

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1966**TABLE OF CONTENTS****PREAMBLE****SECTIONS**

1. Short title
2. Amendment of section 4, Orissa Act 16 of 1960
3. Amendment of section 26, Orissa Act 16 of 1960
4. Amendment of section 27, Orissa Act 16 of 1960
5. Insertion of new section 34-A, Orissa Act 16 of 1960
6. Insertion of new section 35-A, Orissa Act 16 of 1960

ORISSA ACT 8 OF 1967
THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1966

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AN ACT TO AMEND THE ORISSA LAND REFORMS ACT, 1960

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

Short title

*1. This Act may be called the Orissa Land Reforms (Amendment) Act, 1966.

Amendment of section 4, Orissa Act 16 of 1960.

2. In section 4 of the Orissa Land Reforms Act, 1960 (herein- Orissa Act 16- after referred to as the principal Act)— of 1960.

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

“Provided that any such person as aforesaid, who has failed to make an application within the said period, may make such application within ninety days from the date of commencement of the Orissa Land Reforms (Amendment) Act, 1966 :

Orissa Act of 1966.

Provided further that any such application made after the expiry of the period specified in this sub-section and before the aforesaid date shall, for all purposes, be treated as an application filed within the period of limitation.”

(ii) after sub-section (5) the following provisos shall be inserted, namely :—

“Provided that any such sub-tenant or under-raiyat who has failed to make an application within the said period, may make such application within ninety days from the date of commencement of the Orissa Land Reforms (Amendment) Act, 1966 :

Orissa Act of 1966.

Provided further that any such application made after the expiry of the period specified in this sub-section and before the aforesaid date shall, for all purposes, be treated as an application filed within the period of limitation.”

Amendment of section 26, Orissa Act 16 of 1960.

3. In section 26 of the principal Act, after sub-section (2) the following provisos shall be added, namely :—

“Provided that any landlord or tenant who has failed to apply within the aforesaid period, may make such application within three months from the date of commencement of the Orissa Land Reforms (Amendment) Act, 1966 :

Orissa Act of 1966.

Provided further that any such application made after the expiry of the period specified in sub-section (1) or sub-section (2) and before the aforesaid date shall, for all purposes, be treated as an application filed within the period of limitation.”

Amendment of section 27, Orissa Act 16 of 1960.

4. In section 27 of the principal Act, in sub-section (1) for the words and figures “on the expiry of the period specified in section 26, consider the applications received thereunder” the words and figures “on receipt of application from the landlord under section 26, consider it along with such application, if any, as may have been received from his tenant under the said section” shall be substituted.

Insertion of
new section
34-A, Orissa
Act 16 of
1960.

5. After section 34 of the principal Act the following new section shall be inserted, namely :—

Consequences
of failure of
landlord to
apply under
section 26.

“34-A. In any case where the landlord in respect of any land fails to apply in accordance with the provisions of section 26 the Revenue Officer shall, on the expiry of the period specified in the said section, consider the application filed by the tenant in respect of such land and after giving the persons interested an opportunity of being heard determine the particulars of the resumable and non-resumable lands along with the other matters required to be determined under sections 27 and 28 and on such determination the remaining provisions of the Chapter, so far as may be, shall apply :

Provided that if in any such case the landlord contests the claim on the ground that the applicant is not the tenant and the tenant succeeds in establishing his claim the Revenue Officer shall, after giving the tenant an opportunity of selecting the non-resumable lands, determine the aforesaid particulars, so far as may be, in accordance with the selection, if any, made by the tenant :

Provided further that if the landlord does not contest the claim as aforesaid he shall have the right to select the resumable lands and the said particulars shall, so far as may be, be determined in accordance with the selection, if any, made by the landlord.”

Insertion of
new section
35-A, Orissa
Act 16 of
1960.

6. After section 35 of the principal Act the following new section shall be inserted, namely:—

Rights of
tenant until
conclusion
of proceed-
ings under
this Chapter.

“35-A. The tenant shall, subject to the final orders made in the proceedings, if any, under this Chapter, hold the lands as a tenant with heritable rights until the conclusion of such proceedings and while so holding shall be subject to the provisions contained in Chapter II.”