

**THE ORISSA PREVENTION OF LAND ENCROACHMENT
(AMENDMENT) ACT, 1981**

TABLE OF CONTENTS

**PREAMBLE
SECTIONS**

1. Short title
2. Insertion of new section 6-A
3. Amendment of section 7
4. Amendment of section 8
5. Insertion of new section 8-A
6. Amendment of section 9
7. Amendment of section 10
8. Amendment of section 12
9. Amendment of section 13
10. Amendment of Schedule I

***THE ORISSA PREVENTION OF LAND ENCROACHMENT
(AMENDMENT) ACT, 1981**

[Received the assent of the President on the 28th June 1982 first published in an
extraordinary issue of the Orissa Gazette dated the 16th July 1982]

**AN ACT TO AMEND THE ORISSA PREVENTION OF LAND ENCROACHMENT
ACT, 1972**

BE it enacted by the Legislature of the State of Orissa in the thirty-third year of the Republic of India, as follows :—

Short title

1. This Act may be called the Orissa Prevention of Land Encroachment (Amendment) Act, 1982.

Insertion of
new section
6-A.

2. After section 6 of the Orissa Prevention of Land Encroachment Act, 1972 (hereinafter referred to as the Principal Act), the following new section shall be inserted, namely :— Orissa Act 6
of 1972.

Reduction
and remis-
sion of
assessment
and penalty.

“6-A. Subject to such conditions as may be prescribed, the Collector may, in suitable cases, either reduce or remit the amount payable by way of assessment under section 4 or the penalty, if any, imposed under section 6.”

Amendment
of section 7.

3. In section 7 of the Principal Act, in sub-section (2),—

(a) after the words “one standard acre”, the words “and shall not include more than one-fifth of an acre of land which is being utilised or can be utilised for purposes of home-stead” shall be added;

(b) for the second proviso, the following provisos shall be substituted, namely:—

“Provided further that where the land in the unauthorised occupation of a person is situated within a Municipality or a Notified Area constituted under the Orissa Municipal Act, 1950,— Orissa Act
23 of 1950.

(a) the settlement of land with such person shall be made by the Subdivisional Officer on a reference made to him in that behalf by the Tahasildar ;

(b) not more than one-twentieth of an acre shall be settled and that such settlement shall be made only where,—

(i) neither the person nor any member of his family living with him in common mess owns a house or house-site anywhere in the State ; or

(ii) the land being adjacent to the holding owned by the person, is necessary for the beneficial enjoyment of such holding or for the residential purpose of the person and is not reserved for the purposes of any Government or for any developmental purpose ; and

(c) the settlement shall not take effect until—

(i) the order of settlement made by the Subdivisional Officer is confirmed by the Collector of the district ; and

(ii) the person in favour of whom the settlement is made, makes payment of the market value of the land assessed by the Subdivisional Officer in the manner prescribed by rules made under this Act :

Provided also that on failure of payment of the market value within the time fixed by the Subdivisional Officer, the person in unauthorised occupation of the land shall be liable to be summarily evicted from the land in accordance with the provisions of this Act.”

Amendment
of Section 8.

4. In section 8 of the Principal Act,—

(a) the words “during the pendency of any proceeding under this Act” shall be deleted ;

(b) the following words shall be added at the end, namely :—

“and may also issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in the form appended to Schedule I for imprisonment in the Civil Jail of the district for a period not exceeding thirty days as may be necessary to prevent the person from proceeding with the construction.”

Insertion of
new section
8, A.

5. After section 8 of the principal Act, the following new section shall be inserted, namely :—

Settlement of
land in cases
of encroach-
ment for
more than
thirty years.

“8-A. (1) wherein the course of any proceeding instituted under section 4, 6, 7 or 8 against any person unauthorisedly occupying any land it is proved by such person that he has been in actual, continuous and undisputed occupation of the land for more than thirty years by the date of institution of the proceeding, the Tahasildar shall refer the case to the Subdivisional Officer.

(2) On receipt of a reference under sub-section (1) the Subdivisional Officer shall give the Department of the State Government (other than the Revenue Department) to which the land belongs an opportunity to show cause against the settlement of the land and may make such further enquiry as he deems necessary.

(3) If after making such enquiry the Subdivisional Officer is satisfied that such person has been in such occupation of the land as aforesaid he may, by order, settle the land with him and every such settlement shall be subject to such conditions regarding assessment and payment of rent (including arrears of rent) as may be prescribed by rules made under this Act.”

Amendment
of section 9.

6. In section 9 of the Principal Act, before the word and figure “section 6” wherever they occur, the word, figure and comma “section 4”, shall be inserted.

Amendment of Section 10. 7. In section 10 of the Principal Act, in sub-section (1), after clause (b), the following clauses shall be inserted, namely :—

- “(b-1) prescribing the manner of assessment of market value of land under section 7 ;
 (b-2) prescribing the conditions regarding assessment and payment of rent under section 8-A”.

Amendment of section 12.

8. In section 12 of the Principal Act,—

- (a) in sub-section (2), the words, letter and figures “or under section 7 or section 8-A” shall be added at the end ;
 (b) in sub-section (3), for the words “Board of Revenue,” the words “Revenue Divisional Commissioner having jurisdiction” shall be substituted ;
 (c) in sub-section (4), for the words “Board of Revenue” the words “Revenue Divisional Commissioner” shall be substituted.

Amendment of section 13.

9. Sub-section (1) of section 13 of the Principal Act, shall be omitted.

Amendment of Schedule I.

10. For Schedule I of the Principal Act, the following Schedule shall be substituted, namely :—

“SCHEDULE I

Section 7 (6) and 8

Form of warrant to be issued by the Tahasildar under section 7 or 8.



To

The Officer-in-charge of the Civil Jail at.....whereas A, B of.....has resisted/obstructed C., D in removing E, F (or himself, that is, the said A, B) from certain land in the village of.....in the..... mouza has failed to comply with the order issued under section 8 of the Orissa Prevention of Land Encroachment Act, 1972 ;

And whereas, it is necessary in order to prevent the continuance of such resistance/obstruction in order to enforce compliance of the said order, to commit the said A, B to close custody ;

You are hereby required under the provisions of section 7, section 8 of the said Act to receive the said A, B into the Jail under your charge and thereto keep him in safe custody for.....days.

Dated this.....days of.....(Signature of Tahasildar)”