules, in Schedule II, —

- (i) for serial number 14 and entries appearing against it under columns (2), (3), (4) and (5), the following serial number and the entries against it in the respective column, shall be substituted, namely : —

“(1)	(2)	(3)	(4)	(5)
14.	For Brackish water pisciculture/ Prawn culture	(i) Collector	Not exceeding ten hectares on the recommendation of District Level Committee	Nil
		(ii) Government	Full powers	Full powers”

(ii) after serial No.15, the following serial and entries against it shall be inserted under appropriate column, namely : —

“ 15 A	In favour of a Department or Authority of the State Government or Central Government for execution of project whose layout has been approved by the Administrative Department concerned of the State Government, being a linear project for laying of a highway, road or railway line including a bridge or flyover, drainage or sewerage line.	Collector	Full powers	Full powers”
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11. In the said rules, for Schedule III, the following Schedule shall be substituted, namely: —

“SCHEDULE III

(See Rule 12 of the Odisha Government Land Settlement Rules, 1983)

Fees payable in course of proceedings under the Act

Sl. No.	Nature of documents, etc.	Fees to be charged
(1)	(2)	(3)
1.	Application for settlement -	
	(i) Application fees	Rs. 100.00
	(ii) Proclamation fees	Rs. 50.00 (Up to three persons in each village and Rs. 15 for each additional person in a village)
	(iii) Measurement fee per plot	Rs. 100.00
2.	Petition of objection to the sanction of any settlement	Rs. 20.00
3.	Fee for service of notice on appropriate parties, respondents or dependants on summoning witness-	
	(i) In every case where personal or substituted service of any notice is required for service of the same documents	Rs. 50.00 (On not more than three persons in each village and additional fee of Rs. 15 for each additional person in a village)
	(ii) Fee for Issue of a general notice	Rs. 50.00
4.	Fee for incidental charges like establishment cost, contingencies etc. in case of lease or alienation of Government land in favour of any Department of Government for commercial purposes, in favour of any company, corporation or other organization for any purpose and in favour of any individual for any purpose other than agriculture and homestead.	At the rate of 10 percent of the premium subject to a minimum of Rs.1000 per acre.”

[No. 46106-GE (GL)-S-10/2013/R&DM.]

By order of the Governor

TARADATT

Additional Chief Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

No. GE (GL)-S-11/2014- 32951 /R&DM dated the 10th November, 2014

Whereas the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required by sub-section (1) of section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), in an extraordinary issue of the Odisha Gazette No. 948 dated the 10th June, 2014 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No. GE(GL)-S-11/2014—6733 dated the 1st March, 2014 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the Odisha Gazette;

And whereas, no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely: —

1. (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2014.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Odisha Government Land Settlement Rules, 1983, (hereinafter referred to as the said rules), after rule 5-B, following rule shall be inserted, namely: —

“5-BB. Settlement of Khasmahal, Nazul, Gramakantha Paramboke and Abadi land for the purposes other than homestead and agriculture. —

Notwithstanding anything contained in rules 3, 5, 5-A, 8, 11, 12 and 13, settlement of Khasmahal and Nazul land leased out, and Gramakantha Paramboke and Abadi land occupied, for a continuous period of three years prior to the 26th day of

February, 2009 and used for the purposes other than homestead and agriculture shall be made in the manner prescribed in Schedule V- A.”.

3. In the said rules, after Schedule V, the following Schedule shall be inserted, namely: —

“Schedule V- A

(See rule 5-BB)

Manner for settlement of Gramakantha Paramboke, Abadi, Khasmahal and Nazul Lands for the purposes other than homestead and agriculture.

1. **Persons eligible for settlement:** (a) A person who is in possession of Gramakantha Paramboke or Abadi land in accordance with any customary right or usage or has acquired possession of such land by way of transfer, through a registered deed of conveyance, from a person who was in lawful possession of such land in accordance with any customary right or usage; and

(b) a person who is in possession of Khasmahal or Nazul land on the basis of lease granted by the Government, whether renewed or expired, or a registered sub-lease including subsequent sub-lease granted by the lessee or the sub-lessee, as the case may be, or by way of transfer of such land, through a registered deed of conveyance, from a lessee, sub-lessee or subsequent sub-lessee,

shall be eligible for settlement of land in his favour :

Provided that --

(i) the person, including his lawful predecessor-in-interest, was in possession of such land for a period of at least three years prior to the appointed date, i.e., the 26th February, 2009 and submits a valid application for such settlement within a period of six months from the date of publication of the Odisha Government Land Settlement (Amendment) Rules, 2014 or within such further period as may be appointed by a notification published in the official gazette, from time to time; and

(ii) the land has been used for the purpose other than homestead or agriculture.

2. Submission of Application : Eligible persons shall submit application, in writing, in Form II along with attested true copies of all documents, if any, in support of their claim to the Tahasildar concerned in whose area of jurisdiction the land is situated.

3. Procedure on receipt of application:

- (i) The Tahasildar shall initiate a case record on an application made in Form II by the occupant of such land and make a detailed enquiry as regards possession of such land, eligibility of the applicant, purpose for which land is being used, actual extent of land under possession of the applicant and such other aspects as may be necessary for considering the claim for settlement of such land;
- (ii) On the basis of such enquiry the Tahasildar shall prepare necessary map with plotting of land under possession and shall publish proclamation inviting objection for settlement of the land with the applicant(s) in the manner provided in sub-rule (5) of rule 5 giving thirty days' time to file objections;
- (iii) Where the objection has been received within the period specified in sub-clause (ii) of this clause the Tahasildar shall dispose of the same after notice to the concerned parties giving an opportunity of being heard to all such parties. The responsibility for adducing evidence in support of the claim shall lie with the applicant. In all the cases, including the cases where the name of the applicant has already been recorded in the present settlement record in "Gharabari" or "Pattadar" status, it shall be ascertained by verification that the land was recorded in the Sabik record as Gramakantha Paramboke or Abadi or Nazul or Khasmahal land, as the case may be, before the settlement is made. In cases, where sabik records are not available, the Tahasildar shall certify that the Sabik records are not available and shall proceed with settlement on the basis of Hal Records, if otherwise found eligible.
- (iv) The Tahasildar shall, after conducting field verification and verification of records, submit the case records to the Sub-Collector with his recommendations.
- (v) While submitting the case record, all proposals of that particular village shall have to be processed together, as far as possible, taking the village as one

unit. While sending proposals to the Sub-Collector, the Tahasildar shall also append a certificate in the case record to the effect that he has verified both Sabik and Hal Record of Rights and has found that the subject land qualifies for action under the Act and the rules made thereunder.

- (vi) The Sub-Collector shall, as per delegation of powers, either dispose of the case or submit the case records to the Collector for settlement, as the case may be.

4. Purpose for which land may be settled: (a) Land shall be settled on permanent basis for the purpose for which the land is being utilized:

Provided that no land will be settled for homestead or agricultural purpose under this Schedule.

(b) The land so settled will be heritable and transferable.

(c) Land used or essentially required for community purpose such as, but not limited to, roads, playground, public places of worship and government institutional buildings, shall not be settled under this Schedule and shall be recorded in 'rakhit' khata as such or, as the case may be, in the name of the government department concerned.

5. Powers to settle land: (a) The settlement of land under this Schedule shall be made by the Sub-Collector where the land is used for a purpose other than homestead or agriculture and the total extent of such land with the applicant does not exceed ten decimals (one-tenth of an acre) in rural area or up to four decimals (one-twenty-fifth of an acre) in urban area.

(b) Prior approval of Collector shall be obtained by the Sub-Collector for the settlement of land under this Schedule if the extent of land exceeds the area mentioned in sub-clause (a) of this clause or where the land is to be settled in favour of charitable and 'not for profit' organization.

(c) The settlement of land under this Schedule shall be made on payment of salami and rent.

(d) The Additional District Magistrate (Revenue) shall verify at least ten per centum of the cases and Collectors shall verify at least five per centum of the cases proposed to be settled by the Sub-Collectors, to be selected on a random basis.

(e) Revenue Divisional Commissioners shall verify two per centum of the cases approved by the Collectors.

6. Payment of amount and arrear ground rent and cess: (a) Amount at the following rates shall be payable as Salami for settlement of land under this Schedule, namely: —

- (i) Ten per centum of the market value of the land as per the guidelines prescribed under the Odisha Stamp Rules, 1952, if the land is to be settled in favour of a charitable and “not-for-profit” organization for the purposes of running Odia medium school, charitable dispensary, orphanage and old age home etc.;
- (ii) Twenty per centum of the market value of the land as per the guidelines prescribed under the Odisha Stamp Rules, 1952, for purposes other than those in item (i):

Provided that no Salami will be payable by the applicant if the land is Khasmahal or Nazul land and the applicant —

- (i) is a lessee in favour of whom such land has been validly leased out by the competent authority for the purpose for which the land is presently being used and is proposed to be settled; or
- (ii) is a legal heir of a lessee mentioned in item (i) and has obtained the land through succession or a legally valid family partition; or
- (iii) has purchased the land from the lessee with prior permission of the competent authority and is using it for the purpose for which original lease was granted.

(b) The unpaid arrear rent, if any, shall also be recovered from the applicant in case of Khasmahal and Nazul land before settlement of such land in favour of an applicant.

(c) The applicant shall also be liable to pay annual land revenue at the rate of one per centum of the market value of such land as per the guidelines prescribed under the Odisha Stamp Rules, 1952.

(d) In case the land is being used partially for homestead and partially for the purposes other than homestead, the provisions of sub- clause (e) of clause 6 of Schedule V shall be applicable to determine the amount payable for settlement of land under this Schedule.

(e) Lands used for agricultural purpose and vacant plots of land will not be settled under this rule even if such land has been validly leased out as Khasmahal or Nazul to the

lessee and in such cases, steps will be taken to determine the lease for violation of terms and conditions of lease.

(f) For the purpose of this Schedule, one decimal area is an area equal to one-hundredth of an acre.

7. Miscellaneous provisions:

(a) Applications, if any, received before the coming into force of the Odisha Government Land Settlement (Amendment) Rules, 2014 for settlement of Gramakantha Paramboke, Abadi, Khasmahal or Nazul lands shall be deemed to be applications received under the provisions of this Schedule and shall be disposed of in accordance with the provisions of this Schedule notwithstanding the fact that the applications have not been made in Form II:

Provided that if in such application any information as mentioned in form II is not available, such information may be collected from the applicant in writing.

(b) Government shall have powers to issue executive instructions not inconsistent with the provisions of this Schedule to the authorities entrusted with the responsibility for settlement of land under this schedule.

FORM II

(See clause-2)

Application for Settlement of Gramakantha
Paramboke, Abadi, Nazul and Khasmahal Land
(See Schedule V- A)

To


The Tahasildar,
.....

- | | | |
|----|-------------------------------------|---|
| 1. | Name of the applicant | : |
| 2. | Age | : |
| 3. | Father's name | : |
| 4. | Present residential Address | : |
| 5. | Permanent Home Address | : |
| 6. | Caste (S.T/S.C./O.B.C/Others) | : |
| 7. | Particulars of the land applied for | : |
| | (i) Village/Urban area | : |

- (ii) Mouza :
- (iii) Khatian No. :
- (iv) Plot No. :
- (v) Boundary(East/West/North/South) :
8. Extent of land in possession of the applicant : Acre..... decimal.....
9. Purpose for which land is utilized :
10. Type of land :
(Gramakantha Paramboke/ Abadi/
Khasmahal/Nazul, please specify)
11. Year from which the applicant is in possession of land :
12. Whether inherited/obtained on lease or sub-lease / purchased :
13. List of documents in support of possession, if any :
- (Lease/sub-lease/sale deed/copy of RoR/
Any other records, please specify)

Signature of the applicant"

By order of the Governor

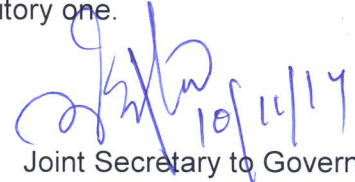

10.11.14

Additional Chief Secretary to Government

Memo No. 32952 / R&DM dated: 10-11-14

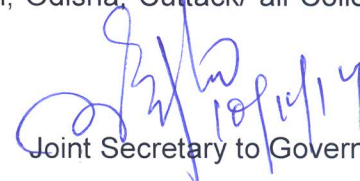
Copy forwarded to Odisha Secretariat Gazette Cell, c/o Commerce & Transport (Commerce) Department with a request to publish the notification in an extraordinary issue of The Odisha Gazette and supply 50(fifty) copies to this Department for reference.

This notification shall bear S.R.O. Number as it is a statutory one.


Joint Secretary to Government

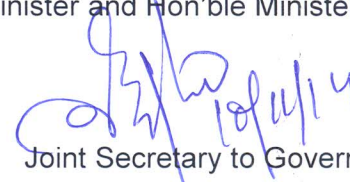
Memo No. 32953 / R&DM. dated: 10-11-14

Copy forwarded to all Departments of Government/ Secretary, Board of Revenue, Odisha, Cuttack/ All RDCs/ Land Reforms Commissioner, Odisha, Cuttack/ Director, Land Records, Surveys and Consolidation, Odisha, Cuttack/ Commissioner, Land Records and Settlement, Odisha, Cuttack/ Inspector General of Registration, Odisha, Cuttack/ all Collectors for information and necessary action.


Joint Secretary to Government

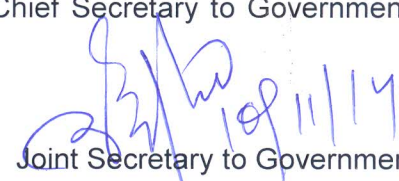
Memo No. 32954 / R&DM. dated: 10-11-14

Copy forwarded to Additional Chief Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue & D. M, Odisha for kind information of Hon'ble Chief Minister and Hon'ble Minister respectively.


Joint Secretary to Government

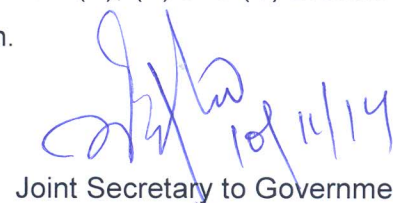
Memo No. 32955 / R&DM dated 10-11-14

Copy forwarded to Chief Secretary, Odisha/ Additional Chief Secretary to Government and Development Commissioner, Odisha for kind information.


Joint Secretary to Government

Memo No. 32956 /R&DM dated 10-11-14

Copy forwarded to Spl. Secretary/ all Addl. Secretaries/ Joint Secretaries/ Deputy Secretaries/ Under Secretaries to Government, Revenue & DM Department/ CH & S Branch/ LR (A) and LR (B) Branch/ Registration Branch/ all seats of LR & GE (A), (B) and (C) Branch of Revenue & DM Department for information and necessary action.


Joint Secretary to Government