



No. 765 / ACSR&DM, Date 06 JAN 2024

No. RDM-LRB-POLICY-0008-2023

To

The Secretary, Board of Revenue, Odisha, Cuttack,
The Land Reforms Commissioner, Odisha, Cuttack,
All Revenue Divisional Commissioners,
All Collectors

Sub: Odisha Land Reforms (Second Amendment) Act, 2023 regarding conferment of raiyati rights on persons recorded as sub-tenants or under-raiyats in record-of-rights and their successor-in-interest.

Madam/Sir,

Enclosed please find herewith the Extraordinary issue of the Odisha Gazette bearing No.2909 Dated 29.12.2023 containing Notification relating to publication of the Odisha Land Reforms (Second Amendment) Act, 2023 (Odisha Act 14 of 2023), the contents of which are self-explanatory. This is regarding conferring of raiyati rights on sikim tenants who are recorded as sub-tenants or under-raiyats in record-of-rights. Subject to the provision of the sub-section 4(1)(i) of Odisha Land Reforms Act, 1960, persons who were in personal cultivation of any land and recorded as sub-tenants or under-raiyats in respect of such land in the record-of-rights under any law in force in any part of the State were to make application before the Revenue Officer within two years from the date of commencement of the Odisha Land Reforms (Second Amendment) Act, 1975 under sub-section (5) of Section 4 of the Act to be declared as raiyat. However, many sub-tenants or under raiyats or their successor-in-interest failed to apply in time for declaration of raiyats and their status has remained as such in record-of-rights.

2. Government have, therefore, brought out the enactment of the Odisha Land Reforms (Second Amendment) Act, 2023 which has come into force w.e.f. 29.12.2023 i.e. the date of notification in Odisha Gazette. Accordingly, the persons who are in personal cultivation of any land or use of any land as homestead and recorded as sub-tenants or under-raiyats in respect of such

land in the record-of-rights under any law in force in any part of the State and their successor-in-interest can be declared as tenants subject to provisions of sub-section (5) to (8) of Section 4 of the Odisha Land Reforms Act, 1960. Sub-tenants or under-raiyats or their successor-in-interest who have earlier failed to make such application can now make application to Revenue Officer within two years of this Notification to be declared as raiyat. The above provision shall not be applicable to sub-tenants or under-raiyats recorded in record-of-rights after the 30th day of September, 1965 or to their successor-in-interest if the land in respect of which they have been so recorded belongs to a person under disability or to a privileged raiyat.

3. Form and manner of applications under sub-section 5 of section 4 of the Act are prescribed in Rule 10 of the Odisha Land Reform (General) Rules, 1965. The applications are to be filed by sub-tenants or under-raiyats or their successor-in-interest, as the case may be, in **Form No.2** prescribed under the Rules. To expedite the matter, Tahasildars shall also start suo-moto case as record-of-rights containing sikim khatas are at their custody. For initiating suo-moto cases, they can ask for reports from RIs who shall furnish relevant details.

4. The Collectors shall sensitize the Tahasildars on the matter and Tahasildars shall sensitize the Revenue Inspectors to furnish report to start suo-moto cases. Collectors can give wide publicity to the matter by way of advertisement in papers for filing applications by such sub-tenants or under-raiyats or their successors-in-interest in respect of sikim khatas under their occupation to be declared as raiyat, as the case may be. The cost of advertisement may be met out of IEC funds placed at their disposal.

5. A Revenue Case Record shall be opened against each Sikkim khata. Under Rule 10-A of Odisha Land Reform (General) Rules, 1965, the Revenue Officer shall issue notice to all parties for filing objection. Notice shall be issued to all land holders or their successor-in-interest as well as the sub-tenants or under-raiyats or their successor-in-interest of the case land. The Revenue Officer shall hear them as also the person filing objection. A general notice shall also be served on the villagers of the village or villages in which the land

is situated inviting objections within a period of fifteen days, to the settlement asked for by the sub-tenant or under-raiyat or his successor-in-interest.

6. The Revenue Officer may cause an enquiry on the details of original land holder/holders or their successor-in-interest, the details of sub-tenants or under-raiyats or successor-in-interest possessing the land as recorded in record-of-rights, flow of title over the case land etc. After hearing all the parties concerned, he may pass the order as deemed proper under the provisions of Act & Rules for declaration of sikim tenants as raiyats.

7. However, before passing final order he will calculate the compensation amount to be payable by sub-tenants or under-raiyats or their successor-in-interest to the land holders or their successor-in-interest. The amount shall be calculated at the rate of rupees fourteen thousand two hundred per standard acre. The order sheet shall contain the amount and date of compensation to be paid, the name of sub-tenants or under-raiyats or their successor-in-interest, the name of land holders to receive compensation. Revenue Officer shall also apportion the compensation between the persons entitled thereto. The sub-tenants or under-raiyats or their successor-in-interest shall be intimated about the quantum of the compensation amount and date by which the payment is to be made. Revenue Officer shall give reasonable time and opportunity for payment / deposit of compensation amount. The land holder to receive compensation shall be duly intimated about the matter. Although the rules provide for compensation payment in instalments, the entire amount can be paid in one instalment for expeditious settlement of the case land. The compensation or any portion thereof which remains unpaid shall be recoverable as arrears of land revenue. The Revenue Officer shall follow the provisions as contained in sub-sections 6,7,8 of Odisha Land Reforms Act, 1960 and procedure as prescribed under Rule 11 of Odisha Land Reforms (General) Rules, 1965 for payment of compensation.

8. Rules mandate that the sub-tenants or under-raiyats or successor-in-interest shall be entitled to receipt in token as payment of compensation. However, under certain circumstances, the Tahasildar can also receive payment of compensation as provided under Rule-11 of Odisha Land Reform (General) Rules, 1965. The Tahasildar shall issue receipt to payee against



receipt of compensation as provided under the rule. The receipt so granted shall be considered as an acquittance of the compensation payable and in compliance to the order of the Revenue Officer. The procedure for maintaining accounts regarding deposit of compensation amount with Tahasildar shall be separately intimated soon in consultation with Finance Department.

9. The Revenue Officer receiving the deposit shall forthwith cause a notice of its receipt to be served on the person or persons specified in the order sheet, giving sixty days time for receiving the payment. The Revenue Officer shall pay the amount under deposit to the person or persons entitled to the same if he or they appear before him either in person or through authorised representative within sixty days from the date of issue of the notice.

10. The Revenue Officer shall fix the fair and equitable rent of the land and correct the record-of-rights in the name of sub-tenants or under-raiyats or successor-in-interest in raiyati status. At the time of correction, the case land sikim plot/plots shall be deleted from the khata of the landholder. The sikim khata shall also be deleted. New raiyati khata shall be opened in the name of the tenant who is declared as raiyat in sthitiban status following procedure as outlined in Odisha Mutation Manual.

All Revenue Officers may be instructed suitably.

Yours faithfully,


6/1/2024

Additional Chief Secretary to Government

Memo No. 766 /R&DM dated 06 JAN 2024

Copy forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.

soy/av
6/11/2024

Additional Secretary to Government

Memo No. 767 /R&DM dated 06 JAN 2024

Copy forwarded to PMU Cell for publication in the Department website.

soy/av
6/11/2024

Additional Secretary to Government