

**THE ORISSA BHOODAN AND GRAMDAN (AMENDMENT)
ACT, 1976**

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AN ACT TO AMEND THE ORISSA BHOODAN AND GRAMDAN ACT, 1970

Be it enacted by the Legislature of the State of Orissa in the Twenty-seventh Year of the Republic of India, as follows:—

Short title 1. This Act may be called the Orissa Bhoodan and Gramdan (Amendment) Act, 1976.

Insertion of new sections 26-A and 26-B. 2. In Chapter IV of the Orissa Bhoodan and Gramdan Act, ^{Orissa Act 2 of 1971.} 1970 (hereinafter referred to as the principal Act), before section 27, the following new sections shall be inserted, namely:—

Cancellation of grant or allotment. “26-A. (1) Whenever it comes to the notice of—

(a) the Samiti, that any person to whom land has been granted under section 14; or

(b) the Grama Parishad, that any person to whom land has been allotted under clause (a) of section 19,

was not a landless person when such grant or allotment was made, the Samiti or the Grama Parishad, as the case may be, may, after giving the person concerned a reasonable opportunity of being heard and after making such enquiry as it deems fit, make an order cancelling the grant or the allotment, as the case may be :

Provided that no proceedings under this sub-section shall be initiated after the expiry of a period of thirty years from the date of the grant or allotment.

(2) Upon an order of cancellation being made under sub-section (1), the rights and interests of all persons holding the land to which the order relates shall stand extinguished and the land shall revert to the Samiti or the Grama Parishad, as the case may be, free from all encumbrances ; and it shall be the duty of the person in possession of the land to deliver possession thereof to the Samiti or the Grama Parishad, as the case may be, within thirty days from the date of the order.

(3) If possession is not delivered in accordance with the provisions of sub-section (1), the Samiti or the Grama Parishad, as the case may be, may make an application to the Tahsildar having jurisdiction for eviction of the person in possession of the land whereupon the Tahsildar shall evict such person in the manner provided in sub-section (2) of section 23 and restore possession of the land to the Samiti or the Grama Parishad, as the case may be.

Eviction of unauthorised occupants.

26-B. (1) If any person is found to be in unauthorised occupation of any land, the right, title and interest wherein has vested in the Samiti, the Tahsildar having jurisdiction may, on an application by the Samiti or the person, if any, to whom the land has been granted by the Samiti, made in that behalf within thirty years from the date when such occupation comes to the knowledge of the applicant, and after making such enquiry as he deems necessary, pass an order requiring the person in such occupation to vacate the land and to deliver possession thereof to the applicant within such date, not being earlier than thirty days from the date of the order, as may be specified in the order :

Provided that no such order shall be passed without giving the person concerned a reasonable opportunity of being heard.

Explanation—“Unauthorised occupation” means the occupation of land otherwise than in accordance with the provisions of this Act.

(2) If the person in unauthorised occupation of the land fails to comply with the order passed under sub-section (1), the Tahsildar shall evict him from the land and restore possession thereof to the applicant.”

Amendment of section 27.

3. For section 27 of the principal Act, the following section shall be substituted, namely :—

“27. Any person aggrieved by an order passed or made by—

- (a) the Tahsildar under sub-section (3) of section 13, or under sub-section (1) of section 26-B; or
- (b) the Samiti or Grama Parishad, as the case may be, under sub-section (1) of section 26-A,

may, within thirty days from the date of the order, prefer an appeal before the Subdivisional Officer within whose jurisdiction the land is situated.”