

THE ORISSA CONSOLIDATION OF HOLDINGS AND PREVENTION OF FRAGMENTATION OF LAND (AMENDMENT) ACT, 1988

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29	Expenditure relating to the Information and Public Relations Department.	8,39,000	..	8,39,000
30	Expenditure relating to the Excise Department.	1,000	19,000	20,000
31	Expenditure relating to the Science, Technology and Management Department.	14,54,000	..	14,54,000
	Internal Dept. of the Government.	..	2,73,97,000	2,73,97,000
	Total Revenue Account.	70,13,77,000	31,18,000	71,44,95,000
	Total Capital Account.	..	2,73,97,000	2,73,97,000
	Grand Total.	70,13,77,000	33,91,97,000	1,04,05,74,000

ORISSA ACT 2 OF 1989

**THE ORISSA CONSOLIDATION OF HOLDINGS AND PREVENTION OF
FRAGMENTATION OF LAND (AMENDMENT) ACT, 1988**

[Received the assent of the President on the 1st March 1989 first published in an extraordinary issue of the *Orissa Gazettes* dated the 16th March 1989]

AN ACT TO AMEND THE ORISSA CONSOLIDATION OF HOLDINGS AND PREVENTION OF
FRAGMENTATION OF LAND ACT, 1972.

BE it enacted by the Legislature of the State of Orissa in the Thirty-ninth Year of the Republic of India, as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act, 1988.

(2) Sections 2 and 3 shall be deemed to have come into force on the 10th day of August, 1973 and the remaining provisions shall come into force at once.

Amendment
of section 2.

2. In the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (hereinafter referred to as the principal Act), in section 2, for clause (g), 21 of 1972. the following clause shall be substituted, namely:—

“(g) ‘Consolidation area’ means the village or villages in respect of which a notification under sub-section (1) of section 3 has been issued and includes the lands covered under the explanation to clause (f);”.

Amendment
of section 3.

3. In the principal Act, in section 3, for sub-section (1) excluding the clauses thereunder, the following shall be substituted, namely:—

“(1) The State Government may, where they are of the opinion that any area, which shall comprise a village or group of villages, may be brought under consolidation operations, issue a notification to that effect whereupon it shall become lawful for the Consolidation Officer or his subordinate or any other officer acting under his authority”.

Amendment
of section 4.

4. In the principal Act for sub-section (2) of section 4 the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in any law for the time being in force no land owner, except with the permission in writing of the Consolidation Officer previously obtained, shall after publication of the notification under sub-section (1) of section 13, transfer by way of sale, gift, mortgage or exchange any land, and no document purporting to effect any such transfer shall be registered by a Registering Officer appointed under the Registration Act, 1908 unless the document is accompanied by a certified copy of the aforesaid written permission:

Provided that no permission of the Consolidation Officer shall be necessary for transfer by way of sale, gift, mortgage or exchange of lands, which are covered by orchards, groves or homestead and lands, which in the opinion of the Director of Consolidation is subject to severe fluvial action, intensive soil erosion or prolonged waterlogging or is otherwise unfit for cultivation.”.

Amendment of section 7. 5. In the principal Act, in section 7, for the second proviso to sub-section (3-c) the following proviso shall be substituted, namely:—

“Provided further that no such settlement of rent or cess shall be made in respect of any land the rent whereof has been settled within ten years preceding the date of publication of the notification issued under sub-section (1) of section 3.”.

Amendment of section 34. 6. In the principal Act, in section 34, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3-a) Any person aggrieved by an order of the Tahasildar under sub-section (3) may, within sixty days from the date of such order, prefer an appeal in the prescribed manner before the concerned Subdivisional Officer, whose decision thereon shall be final.”.

Validation

7. Notwithstanding anything contained in the principal Act or any judgement, decree or order of any court or other authority, all actions taken, things done or orders made in course of consolidation operations in respect of lands covered by the explanation to clause (f) or section 2 of the principal Act during the period between the 10th day of August, 1973 and the date of commencement of this section, under the belief that the said lands formed part of the consolidation area and that the consolidation authorities had jurisdiction over such lands, shall, for all intents and purposes, be deemed to have been validly and effectively taken, done or made, as the case may be, as if clause (g) of section 2 of the principal Act as amended by section 2 of this Act were in force at all material times when such actions were taken, things were done or orders were made, and accordingly, no suit or other legal proceeding shall be instituted, maintained or continued in any court or before other authority on the ground that the said lands did not form part of the consolidation area or that the consolidation authorities had no jurisdiction over such lands.

Explanation—For the purpose of this section the expression “consolidation authorities” shall mean the officers and authorities empowered to exercise powers and perform functions under the principal Act.