

GOVERNMENT OF ORISSA

LAW DEPARTMENT

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ORISSA ACT 23 OF 1957

**THE ORISSA ESTATES ABOLITION (AMENDMENT) ACT, 1957**

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TABLE OF CONTENTS

PREAMBLE :

SECTIONS :

1. Short title and commencement
2. Amendment of section 5, Orissa Act I of 1952
3. Amendment of section 8-A, Orissa Act I of 1952
4. Amendment of section 9, Orissa Act I of 1952
5. Amendment of section 14, Orissa Act I of 1952
6. Savings
7. Repeal of sub-section (5) of section 14 and sections 15, 16 and 17, Orissa Act I of 1952.
8. Amendment of section 28, Orissa Act I of 1952
9. Amendment of section 35, Orissa Act I of 1952
10. Amendment of section 37, Orissa Act I of 1952
11. Amendment of section 38, Orissa Act I of 1952
12. Amendment of section 42, Orissa Act I of 1952
13. Amendment of the Schedule, Orissa Act I of 1952

**ORISSA ACT 23 OF 1957**  
**THE ORISSA ESTATES ABOLITION (AMENDMENT)**  
**ACT, 1957**

[ Received the assent of the President on the 11th September 1957,  
 first published in an extraordinary issue of the Orissa Gazette,  
 dated the 15th November 1957 ].

AN ACT TO AMEND THE ORISSA ESTATES  
 ABOLITION ACT, 1951

**WHEREAS** it is expedient to amend the Orissa Estates Abolition Act, 1951, in the manner <sup>Orissa Act I of 1952.</sup> herein- after appearing ;

It is hereby enacted by the Legislature of the State of Orissa in the Eighth Year of the Republic of India as follows :—

Short title and commencement.

\* 1. (1) This Act may be called the Orissa Estates Abolition (Amendment) Act, 1957.

(2) It shall come into force at once.

Amendment of section 5, Orissa Act I of 1952.

2. In section 5 of the Orissa Estates Abolition Act, 1951 ( hereinafter referred to as the said Act )— <sup>Orissa Act I of 1952.</sup>

(i) in clause (e) for the word “stayed” the word “dropped” shall be substituted ;

(ii) to the said clause (e) the following proviso shall be added, namely :—

“Provided that in cases of suits, executions and other proceedings referred to above in which the validity of the claim under the mortgage or the charge is disputed by the Intermediary the said Court shall, instead of dropping such suits, hear and dispose them of ”.

Amendment of section 8-A, Orissa Act I of 1952.

3. In section 8-A of the said Act—

(i) for the first proviso to sub-sections (1) and (2) the following proviso shall be substituted, namely :—

“Provided that the Collector shall, as soon as may be after any such claim under sub-section (1) or sub-section (2) is filed, give public notice thereof by beat of drum in the appropriate locality and by placards posted at such conspicuous places as he deems fit, inviting objections from persons interested :”

(ii) in sub-section (4) for the word “notification” the words “public notice ” shall be substituted

\* For statement of objects and reasons see *Orissa Gazette* extraordinary dated the 29th May 1957.

Amendment  
of section 9,  
Orissa Act I  
of 1952.

**4. In section 9 of the said Act—**

(i) to sub-section (1), the following Explanation shall be added, namely :—

“*Explanation—* The Collector of the District, referred to in the proviso shall for the purpose of this sub-section include a Deputy Collector appointed as the Additional District Magistrate of the District.”

(ii) in sub-section (2) the words “ in the Official Gazette ” shall be omitted.

Amendment  
of section  
14, Orissa  
Act I of  
1952.

**5. In section 14 of the said Act, for the proviso to sub-section (4) the following proviso shall be substituted, namely :—**

“Provided that until provisions of the Orissa Anchal Sasan Act, 1955, defining the powers, duties and functions of the Anchal Sasan, Anchal Sabha and Anchal Adhikari are enforced, the estates vested in the State Government shall subject to the provisions of this Act, and subject to such directions as may be general or special order be issued by the State Government in this behalf, be managed according to the laws, rules and regulations for the time being in force for the management of the Government estates or raiyatwari areas or other areas under the direct management of Government by whatever name known, as the case may be.”

Orissa Act  
of 1956.

Savings

**6. All proceedings pending before the Anchal Adhikaris in any capacity under the provisions of the said Act or the rules made thereunder at the commencement of this Act shall be continued by the appropriate authorities under the provisions of the said Act as amended by this Act and the provisions of section 5 of the Orissa General Clauses Act, 1937, shall apply in regard to the sections repealed under section 7 of this Act.**

Orissa Act  
of 1937.

Repeal of  
sub-section  
(5) of sec-  
tion 14, and  
sections 15,  
16 and 17,  
Orissa Act  
of I 1952.

**7. Sub-section (5) of section 14 and sections 15, 16 and 17 of the said Act shall be omitted.**

Amendment  
of section  
28, Orissa  
Act I of  
1952.

**8. In clause (2) of section 28 of the said Act—**

(i) before the existing proviso the following new proviso shall be inserted, namely :—

“Provided that in regard to estates relating to Hindu Religious Trusts or institutions, the Compensation Officer shall in cases of doubt refer the matter for the opinion of the Endowment Commissioner appointed under the provisions of the Orissa Hindu

Religious Endowments Act, 1951 and the recommendations made, if any, by the said Commissioner after a summary enquiry in the prescribed manner shall be taken into consideration by the Compensation Officer before he finally forms the opinion .”

Orissa Act 2  
of 1952.

(ii) after the word “provided” in the existing proviso, the word “further” shall be inserted.

**9.** In sub-section (1) of section 35 of the said Act, after the existing second proviso, the following new proviso shall be inserted, namely :—

Amendment  
of section  
35, Orissa  
Act I of  
1952.

“Provided also that in cases where the entire amount of compensation had been paid to the Intermediary and on a review as above referred to, it is found that an amount in excess of what is due had been paid to the said Intermediary it shall be lawful for the State Government to recover the said excess amount from him as an arrear of land revenue without prejudice to any other mode of recovery.”

**10.** To sub-section (3) of section 37 of the said Act, the following further proviso shall be added, namely :—

Amendment  
of section  
37, Orissa  
Act I of  
1952

“Provided further that where the Intermediary does not turn up to receive payment of compensation within the time prescribed, the amount of compensation shall be deposited as revenue deposit and no interest shall run on the said deposit from the date of intimation to the Intermediary to receive the amount of compensation.”

**11.** In section 38 of the said Act—

Amendment  
of section  
38, Orissa  
Act I of  
1952.

(i) after sub-section (2) the following new sub-section shall be inserted, namely :—

“(3) After the date of vesting and before the date of assessment of perpetual annuity under clause (2) of section 28 *ad interim* annual payment of compensation may be made as the Collector may in each case, order to the trustee-intermediaries of an amount which is equivalent to seventy-five per centum of the approximate amount of the said annuity to be calculated in the prescribed manner.”

(ii) sub-sections (3) and (4) shall be renumbered as sub-sections (4) and (5) respectively.

**12.** In sub-section (1) of section 42 of the said Act, the word “and” after the word and figures “sections 5, 6” shall be omitted, and after the figure ‘7’, the word, figure and letter “and 8-A” shall be inserted.

Amendment  
of section  
42, Orissa  
Act I of  
1952.

**13.** In the opening line of the Schedule to the said Act, for the words “THE COLLECTOR OF”, the words “THE COLLECTOR” shall be substituted.

Amendment  
of the  
Schedule,  
Orissa Act  
I of 1952.