

**PROJECT REPORT ON
PARTITION UNDER 19 (1) c
OF OLR ACT, 1960**

***THE DETAILED PROCEDURES WITH A
HYPOTHETICAL CASE STUDY ADVANTAGES
OF THE ABOVE PROVISIONS OVER
REGISTERED PARTITION***

Presented By:-

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Dist : Mayurbhanj

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INTRODUCTION

A partition is a division of a property held jointly by several persons, so that each person gets a share and became the owner of the share allotted to him. It is done by dividing the property according to the shares to which each of the parties is entitled to be held applicable to them.

Thus it is executed by registration method, order of the court and the process of partition under the Acts and Rules of land, revenue as enacted by the Government from time to time. Partition effected in any other manner has to be ignored. The Odisha Government enacted the Odisha Land Reforms Act for the betterment of land tenants and raiyats of Odisha in the year 1960. The Govt. also amended the Act and Rules as per the demand of time and suitability to the public of the land.

The Odisha Land Reforms (General) Rules, 1965 is come in to force for the smooth governance of the Act. Rules are secondary in nature as they don't have independent existence of their own. In this Act, there is a provision for the partition of the land holdings. The Act has provided facility to the Raiyats to create the separate holdings involving right, title and interest from joint holdings.

The Revenue Administration is also getting the privilege to collect revenue dues from the separate raiyats instead of joint land holders. That is to be discussed with more expressive way.

LAND REFORMS IN ODISHA

Historical Background :

Prior to the enactment of OLR ACT ,1960 Odisha was governed by three sets of tenancy laws. The coastal districts of Puri ,Cuttack and Balasore were being governed by O.T. Act,1913 while in Sambalpur district ,Central Provinces land Revenue Act of 1881 and the Central Provinces Tenancy act,1898 were in force. Some southern districts were also governed by The Madras Estates Land Act,1908.But for betterment , soon after independence came The O.T.P. Act No. 3 of 1948.In 1955 ,that act was replaced by a more progressive legislation O.T.R. Act 5 of 1955.Recently to ensure food productivity, to confer higher rights on the local cultivators and to distribute the ceiling surplus lands between the landless people ,**The Odisha Land Reforms Act** has come into existence repealing the Odisha Tenant's Relief Act 4 of 1955.

THE ODISHA LAND REFORMS ACT,1960

The Odisha Land Reforms act has been enacted n dated ,1960 and came into force into on .

This is *AN ACT TO REFORM THE LAW RELATING TO LAND TENURES AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO*

- OLR Act has been enacted to bring progressive legislation relating agrarian reforms and land tenures consequent on abolition of intermediary interest
- And it is expedient to confer better rights of agriculturists and to ensure increase in food production.
- Act is a social piece of legislation having for its objects to limit or put a ceiling upon, the holding of each individual and family and also take over surplus lands for the distribution amongst landless people.

This Act was commenced on 11/11/1960, containing 76 sections. Under this Act, Section 2 defines the terms related to the land reforms Act. Here are certain terms which have definitions as in the Act relating to the Partition of the land.

1. Holding
2. Land
3. Land-holder
4. Raiyat
5. Revenue Officer

The partition of land is covered under section 19 of the OLR Act which is as follows:

Section -19

Partition among co-sharer raiyats how to be effected

- (1) No partition of a holding among co-sharers raiyats shall be valid unless made by
 - (a) a registered instrument or
 - (b) a decree of a court ; or
 - (c) an order of a revenue officer in the manner prescribed on mutual agreement.
- (2) When the partition is effected as provided in clause (a) of subsection (1) the registering officer shall not admit for registration any instrument unless it is accompanied by a notice in prescribed form with prescribed particulars and the fee prescribed for the service of such notice.
- (3) The Notice referred to in the preceding sub-section shall be transmitted to the Revenue Officer who shall cause it to be served on the landlord or his agent named in the notice in the manner prescribed. He shall also cause a copy of the notice to be transmitted to the authority competent to maintain the record -of-rights.
- (4) When the partition is effected as provided in Clause (b) of Sub-section(1),the Court passing the final decree for partition shall send to the Revenue Officer in the prescribed form and in the prescribed manner a detailed list of the lands allotted to each share.
- (5) The Revenue Officer shall send a copy of the list as aforesaid to the authority competent to maintain the record-of-rights and to the landlord, where rent of the land is not payable to Government directly.
- (6) When partition is effected in the manner provided in Clauses (C) of Sub-section (1), the Revenue Officer shall send to the landlord where rent is not payable direct to Government and to the authority competent to maintain the record-of-rights in the prescribed form a detailed list of lands allotted to each share. A copy of the order along with the detailed list shall be sent by the Revenue Officer for registration under the Indian Registration Act (16 of 1908) to the Sub – Registrar having jurisdiction.

Provide that no charges for such registration shall be payable.

THE ODISHA LAND REFORMS (GENERAL) RULES, 1965

Rules help in governing a law. They are made to make the parent Act work. These are provided for the details that have not provided in the Act. Thus certain rules are promulgated under the Odisha Land Reforms (General) Rules, 1965 for smooth functioning of the OLR Act, 1960.

The related rules of Section 19: Partition among co-sharer raiyats how to be effected are as follows:

RULE 19. Manner in which a partition can be ordered by a Revenue Officer under Clause (c) of Sub – Section 19.

- 1) Any person applying for an order of the Revenue Officer under Clause (C) of Sub-Section (1) of Section 19 shall file an application giving a full description of the land and other details as may be necessary to effect the partition of a holding among co-sharer raiyats.
- 2) The application shall cite other co-sharer raiyats and the landlord as opposite-party.
- 3) It shall be submitted in the same manner as laid down in Sub-rules (3), (4) and (5) of Rule 10.
- 4) Not more than one application shall be necessary for partition of more than one holding, if situated in the same village and if they belong to the same co-sharer raiyats under the same landlord.
- 5) The Revenue Officer shall afford reasonable opportunity to the opposite-parties to be heard in the matter.
- 6) He shall make such other enquiry as he deems necessary for disposal of the application.
- 7) The application can be allowed only when all the co-sharer raiyats give their consent to the partition applied for.
- 8) If there is any difference of opinion among the co-sharer raiyats, the application for partition shall be rejected.
- 9) When a partition is allowed, the order of the Revenue Officer partitioning the holdings of co-sharer raiyats shall clearly mention the plots of land that are allotted to the share of every co-sharer raiyat and the amount of rent, cess and other legal dues payable by each co-sharer raiyat after partition.

- 10) If any survey plot is required to be subdivided in course of partition of a holding such partition shall be effected by the Revenue Officer only after causing necessary enquiry to be made before the final order of partition is made.

Provided that no such sub-division shall be made nor the enquiry required for making such sub-division shall be taken up until the prescribed fees are paid by the applicant.

Provided further that if such fees are not paid within such time as may be allowed by the Revenue Officer, the application for partition shall be rejected.

RULES 19- A

- 1) Where, however, an order under Section 11,18 or 36 of the Orissa Survey and Settlement Act, 1958 with regard to any area has been issued, Rule 19 shall not be applicable.
- 2) Any application to a Revenue Officer for an order under Clause (c) of Sub-section (1) of section 19 of the Act in an area where Survey and Settlement operations are in progress, may be oral.
- 3) Such an application shall be made, to the Revenue Officer by all the Co-sharer raiyats either personally or through their authorized agents.
- 4) Such applications may be made also to any subordinate of the Revenue Officer by all the Co-sharer raiyats either personally or through their authorized agents and such subordinate of the Revenue Officer, shall reduce the application, if it is oral, into writing and transmit the same to the Revenue Officer.
- 5) The Revenue Officer may make such enquiry as he deems necessary before passing orders allowing or disallowing the partition.
- 6) Before passing orders, the Revenue Officer shall obtain the signature or the thumb impression of all co-sharer raiyats of their authorized agents on the body of the record signifying their consent to partition the holding on mutual agreement.
- 7) When a partition is allowed, the order of the Revenue Officer shall clearly mention the plots of land allotted to the share of every co-sharer raiyat, the amount of rent, cess and other local dues payable by each co-sharer raiyat, after partition.
- 8) In case a dispute amongst the co-sharer raiyats, about the quantum of rent payable by each in respect of the new holding created after partition, prayer for partition shall be rejected

RULE 20

Notice under Sub-section (2) of section 19 –

- 1) The notice envisaged under Sub-section (4) of Section 19 shall be in Form No.4.
- 2) The number of notices and copies thereof to be filled under Sub-Rule (1) shall be the same as provided Sub-rules (2),(3) and (4) of Rule 14.

RULE 21

List under Sub-section (4) of Section 19 –

- 1) The list envisaged under Sub-section (4) of Section 19 shall be in Form No.5.
- 2) It shall be sent to the Revenue Officer by the Court either through a messenger or by registered post with acknowledgement due.
- 3) The number of lists and copies thereof to be sent under Sub-rule (2) shall be as provided in Sub-rules (2), (3) and (4) of Rule 14.

RULE 21

The list envisaged under Sub- section (6) of section 15 shall be in Form No.5-A

PROCEDURES FOR THE CASE OF PARTITION

U/S 19(1)c

Sec.19 makes it obligatory for a partition to be made by.

- (a) A registered instrument.
- (b) A decree of a Court.
- (c) An order of the Revenue Officer in the manner prescribed, on mutual agreement.

Certain orders passed on some cases

- Any partition of a holding made on or after 1st October 1965, shall not be valid unless made in accordance with the provisions of Sec.19. But even if partition of land has been effected in a accordance with the provisions of Sec.19 it shall be void if it had been made between the 26th of September 1970 and 2nd October 1973 by a person who held on the 26th day of September 1970 land in excess of the ceiling area: Land Reforms Commissioner V . Additional District Magistrate: 15 (1978)
- Revenue Officer while disposing of the ceiling case would certainly take into consideration the words “Separated by partition or otherwise” appearing in the definition of ‘family’ in Sec.37(b) of the Act and would not be wholly guided by Sec.19 (1) thereof : ArdaMurari V. State of Orissa: 47 (1979) CLT 1 (DB): AIR 1979 Orissa 58.

Form No.4 – has been prescribed under Sec.19 (2) read with Rule 20(1) for notice of partition of a holding made by a registered instrument.

Form No. 5 – has been prescribed under Sec.19 (4) read with Rule 21(1) for notice of partition of a holding by a decree of a Court.

Form No. 5-A- has been prescribed under Sec. 19 (6) read with Rule 21 – A- for notice of partition of a holding made by an order of the Revenue Officer.

Corresponding Rules:-

Rule 19,Rule 19-A, Rule 20 ,Rule 21, Rule 21-Aof OLR (Gen) Rules.

In the aforementioned grounds, the Tahasildar has empowered as Revenue Officer to deal with this section and rules and he is the competent authority to make separate holdings from a joint holding.

FORM No. 5A

Notice of partition of a holding made by an order of the Revenue Officer
{ See Sub-section(6) of Section 19 and Sub-rule (1) of Rule 21-A }

From
The Court of

To
The Tahasildar/Sub-registrar.....

Sir,
Partition has been effected by order, dated..... suit No..... of the
year..... in respect of the land given in the Schedule A appended. A list of the lands
allowed to each share is shown in Schedule B.

Schedule "A"

Particulars of land District.....Tahasil.....

Village..... Thana No.....

Khata No..... Survey Plot No.....

Status of land.....

Scheduled "B"

Name of Co-sharer raiyat	Area allotted		Rent and cess demanded	Remarks
	Survey Plot No	Area		
1	2	3	4	5

Seal.....

Signature of Presiding Officer of the Court

Date.....

Irrespective of the above stated forms, the petitioner can file a petition for the partition of holding or joint patta among the co-sharers of the said property before the Revenue Officer through an application. Thereafter the Revenue Officer can institute a partition case under Section 19(1) c of the Odisha Land Reforms Act, 1960. The procedures which are followed by the Revenue Officers are instituted in the following Case Record.

- A. Application of the petitioner for partition
- B. The Extract Order of the Tahasildar to the Revenue Inspector of the respective circle
- C. The enquiry report of the Revenue Inspector along with other related documents
- D. The notice for General proclamation
- E. The notice to the Co-sharers Raiyats of the Case Land.

The above listed documents are attached with the relevant records of the case land.

ORDER SHEET*(See Paragraph 207 (i) of the ORM, 1964)*

From..... to

NAME OF THE TAHASIL:Udala

P.S.:Udala

R.I Circle:Kochiladiha

Village:Dhirakul

Sub-Division:Kaptipada

Dist. Mayubhanj

Case No. 03/2018

Category of Case:PARTITION OF LANDU/S 19(1)c OF OLR ACT,1960

Date of Order	Order and Signature of the Revenue Officer	Compliance of Order and Dates
01	02	03
06/03/18	<p>Perused the application filled by Sri Purna Chandra Behera, and Sri Prafulla Chndra Behera S/o Sri Chaturbhuja Behera residence of Vill. Dhirakul, P.S. Udala, Dist. Mayubhanj praying for partition of following schedule of land U/S 19 (1) c of OLR Act.</p> <p>Gone through the application. The applicant has submitted copy of ROR, It is stated in the petition that they are mutually agreed upon to the said partition as they have been possessing of the land fallen to their share since long after mutual agreement among them. The applicant has affixed court fees of Rs 30/- (Rupees Thiry) towards application/proclamation/ processing fee. The respective person has given order for the encashment of the deposited fees.</p> <p><u>LAND SCHEDULE</u></p>	

Mouza	Holding No	Plot No.	Kissam	Area
Dihirakul	୨୩୨	୩୬	ଶାରଦ ଜଳ ଏକ	୧.୧୧୦
		୩୬	ଶାରଦ ଜଳ ଏକ	୦.୫୪୦
		୯୯/୨୫୫	ଶାରଦ ଜଳ ଏକ	୦.୮୧୦
		୧୩୨	ଶାରଦ ଜଳ ଏକ	୩.୯୬୦
		୧୩୩	ଶାରଦ ଜଳ ଏକ	୨.୧୨୦
		୧୦୪	ଶାରଦ ଜଳ ଏକ	୦.୩୪୦
		୧୩୯	ଶାରଦ ଜଳ ଏକ	୦.୬୨୦
		୧୪୧	ଶାରଦ ଜଳ ଏକ	୦.୪୨୦
		୧୬୨	ଶାରଦ ଜଳ ଏକ	୦.୨୫୦
		୧୫୭	ଶାରଦ ଜଳ ଏକ	୦.୩୫୦
				୧୦.୫୨ ୦

Register a case U/S 19 (1) c of the OLR Act. Send the case record to Record Room for necessary verification of the ROR by Record Keeper and report compliance.

Tahasildar, Udala

LIII form No.321

(CONTINUATION OF ORDER SHEET)

Date of Order	Order and Signature of the Revenue Officer	Compliance of order
1	2	3
	<p>The case is taken up today. The Record Keeper submitted his verification report. This has been noted on the reverse of the petition. Examined the same and the report of case record.</p> <p>Send a copy of the petition along with extract of this order to the <i>Revenue Inspector, Kochiladiha</i> for enquiry and report as per the provisions of the OLR Act 1960 and the OLR (Gen) Rules, 1965. The RI is directed to mention specifically the share of each co-sharer and to prepare a sketch map thereof in respect of each portion of land to be allotted to each person, The RI should enquire into the possession of each share involving the case land and also he is required to report regarding the mode of partition. The case land should not be assessed as excess of ceiling limit as per the provisions of the OLR Act and it ought to be free from litigation. He is also required to assess the demarcation fees/ Amin fees required to be paid by the party in details.</p> <p>Put up the case Record after receiving of Enquiry report of the Revenue Inspector / Revenue Supervisor.</p> <p>Tahasildar, Udala</p> <p>The case is taken up today. The Record Keeper submitted his verification report. This has been noted on the reverse of the petition. Examined the same and the report of case record.</p> <p>Issue notice to the Recorded Tennants and co-sharers and all the applicants to remain present in the court of the undersigned at Udala Tahsil on dated _____ at 11 AM with all necessary documents and adduce evidence required for the purpose.</p>	

Similarly issue proclamation in the said village inviting objections relating to the said case giving 15 days of time, so that the objection can be obtained if any from any quarters.

Case is posted to _____.

Tahasildar, Udala

The Case is taken up today. All the co-sharers/petitioners are present on call. Notice and proclamation back after service. No-objection had been received from any of the quarter. All the Co-sharers/R.I/Legal heirs of Record Tenants have admitted the fact of amicable partition as per the share mentioned in the petitions and R.I/R.S, report. All the Co-sharers have put their signature/L.T.I. on the body of Case Record signifying their consent to partition of the case land on mutual agreement. They have also agreed to pay the rent and cess to be fixed to their respective shares. The enquiry report containing table of each share along with the sketch map from part of the orders.

Keeping in view of the circumstances, this partition case under Section 19(1) c of OLR Act 1960 read with Rule 19(7) OLR(Gen) Rules 1965 is allowed indicating the share of the practitioners against each as scheduled below :-

LAND SCHEDULE – AShare of Sri Purna Chandra Behera
Mouza- Dhirakul,

Holding No.	Plot No	Kisam	Mark	Area (in Acre)	Out of area (In Acre)
୨୩୨	୩୬	ଶାରଦ ଜଳ ଏକ	Full	1.110	1.110
	୧୩୩	ଶାରଦଜଳ ଏକ	Full	2.120	2.120
	୧୦୪	ଶାରଦ ଜଳ ଏକ	Full	0.340	0.340
	୯୯/୨୫୫	ଶାରଦ ଜଳ ଏକ	Full	0.810	0.810
	୧୪୧	ଶାରଦ ଜଳ ଏକ	Full	0.420	0.420
	୧୨୨	ଶାରଦ ଜଳ ଏକ	Full	0.250	0.250
	୧୫୭	ଶାରଦ ଜଳ ଏକ	Full	0.350	0.350
	Total		Ac	5.400	

LAND SCHEDULE – BShare of Sri Pafulla Chandra Behera
Mouza- Dhirakul

Holding No.	Plot No	Kisam	Mark	Area (in Acre)	Out of area (in Acre)
୨୩୨	୩୭	ଶାରଦ ଜଳ ଏକ	Full	0.540	0.540
	୧୩୨	ଶାରଦ ଜଳ ଏକ	Full	3.960	3.960
	୧୩୯	ଶାରଦ ଜଳ ଏକ	Full	0.620	0.620
	Total		Ac	5.120	

Send a copy of the order along with detailed list in **Form- No.5(A)** laid down in /rule – 21(a) to the **Sub-Register**, for registration under **Indian Registration Act.(16 of 1968)** and Send the Case Record to the Record Keeper for necessary action.

Tahasildar,Udala

Connection effected as per order. New holding No..... created with apportioning of rent cess etc., mutated area added to existing Holding No..... along with due rent Col.3 changed and incorporated in the relevant register of Record Room. Issued intimation slip in duplicate to the Revenue Inspector for needful correction with a direction to return one copy of the Intimation slip after entering in the relevant register at Circle level.

Tahasildar,Udala

APPLICATION FOR PARTITION UNDER 19 (1) c

To

The Tahasildar,
Udala

Sub: - Petition to initiate a partition case of Holding No 232 of Dhirakul mouza.

Sir,

With due respect, we Sri Purna Chandra Behera and Sri Prafulla Chandra Behera sons of Sri Chaturbhuj Behera have to state that the Holding No. 232 of mouza- Dhirakul , P.S. Udala is in the joint holding.

Hence, we request you to initiate a partition case in favor of us as we are in the possession of plots on our mutual consent.

The land schedule on which the partition is to be made is mentioned below:

SCHEDULED LAND

Mouza- Dhirakula P.S. Udala, Dist.- Mayurbhanj

Mouza	Holding No	Plot No.	Kissam	Area
Dhirakul	୨୩୨	୩୬	ଶାରଦ ଜଳ ଏକ	୧.୧୧୦
		୩୭	ଶାରଦ ଜଳ ଏକ	୦.୫୪୦
		୯୯/୬୫୫	ଶାରଦ ଜଳ ଏକ	୦.୮୧୦
		୧୩୨	ଶାରଦ ଜଳ ଏକ	୩.୯୬୦
		୧୩୩	ଶାରଦ ଜଳ ଏକ	୨.୧୨୦
		୧୦୪	ଶାରଦ ଜଳ ଏକ	୦.୩୪୦
		୧୩୯	ଶାରଦ ଜଳ ଏକ	୦.୬୨୦
		୧୪୧	ଶାରଦ ଜଳ ଏକ	୦.୪୨୦

		୧୭୨	ଶାରଦା ଜଳ ଏକ	୦.୨୫୦
		୧୫୭	ଶାରଦା ଜଳ ଏକ	୦.୩୫୦
				୧୦.୫୨ ୦

Yours faithfully,

Names of the Co- sharers / Raiyats

(Purna Chandra Behera & Prafulla Chandra Behera)

**EXTRACT OF ORDER DATED.....2018
PASSED BY THE TAHASILDAR,UDALA IN CASE
NO.03/2018 PARTITION OF LAND U/S 19 (1) C OF THE
OLR ACT,1960**

Instituted a partition case U/S 19 (1) c of OLR Act, the R.K is directed to verify the land particular with reference to the relevant ROR and send a copy of the petition alongwith extract of this order to ***R.I,Kochildiha*** for enquiry and report as per the provisions of OLR Act,1960 & OLR (Gen) 1965. The ***R.I, Kochildiha*** is directed ***specifically mention the share of each co-sharer and to prepare a sketch map*** thereof in respect of each portion of land allotted to each portion. The R.I should enquire into the possession of each share involving the case land and also he is required to report as regards the mode of partition. The case land should not be assessed as excess of ceiling limit as per provision of OLR Act and it ought to be free from litigation. He is required to assess the demarcation fees/Amin fees required to be paid by the party in details.

The Particulars of Land schedule on which the partition is to be executed is mentioned below:

SCHEDULED LAND

Name of the Tenant: Sri Chatubhuja Behera

Mouza- Dihirkul

P.S. Udala,

Dist.-Mayurbhanj

Mouza	Holding No	Plot No.	Kissam	Area
Dihirakul	୨୩୨	୩୬	ଶାରଦ ଜଳ ଏକ	୧.୧୧୦
		୩୭	ଶାରଦ ଜଳ ଏକ	୦.୫୪୦
		୯୯/୬୫୫	ଶାରଦ ଜଳ ଏକ	୦.୮୧୦
		୧୩୨	ଶାରଦ ଜଳ ଏକ	୩.୯୬୦
		୧୩୩	ଶାରଦ ଜଳ ଏକ	୨.୧୨୦

		୧୦୪	ଶାରଦ ଉଲ୍ଲ ଏକ	୦.୩୪୦
		୧୩୯	ଶାରଦ ଉଲ୍ଲ ଏକ	୦.୨୨୦
		୧୪୧	ଶାରଦ ଉଲ୍ଲ ଏକ	୦.୪୨୦
		୧୨୨	ଶାରଦ ଉଲ୍ଲ ଏକ	୦.୨୫୦
		୧୫୭	ଶାରଦ ଉଲ୍ଲ ଏକ	୦.୩୫୦
				୧୦.୫୨ ୦

Tahasildar,Udala

OFFICE OF THE TAHASILDAR, Udala

Memo No. _____/

Dated. _____/

Copy submitted to the R.I,Kochiladiha/R.K for information and necessary action. They are directed to verify the ROR & submit the detail enquiry and report within 7 days of this order..

Tahasildar,Udala

OFFICE OF THE REVENUE INSPECTOR, KOCHILADIHA

Letter No. _____/

Dated _____

To

The Tahasildar,
Udala

Ref: Your office L No. _____ dated _____

Sub: - Submission of enquiry report on the partition Case No.03/18 of Sri

Sir,

With due respect, I am to submit the enquiry report specifically mentioning the share of each co-sharer. I have already prepared a sketch map thereof in respect of each portion of land which is to be allotted to each co-sharer after making a local enquiry by verifying the land as they are in possession. The case land is not the excess of ceiling limit as per the provisions of OLR Act and it is also free from any type of litigation. The demarcation fee/ Amin fees is also released from the concerned party as of your order.

I am to enclose herewith the respective land schedule and sketch map and request you to allow partition in favor of the person in possession as mentioned in the land schedule.

Yours Faithfully,

Revenue Inspector, Kochiladiha

Sri Purna Chandra Behera, S/o Sri Chaturbhuj Behera is in possession of Schedule land-A;

Sri Prafulla Chandra Behera, S/o Sri Chaturbhuj Behera is in possession of Schedule land-B

and sketch-map is mentioned below:-

Sketch-map

Mouza-Dihirakul

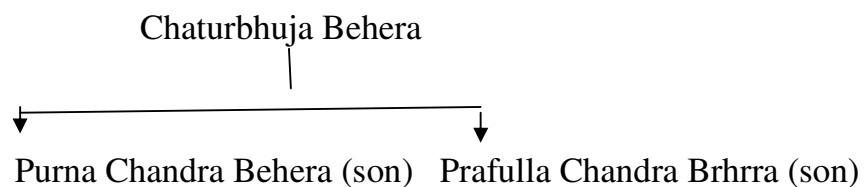
P.S- Udala

Holding No.-232

SCHEDULED LAND

Name of the Tenant: Sri Chaturbhuj Behera

Genealogy of this partition case:



Mouza- Dihirakul

P.S. Udala, Dist.-Mayurbhanj

Holding No.	Plot No.	Area	Kissam				
				Schedule A	Schedule B		
232	36	Ac.1.110	Sharada Jala Eka	Ac.5.400	-		
	133	Ac.2.120	Sharada Jala Eka				
	104	Ac.0.340	Sharada Jala Eka				
	99/655	Ac.0.810	Sharada Jala Eka				
	141	Ac.0.420	Sharada Jala Eka				
	162	Ac.0.250	Sharada Jala Eka				
	157	Ac. 0.350	Sharada Jala Eka				
	37	Ac.0.540	Sharada Jala Eka			-	Ac.5.120
	132	Ac.3.960	Sharada Jala Eka				
	139	Ac.0.620	Sharada Jala Eka				
	TOTAL	Ac10.520					

WITNESSES:-

- 1.
- 2.
- 3.

Revenue Inspector, Kochiladiha

ନୋଟିସ

ପତ୍ର ନ :-

ତାରିଖ :-

ଏତ ଦ୍ଵାରା ସର୍ବସାଧାରଣଙ୍କ ଅବଗତି ନିମନ୍ତେ ଜଣାଇ ଦିଆ ଯାଉଅଛି ଯେ , ଉଦଳା ତହସିଲ ଅନ୍ତର୍ଭୁକ୍ତ ଡ଼ିହିରାକୁଳ ଗ୍ରାମର ଖତିଆନ ନ- ୨୩୨ ର ବିଭାଜନ ପ୍ରକ୍ରିୟା ଜାରି ହେଲା। ଏହି ବାବଦରେ ଯଦି କିଛି ଆପତ୍ତି ବା ଅଭିଯୋଗ ଥାଏ , ତାହା ହେଲେ ଏହି ନୋଟିସ ଜାରି ହେବାର ୧୫ ଦିନ ମଧ୍ୟରେ ଉପଯୁକ୍ତ ପ୍ରମାଣ ସହ ନିମ୍ନ ସ୍ଵାକ୍ଷରକାରୀଙ୍କ ନିକଟ ରେ ଉପସ୍ଥିତ ରହିବା ହେବେ ।

ସ୍ଵା- ତହସିଲଦାର , ଉଦଳା

REGISTERED PARTITION

A partition deed for a property is executed to divide the property among different people – usually among the family members.

Each divided property gets a new title and each share gives up his interest in the property in favor of other shares. Therefore, partition is a combination of surrender and transfer of certain rights in the estate except those which are easement in nature. The transferee can then further deal with the property in any manner as he may so desire. He can sell, transfer, exchange, or gift the property as its absolute owner.

In case a partition is by mutual consent, a partition deed is required to be registered at the office of the Sub-registrar of the place where the property is situated as in case of any other registration. The stamp duty payable in such a case is Rs.1000 for each share of the property. Further the registration fee will be Rs.500/-. More than one person may jointly own a property.

Co-owner's shares are undivided. Their respective shares are not physically ascertainable with definitive boundaries. As the shares of co-owners of a property need not necessarily be equal, it depends on their investment in the property as detailed in the purchase document. A co-owner's share in a property is in-heritable and transferable. The share of investment of each co-owner in the property and the undivided share in right, interest and title of the property should be clearly and explicitly identified. This helps avoid problems in transfer, alienation, inheritance and taxation.

If the Co-owners are not agreeable to a partition, a partition suit is required to be filled in the appropriate court of law. A partition deed should be executed on a stamp paper and drafted in a clear and unambiguous manner. The share of each person should be clearly and explicitly specified.

ADVANTAGES OF PARTITION UNDER 19 (1) c

OVER THE REGISTERED PARTITION

Partition for a property is executed to divide the property among the co-sharer at the property owners. Mainly in both the cases i. e. under 19(1) c by the Revenue Officer and the Registered partition, the partition is based on **MUTUAL CONSENT OR MUTUAL AGREEMENT**.

Rather it is believed that best option for partition is in the Registered office. Practically, it is proved that the partition under 19(1) c of the OLR Act, 1960 is the best option for the Co-sharer Raiyats over the Registered partition. It has some advantages such as follows.

- i. The partition under 19 (1) c is more suitable practice for the Co-sharer Raiyats.
- ii. No charges shall be paid for registration under 19(1) c of the OLR Act.1960.
- iii. As per **Section 17 (2)(viii)** of the Registration Act, 1908 any instrument of partition made by a Revenue Officer is not compulsory to register .
- iv. It is the cheapest, riskless and secured as compared to the registered partition.
- v. After the partition deed is effected by the Registered deed ,again it is submitted for the approval of the Revenue Officer for ROR correction.
- vi. Due to this process, there is less chance of obstructions as it is based on mutual understanding.

Thus, it is preferable over the registered partition.

CONCLUSION

From the above hypothetical case study, it is concluded that the partition among the Co-sharer Raiyats is effected through under Section 19(1) C of the Odisha Land Reforms Act, 1960 by the Revenue Officer. And it is also more advantageous and smooth in process than the Registered partition. As it is based on mutual agreement, the Co-sharers of the holding will never face any kind uncertainties or difficulties. This is more fruitful and less vulnerable than the registered partition deed. The separate raiyats enjoy an ample scope to deposit the revenue dues timely without any obstruction and also get the benefit in various social welfare awareness programs as under the extent of the Government.

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