

The Orissa Agricultural Land (Utilisation) Act, 1969

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Rule

THE-ORISSA-AGRICULTURAL-LAND-UTILISATION-ACT-1969 of 1969

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The Orissa Agricultural Land (Utilisation) Act, 1969 For the bill see Orissa Gazette Extraordinary, dated The 3rd July 1968 (721). Received the assent of the Governor on the 21st May 1969 first published in an extraordinary issue of the Orissa Gazette, dated the 2nd June 1969 An Act to Provide for Utilisation of Agricultural Lands for Cultivation and for Matters Ancillary Thereof Be it enacted by the Legislature of the State of Orissa in the Twentieth Year of the Republic of India, as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Orissa Agricultural Land (Utilisation) Act, 1969. (2) It extends to the whole of the State of Orissa. (3) It shall come into force on such date as the State Government may, by notification, appoint in that behalf.

2. Definitions.

- In this Act unless the context otherwise requires- (a) "Grama Panchayat" means a Grama panchayat constituted under the Orissa Grama Panchayat Act, 1964; Orissa Act I of 1965. (b) "land" means land used or capable of being used for agricultural purposes; (c) "prescribed" means prescribed by rules made under this Act; (d) "year" means the agricultural year commencing on the first day of April; and (e) the expressions "agriculture" "land holder" "personal cultivation", "raiyat" and "tenant" shall have the same meanings as have been respectively assigned to them under the Orissa Land Reforms Act, 1960. Orissa Act 16 of 1960.

3. No person shall keep land fallow.

- No person who holds land for personal cultivation, whether as a land holder, raiyat or tenant, shall without sufficient cause, keep such land fallow.

4. Penalty for keeping land fallow.

- Without prejudice to the provisions contained in the Orissa Land Reforms Act, 1960 any person, who in contravention of the provisions contained in section 3 keeps any land held by him as aforesaid fallow for two consecutive years shall be liable to pay by way of penalty such sum, not exceeding rupees one hundred, as may be fixed by the Tahasildar within whose jurisdiction the land is situate.

5. Initiation of proceedings under section 4.

(1) Whenever it comes to the notice of any Grama Panchayat that any person holding land within its jurisdiction has kept any such land fallow in contravention of section 3 for two consecutive years it may make an application to the Tahasildar having jurisdiction for initiation of proceedings under section 4. (2) Upon an application being made under Sub-section (1) the Tahasildar may, after giving the person concerned a reasonable opportunity of being heard and after holding an enquiry in the prescribed manner, by order, direct the person to pay by way of penalty such sum, not exceeding rupees one hundred, as he may deem fit.

6. Enquiries under the Act.

- The Tahasildar shall have the same powers in making enquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908 in trying suits, 5 of 1908 namely :-(a) admission of evidence by affidavits; (b) summoning and enforcing the attendance of any person and examining him on oath; (c) compelling the production of documents; and (d) any other matter that may be prescribed.

7. Appeal.

- Any person aggrieved by an order passed by a Tahasildar under this Act may prefer an appeal to the Sub-divisional Officer within thirty days from the date of such order.

8. Revision.

- The Additional District Magistrate (Judicial) or any other Judicial Officer, not below the rank of a Subordinate Judge, authorised by the State Government in that behalf may, on an application made within thirty days from the date of the order, revise any order passed in appeal by the Sub-divisional Officer.

9. Review.

- Any order passed under this Act may, after notice to all persons interested, be reviewed by the officer who made the order or his successor in office on the ground of any clerical mistake or error in course of any proceedings under this Act.

10. Order to be final.

- All orders passed by the Tahasildar under this Act shall, subject to any order passed in appeal, review or revision, as the case may be, final and shall not be called in question in any Court of law.

11. Recovery of sums due under the Act.

- Any penalty imposed under this Act shall be recoverable as a public demand.

12. Court fees.

- Notwithstanding anything contained in the Court Fees Act, 1870, every petition or application or memorandum of appeal under this Act shall bear court fee stamp of such value as may be prescribed.

13. Act not to apply to certain lands.

- Nothing contained in this Act, shall apply-(a)to the Government in respect of lands held by them and which is used or set apart for any public purpose;(b)to lands held by-(i)the Government of India;(ii)a local authority;(iii)a Government Company within the meaning of the Companies Act, 1956, 1 of 1956(iv)a Corporation established under any law;(v)a University established by law within the State; or(vi)the Bhoodan Yagna Samiti established under the Orissa Bhoodan Yagna Act, 1953. (Orissa Act 16 of 1953.)(c)to any area which the Government may, from time to time by notification in the official Gazette specify as being reserved for urban, Non-agricultural or industrial development or for any other specific purpose; and(d)to the lands for the time being under the management of any Civil, Revenue or Criminal Court.

14. Repeal.

- On the coming into force of this Act, the Orissa Agriculture Act, 1951 shall stand repealed. (Orissa Act 16 of 1952.)

15. Power to make rules.

(1)The State Government may, after previous publication, make rules for carrying out all or any of the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers they may make rules in respect of all matters expressly required or allowed by this Act to be

prescribed.