

The Orissa Vesting of Properties (in Grama Sasans) Rules, 1965

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Rule

THE-ORISSA-VESTING-OF-PROPERTIES-IN-GRAMA-SASANS-RULES of 1965

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The Orissa Vesting of Properties (in Grama Sasans) Rules, 1965 Published vide Notification No. 33819-G.E, (GI.)-47/66-R., dated 30th May 1966, Orissa Gazette Extraordinary No. 680/17.6.1966 Notification No. 33819-G.E, (GI.)-47/66-R., dated 30th May 1966. - In exercise of the powers conferred by Section 10 of the Orissa Vesting of Properties (in Grama Sasans) Act, 1964 (Orissa Act 10 of 1964), the State Government of Orissa do hereby make the following rules :

1. Short title and commencements.

- These rules may be called the Orissa Vesting of Properties (in Grama Sasans) Rules, 1965.(2)These shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires-(1)"Act" means the Orissa Vesting of Properties (in Grama Sasans) Act, 1964;(2)"Form" means a form appended to these rules;(3)All words and expressions used in these rules but not defined herein shall have the same meaning as are respectively assigned to them in the Act.

3. Manner of publication of notice under Section 3.

(1)The notice referred to in Sub-section (1) of Section 3 of the Act shall be in Form 'A'.(2)There shall be a separate notice for each village in which the tank, orchard or tree belonging to Government proposed to be vested is situated.(3)The notice shall be served in the village by proclamation and by

beat of drum and by posting a copy of it in the presence of not less than two persons belonging to the village, to some conspicuous place in the village.(4)If such village is uninhabited, the notice shall be served in the manner aforesaid in the nearest inhabited village.(5)A copy of every such notice shall be published, in the Orissa Gazette and affixed to the notice boards of the Collector, Sub-divisional Officer, Tahsildar, Zilla Parishad, Panchayat Samiti and Grama Panchayat having jurisdiction over the village in which the property to be vested is situated.

4. Mode of service of noticed.

- All notices required under the Act or these rules shall be in writing.(2)Where no other mode of service of notice is prescribed by the Act or these rules, service shall be effected in the manner prescribed for the service of summons, on a defendant under the Code of Civil Procedure, 1908, if the notice is addressed to only one person. If it is addressed to a number of person or persons in general it shall be served in the manner prescribed for the service of summons on a defendant under the Code of Civil Procedure, 1908, or by proclamation and beat of drum and by posting it in the presence of not less than two persons to some conspicuous place in the village.(3)In the case of uninhabited village the service of any general notice shall be by proclamation and by beat of drum and by posting it in the presence of not less than two persons to some conspicuous place in the nearest inhabited village.

5. Form of application under Section 4 (1).

- The application which may be filed before the Claims Officer under Sub-section (1) of Section 4 of the Act, shall be in Form 'B'. It shall be made in triplicate.

6. Manner of enquiry by the Claims Officer.

(1)The enquiry to be conducted under Sub-section (2) of Section 4 of the Act, shall be of summary nature.(2)The Claims Officer shall issue notice to the applicant to appear before him at a specified time and place with his witnesses and documents in support of his claims.(3)If the applicant desires summons to be issued for the appearance of any witness or production of any document the Claims Officer shall issue summons accordingly :Provided that necessary expenses for summoning of the witnesses as calculated in the manner prescribed for summoning and attendance of witnesses in Order XVI of the Code of Civil Procedure, 1908, are deposited within a reasonable time to be fixed by the Claims Officer.(4)A copy of the notice along with a copy of the application filed under Sub-section (1) of Section 4 of the Act shall be served on the Grama Panchayat concerned and the Collector of the district and they shall be given reasonable opportunities for producing evidence and of being heard.(5)The Claims Officer, if he thinks fit may make local enquiry and the memorandum recorded for any relevant facts at any such local enquiry shall form part of the record of the case.(6)The Claims Officer shall, after conclusion of the enquiry, record a summary of the evidence tendered and briefly state the reasons for determining the nature of the rights and the compensation, if any, payable in respect thereof.

7. Manner of payment of compensation.

(1)The amount of compensation to which a person is entitled to, shall carry interest at six per centum per annum from the date of taking over possession of the property by the Grama Sasan concerned under Sub-section (1) of Section 5 of the Act until it has been tendered for payment.(2)After the compensation payable is determined and after the period of appeal prescribed under Sub-section (1) of Section 8 of the Act is over or if any such appeal is filed under the said section such appeal has been disposed of, the Claims Officer shall, as soon as possible, intimate the Collector in writing the details of the case viz., the nature of interest, amount of compensation payable for it, the name of the persons to whom the amount is payable etc. On receipt of the intimation from the Claims Officer the Collector shall tender payment of compensation together with interest, if any, to the person or persons entitled thereto:Provided that where a person entitled to compensation does not turn up in spite of due notice to receive payment of compensation within the time fixed by the Collector, the amount of compensation shall be deposited as revenue deposit and no interest shall accrue on the said, deposit from the date of service of the intimation to the person concerned to receive such amount.

8. Conditions and restrictions.

- The Grama Sasan concerned shall be entitled to the possession, management and control of the property in respect of which a declaration has been made under Section 3 of the Act, subject to the following conditions and restrictions, namely:(a)half of the annual income from the tanks should be utilised, for proper repair and renovation of such tanks according to such directions as the Sub-divisional Officer may give from time to time;(b)properties shall be maintained in proper condition and be protected from deterioration, destruction and encroachment;(c)the right of way, if any, over embankments and through orchards shall not be interfered with;(d)no live trees should be cut down unless so required for the development of an orchard.

9. Maintenance of account.

(a)An annual demand and collection register in respect of income from the properties vested in the Grama Sasan under Section 3 of the Act shall be maintained by the Grama Panchayat in Form 'C'(b)The income and expenditure in respect of such properties shall be kept separately for each property by the Grama Panchayat concerned in Form 'D'.(c)The daily receipts and payments to and from the Grama Fund in respect of such properties shall be entered in the Cash Book on the same day as prescribed in Sub-rule (1) of Rule 140 of the Orissa Grama Panchayats Rules, 1949.Form 'A'[See Rule 3(1)]Notice under Sub-section (1) of Section 3 of the Orissa Vesting of Properties (in Grama Sasans) Act, 1964

1. In exercise of the powers conferred under Sub-section (1) of Section 3 of the Orissa Vesting of Properties (in Grama Sasans) Act, 1964, I, Shri..... Collector.....hereby declare that the possession, management and control of the tanks, orchards or trees

belonging to Government, mentioned in the Schedule below, have vested in the Grama Sasan of district.

2. Upon this declaration having been made, the right if any of all persons including any village community or a section thereof in respect of these tanks, orchards or trees stand extinguished from today.

3. Any person interested, whose rights are so extinguished may apply in the prescribed form to the Claims Officer.....for determination of compensation if any, payable in respect of such rights, within sixty days.

Schedule

Name of village Khata No. Plot No. Area Description

CollectorForm 'B'[See Rule 3]Form of application under Sub-section (1) of Section 4 of the ActToThe Claims Officer.....Sir,Whereas the Collector of.....district has published a notice declaring that the possession, management and control of.....belonging to the Government lying in plot No.....of Khata No.....of village.....have vested in the Grama Sasan at.....And whereas, upon the said declaration being made, the rights of all persons including the village community or a section thereof in respect of the said tank/orchard/trees stand extinguished;

1. I, authorised agent of.....son/daughter/wife of.....resident of village/town.....police-station.....districtbeg to furnish the necessary particulars in respect of rights held by me/my client in the aforesaid property in the enclosed statement and request that compensation payable in respect of such rights-be determined according to law.

2. I file the following documents in support of my rights :

(1)Certified copy of Khatian;(2)Certified copy of map concerned;(3)Books of account;(4)Counterfoils of receipts;(5)Certified copy of judgment or order of Civil Court/ Revenue authority;(6)Any other document.Yours faithfullySignature of the applicant or hisauthorised agentStatement of orchard/treesVillage.....Name of Claimant.....Address.....

Serial No.	Plot No.	Khatian No.	Area	Nature and extent of rights claimed	Kind of trees	No.
1	2	3	4	5	6	7

Description	Other useful information	Value of timber	Value	Value of land	Remarks
Height of truck to lowest branches	Girth	Fruit bearing or not	Annual average income from usufruct or from lease		
8	9	10	11	12	13 14 15

Statement of tanksVillage.....Name of

Claimant.....Address.....

Serial No.	Plot No.	Khatian No.	Area	Local name, if any	Nature and extent of rights claimed
Water spread	Embankment				
1	2	3	4	5	6 7

Description	Present condition	Value	Value of land	Remarks
Improvement	Average annual income from fishery	Average annual income from other sources		
Year of construction	Cost of construction	Year	Amount	
8	9	10	11	12 13 14 15 16

Form 'C'[See Rule 9(a)]Demand and Collection Register for the year.....Name of Grama Panchayat.....Sub Division.....

Sl. No.	Name of tank or orchard and plot Nos.	Fishery	Nature of demand	Orchards or trees	From timber or dead or useful trees	From whom due	ArrearRs. P.
Other sources from tanks							
1	2	3	4	5	6	7	8

CurrentRs. P.	TotalRs. P.	Receipt No.	Date	AmountRs. P.	Total amount realisedRs. P.	Balance outstandingRs. P.	Remarks
9	10	11	12	13	14	15	16

Form 'D'Income and Expenditure Register[See Rule 9(b)](A separate page is to be allotted to each tank or orchard)Isolated trees in a village may be grouped as an orchardName of the tank/orchard.....Name of Grama Panchayat

.Sub-division.....District.....

Date	Previous balance	Particulars of receipt	Amount	Serial No. in Cash book	Total of expenditure	Amount	Serial numbers in Cash Book	Balance	Remarks	
Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.					
1	2	3	4	5	6	7	8	9	10	11