

The Ganjam-Koraput Survey, Record-of-Rights and Settlement Operations Validation Act, 1956

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Act 7 of 1956

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The Ganjam-Koraput Survey, Record-of-Rights and Settlement Operations Validation Act, 1956 Orissa Act No. 7 of 1956 Statement of Objects and Reasons. - In a recent decision of the Orissa High Court it was held that the Survey, Record-of-Rights and Settlement Operations which continued in progress since 1937 in Bodogodi estate in Ganjam district are invalid in view of some technical flaws in the notifications issued under the Madras Survey and Boundaries Act, 1923 and the Madras Estates Land Act, 1908. The aforesaid operations have had almost reached a stage of completion and unless the alleged defects in the technicalities of procedure under the said Acts and Rules made thereunder are validated, considerable inconvenience and irreparable loss of both time and money will be caused to all concerned. This validating Bill is, therefore, intended to remedy the formal defects and irregularities that have come to light in respect of the said Survey, Record-of-Rights and Settlement Operations undertaken in the districts of Ganjam and Koraput and to declare the said operations valid. Published vide Orissa Gazette Extraordinary/26.4.1956. For Statement of Objects and Reasons-see Orissa Gazette Extraordinary 14.3.1956. An Act to remedy certain defects and irregularities that have come to light in respect of the survey, record-of-rights and settlement operations undertaken in the districts of Ganjam and Koraput and to declare the said operations valid. Whereas certain defects and irregularities have come to light in respect of the survey, preparation of record-of-rights and settlement of rent operations in the districts of Ganjam and Koraput raising doubts regarding the validity of the said operations; And whereas it is expedient to validate the said operations to the extent and in the manner hereinafter appearing; It is hereby enacted by the legislature of the State of Orissa in the Seventh Year of the Republic of India as follows :

1. Short title and commencement.

(1) This Act may be called the Ganjam-Koraput Survey, Record-of-Rights and Settlement Operations Validation Act, 1956. (2) It shall come into force at once.

2. Validating survey operations undertaken prior to the commencement of this Act.

- Notwithstanding anything contained in the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923) or the Madras Estates Land Act, 1908 (Madras Act I of 1908) or the rules made under any of the said enactments or in any other law or any judgement, decree or order of any Court, all operations for the purposes; of or in relation to the survey, preparation of record-of-rights or settlement of rent in the districts of Ganjam and Koraput after the year 1937 and prior to the commencement of this Act undertaken or conducted by or under the orders of the Collector appointed under the Madras Estates Land Act, 1908 (Madras Act I of 1908) or, as the case may be, by or under the orders of the Survey Officer in pursuance of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923) or purporting to have been so undertaken or conducted, shall be deemed to be lawful and valid and shall have force and effect to all intents and purposes and as fully and effectively as if-(i) the said Collector had been appointed as a Survey Officer under the provisions of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923) and the said operations had been conducted in accordance with the provisions of the Madras Estates Land Act, 1908 (Madras Act I of 1908); (ii) all notifications issued, forms used, notices served, orders passed, decisions made, proceedings or actions taken or things done in course of or incidental to such operations or purporting to have been so issued, served, passed, made, taken or done had been free from all defects and irregularities and had been validly issued, used, served, passed, made, taken or done; and (iii) the omission to issue any notification, use any prescribed form, specify any particulars in any such form or notification, make, any report of the completion of any survey to any specified person or authority or follow the procedure in respect of service of notices or the publication of notifications required to be issued, used, specified, made or followed by or under the aforesaid enactments had never occurred.

3. Saving.

- Nothing contained in this Act shall render any person liable by reason of anything done or omitted to be done by him prior to the date of commencement of this Act to any punishment or penalty to which such person would have been otherwise liable, but for the defects and irregularities referred to in this Act.