

**REVENUE OFFICERS TRAINING ISTITUTE
BHUBANESWAR**

A

PROJECT REPORT

ON

**SETTLEMENT OF LAND FOR HOMESTEADLESS FAMILY AND LANDLESS FAMILY
UNDER REVENUE LAWS IN ODISHA**

Prepared & Submitted by:

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Introduction

Homestead less person and land less person:

Homestead less person means who together with all the members of his family living in a common mess does not have an annual income together with the annual income of all the members of his family from all sources exceeding Rs.60000/- or any amount as may be notified by Government from time to time; or does not have any homestead land here in the state and owns less than one standard acres of agricultural land;

Landless person means a person, the total extent of whose land excluding homestead together with lands of all the members of his family who are living with him in common mess, is less than one standard acre and whose total annual income of all the members of his family who are living with him in common mess, does not exceed Rs.60000 or an amount which the State Government may, by notification from time to time, specify in that behalf.

Manner of settlement of Government land under the Orissa Government Land Settlement Rules, 1983:

The manner of settlement of Government land as follows.

1. An application for settlement of Government Land irrespective of the purpose of lease , homestead less family, land less family 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 or Form 1-A.

3. 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 of 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 practicable, 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 for 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.

4. The application is sent to Revenue Inspector for enquiry and report.

5. 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.

6. The proclamation shall be published by beat of drums and by affixing a copy of the same at a conspicuous place in the village in which the land is situated in the presence of not less than two persons. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the

proclamation shall be published by affixing in the Notice Board of the Tehsil Office and copy thereof shall be sent to the Gram Panchayat, Notified Area Council / Municipality/Special Planning Authority or the Development Authority as the case may be, under which land is situated.

7. 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 of the proclamation , where no objection has been filed , the Tahasildar shall , if he is satisfied that the applicant is deserving and there is no objection to settlement on any ground , make an 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 lease granted every month to the Collector for his information.

8. Settlement of land shall be in conformity with reservation , if any , made under (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 for settlement of land.

Settlement of land for homestead purposes 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 be 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.

Settlement of house-sites in urban areas:

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 payments by persons for whom such reservation is meant.

Manner of settlement of encroached land under section- 7 of OPLE Rules-1985:

The Orissa Prevention of Land Encroachment Rules, 1985. Before the Tahasildar proceeds with the settlement of un-authorisedly occupied land sub-section (2) of section 7 for agricultural or homestead purpose , he shall publish a proclamation in Form "J" inviting objections , if any , fixing a date hearing of objections. Such proclamation shall be published by beat of drums and by affixing a copy of the same at a conspicuous place in the village in which the land is situated in the presence of not less than two persons. After conducting the enquiry, the Tahasildar shall record a finding stating whether the land can be settled in favour of the encroacher under the Act. The land can be settled in favour of homestead less family and land less family.

Case Study:

01.07.2018

Received an application from one Sri Rajesh Ekka ,aged about 50 years S/o Ferdinand Ekka ,By caste Kissan (ST) of village S. Bolang ,Ps .Bonai of district Sundargarh for the settlement of following schedule of land for house site purposes as a homestead less person which is situated in rural areas.

Land schedule

Village	khata	plot	areas	kisam
S.bolang	50 AJA	190	Ac 0.004	patita

Out of Ac 0.50

Institute a case u/s -3 (1) (e) of the OGLS Act, 1962

03.07.2018

Ask the Record Keeper to verify the land schedule vis-a-vis the record position and put up within one week. Also ask the Revenue inspector , S. Bolang to conduct a local enquiry and ascertain if the land applied for is free from encroachment of encumbrances or not and whether lease can be granted and the applicant is eligible to get the land for the purpose which he has applied with reference to the existing ROR including the reservation proceeding.

The report should be submitted within one week and communicate the extract of the order to the concerned officials forthwith.

Case posted to 13.07.2018. Put up on 13.07.2018

Type to my dictation &
Corrected by me

Tahasildar, BONAI

Tahasildar, BONAI

13.07.2018

The case record is put up today before me after being registered along with the report of the Record Keeper and Revenue Inspector , S. Bolang . Perused the same.

On perusal of the report furnished by the Revenue Inspector , S. Bolang , it is inferred that , the person is eligible as per provision of Rule 2 (dd) of OGLS Rules , 1983 defining “ Homesteadless person “ and the land is leasable and it is the competency of this court.

Issue a proclamation which should be published in Form no –iii (Rule 5 (4)) inviting objection and publish the same as per rule 5 (5) of the OGLS Rules, 1983 by beat of drums & by affixing a copy of the same at a conspicuous place in the village & a copy of the same be published by affixing in the notice board of the Tahasil office. Also send a copy to Grampanchayat office for wide publicity.

Issue notice to the applicant for hearing on the next date i.e. on dt.13.08.2018.

Put up on 13.08.2018 for hearing.

Type to my dictation &
Corrected by me.

Tahasildar, BONAI

Tahasildar, BONAI

13.08.2018

The case record is put up before me today. Applicant is present on due service of notice. Proclamation has been duly published & SR

back. No objection has been received during the statutory period for receiving objection.

Heard the applicant. Perused the documents relied on by the applicant in support of his homestead less characteristics like the income certificate issued by this Tahasil, BPL Card , MGNREGS CARD & the voter list where from it reveals that , the applicant is inhabitant of village S. Bolang & a poorer labourer having income of RS. 40000 per annum as issued vide this office in Misc. Certificate No. e-47/2018 under the Odisha Misc. Rules, 2018.

This fact is also corroborates with the enquiry report submitted by the RI, S. Bolang. Besides the name of the person is also enumerated as a homestead less person as per the register maintained by the Tahasil. As regards the leaseable character of the land, the same being recorded in the Abad Jogya Anabadi khata having kizam patita & reserved for house site purpose. This can be leased out as prayed by the applicant since the applicant is a homestead less person. He is entitled to get the land free of premium. R.I. has also furnished the trace map in the case record.

In view of the above facts, it is hare by ordered that the Govt. land as given above be recorded in favour of the applicant in the ROR.

Type to my dictation &
Corrected by me

Tahasildar, BONAI

Tahasildar, BONAI

15.08.2018

Send the case record to record room for correction of ROR.

Conclusion:

At present settlement of Government waste lands for homestead less family and land less family is being made according to the executive instructions issued from time to time and also according to provisions in various Acts, Rules, Orders, customary practices and usage in force in various parts of the state.

Reference:

1. Orissa Govt. Land Settlement Act,1962
Section -5, 7, 8
2. Orissa Prevention of Land Encroachment-Act, 1972.
Section-15