

## ORISSA ACT XIX OF 1950

## THE CENTRAL PROVINCES LAND-REVENUE (ORISSA AMENDMENT) ACT, 1950

[ Received the assent of the Governor on the 5th October 1950, first published in an extraordinary issue of the Orissa Gazette, dated the 11th October 1950 ]

AN ACT TO AMEND THE CENTRAL PROVINCES LAND-REVENUE ACT, 1881, IN ITS APPLICATION TO THE STATE OF ORISSA

WHEREAS it is expedient to amend the Central Provinces Land-revenue Act, 1881, in its application to the State of Orissa, in the manner hereinafter appearing; <sup>XVIII of 1881.</sup>

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Central Provinces Land-revenue (Orissa Amendment) Act, 1950.

(2) It shall come into force at once.

Insertion of new sections 124-B, 124-C and 124-D in Act XVIII of 1881.

2. After section 124-A of the Central Provinces Land-revenue Act, 1881, the following sections shall be inserted, <sup>XVIII of 1881</sup> namely :—

“ 124-B (1) Notwithstanding any entry in the village administration paper of any Khalsa Goantihai village or any custom or decree or order of a Civil Court, or any contract, the right to grant lease of all waste lands other than those reserved as grazing and forest lands in such village for cultivation or for the location of new tenants or for any other purpose whatsoever, as the State Government may deem fit, shall vest in the State Government.

(2) The existing right of the Lambardar and his co-sharers to reclaim any waste land in any such village shall, notwithstanding any entry in the village administration paper of any Khalsa Goantihai village or any custom or decree or order of a Civil Court or any contract, be extinguished with effect from the date of the commencement of this Act.

124-C (1) The Lambardar or his co-sharers, if any, may, within a period of six months from the date of the commencement of this Act, apply to the State Government for the grant of a lease of any waste land other than those reserved as grazing and forest lands in any Khalsa Goantihai village.

(2) If any such application is made within the aforesaid period, the State Government shall, subject to the provisions of sub-section (3), grant a lease of the waste lands to the applicant for cultivation on such terms and conditions as they may deem fit.

(3) In granting a lease of waste lands to a Lambardar or his co-sharers, if any, under sub-section (2), the State Government shall have due regard to the following matters, namely :—

(a) that the maximum area to be leased out in any Khalsa Goantihai village shall not exceed thirty-three acres ;

(b) that in calculating the maximum area of thirty-three acres of such lands in any Khalsa Goantihai village the Goantihai Raiyati lands held in possession immediately before the commencement of this Act by such Lambardar or his co-sharers, if any, shall be included.

(4) If no such application is made during the period specified in sub-section (1), the State Government may, after the expiry of the said period, grant lease of all such waste lands to any person or persons and for any purpose provided in sub-section (1) of section 124-B.

124-D. The Deputy Commissioner shall have power to make enquiries in respect of the settlement or lease of any waste land made or created by the Lambardar or his co-sharers in any Khalsa Goantihai village at any time after the 1st day of April 1950, and may, with the previous sanction of the State Government and after giving reasonable notice to the parties concerned to appear and be heard, set aside any such settlement or lease, dispossess the person claiming under it and take possession of the property conveyed by the settlement or the lease on such terms as may appear to him to be fair and equitable, if he is satisfied that such settlement or lease was made or created with the object of defeating any provisions of this Act."