

The Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Rules, 1973

ODISHA

India

The Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Rules, 1973

Rule

THE-ORISSA-CONSOLIDATION-OF-HOLDINGS-AND-PREVENTION-OF of 1973

- Published on 1 January 1973
- Commenced on 1 January 1973
- [This is the version of this document from 1 January 1973.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Rules,
1973Published vide Notification Orissa Gazette, Extraordinary No. 507/9.4.1973Chapter-I

1. Short title and commencement.

(1)These rules may be called the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Rules, 1973.(2)They shall come into force at once.

2. Definitions.

- In these rules unless the context otherwise requires-(a)"Act" means the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972;(b)"Exchange ratio" means the per acre value in paise of a plot relating to that of an acre of a standard plot of the unit;Explanation. - The exchange ratio of each plot shall be expressed in multiples of five paise and ranging between 5 paise and 100 paise.(c)"Section" means a section of the Act;(d)"Standard plot" means the plot determined as such in accordance with the provisions of these rules;Explanation. - The value of the standard plot shall be 100 paise per acre.(e)All words and expressions used in these rules but not defined therein shall have the same meaning as are respectively assigned to them in the Act.

3. Conduct of proceedings under the Act.

- The proceedings conducted by every officer under the Act and these rules shall, unless otherwise provided in these rules, be summary and shall be governed so far as may be practicable, by the provisions of the First Schedule of the Code of Civil Procedure, 1908, namely : (a) for the service of summons - Order V, Rules 9 to 12, 15 to 21 and 23 to 30; (b) for summoning parties and witnesses and enforcing their attendance - Order V, Rules 1, 3, 4 and 6, Order IX - Rules 1, 6, 7 and 10 to 14 and Order XVI, Rules 1 to 5 and 7 to 21; (c) for the examination of parties and witnesses - Order XVIII, Rules 1, 2, 4, 6, 8 to 12, 15(i) and 16 to 18 and Order XXVI, Rules 1 to 3; (d) for the production of documents - Order V, Rule 7; Order XI, Rules 12 to 15 and 17 to 21, Order XII, Rule 2, Order XIII, rules 1 to 11 and Order XVI, Rule 6.

4. Notices and mode of their service.

(1) All notices required under the Act or those rules shall be in writing. (2) Where no other mode of service of notices is prescribed by the Act or by 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. (3) If the notice is addressed to a number of persons or to 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 affixing a copy thereof in some conspicuous place in the village in the presence of not less than two persons. (4) In the case of an uninhabited village the service of any general notice shall be effected in the nearest inhabited village.

5. Issue of public notice or notification under Sub-Section (2) of Section 3.

- A public notice to be issued under Sub-Section (2) of Section 3 shall be in Form No. 1.

6. Permission for transfer of agricultural land during consolidation operation under Sub-Section (2) of Section 4.

- The Consolidation Officer shall not grant the permission referred to in Sub-Section (2) of Section 4 unless for reasons to be recorded in writing he is satisfied that the proposed transfer is not likely to affect adversely the scheme of consolidation.

7. Constitution of Consolidation Committee under Clause (i) of Section 2.

(1) The Consolidation Committee shall consist of not less than seven and not more than fifteen members. (2) No person shall be a member of the Consolidation Committee who is : (a) below 21 years of age; or (b) of unsound mind. (3) The members of the Consolidation Committee shall be nominated by the Consolidation Officer so as to include the categories of persons mentioned in Clause (i) of Section 2 and such other person as he considers suitable to represent the land-owners of the unit. (4) A convenor of the Consolidation Committee shall be nominated by the Consolidation Officer

from amongst its members.(5)A list of names of the members along with the name of the convenor shall be published in the unit by the Assistant Consolidation Officer.(6)Where any vacancy in the membership of the Committee has arisen due to death, resignation or otherwise, or where in the opinion of the Consolidation Officer, a member is unable to discharge his duties properly, such vacancy shall be filled up or such member replaced, without undue delay, by nomination by the Consolidation Officer :Provided that any order passed or anything done in consultation with the said Committee under the provisions of this Act or these rules, shall not be invalid by reason of such vacancy arising due to death, resignation or otherwise.(7)The Director of Consolidation may, where he is of the opinion that the Consolidation Committee is not representative of villagers of the unit, dissolve the same and constitute another in the manner prescribed under Sub-rule (3).

8. Publication of notification under Sub-Section (1) of Section 6.

(1)The notification by the Director of Consolidation shall be in Form No. 2.(2)The notification shall also be announced in each village by beat of drum :Provided that the announcement in respect of an uninhabited village shall be made in the nearest inhabited village.

9. Preparation of map under Sub-Section (2) of Section 6.

(1)The map of each village in the consolidation area shall be prepared through such survey and local enquiry as may be necessary and shall be to such scale as is considered convenient.(2)Survey marks of the following descriptions shall be set up by the Assistant Consolidation Officer, while preparing the map, namely :(a)stones or masonry pillars, two feet long, cut for a length of six inches at the top into a prism of a triangular cross section, each side of the triangle being five inches in length at each trinjunction point where boundaries of three or more villages or units of survey meet;(b)stones or masonry pillars, two feet long cut for a length of six inches at the top into a prism of square cross section, each side of the square being five inches in length at each such point as the Assistant Consolidation Officer considers necessary for face-length of six inches at the top into a prism of other units of survey; and(c)stones or masonry pillars, two feet long, cut for a length of six inches at the top into a prism of rectangular cross section, any two sides of the rectangle facing each other at opposite direction shall be six inches each and the other two sides four inches each in length at each rectangular point, if any, to facilitate demarcation of "Chaka" and for reference in measurement and survey :Provided that the Director of Consolidation may direct that survey mark of any other description may be set up at points mentioned in Clauses (a) to (c) of an inter-State boundary, boundary adjoining reserve forest or any tract liable to inundation or tidal action ;Provided further that the existing survey marks which had been set up under the authority of law before the date of coming into force of these rules shall be deemed to have been set up under these rules.(3)The survey marks set up under Sub-rule (2) shall be deemed to have been set up under the Orissa Survey and Settlement Act, 1958.

10. Preparation of Land Register under Sub-Section (2) of Section 6.

(1)The Land Register shall be prepared after local enquiry and check of existing records, if any.(2)The Land Register shall contain, among other things, the following particulars, namely

;(a)the name of each land-owner and other persons having interest in the land;(b)the situation and extent of land held by them;(c)the nature and extent of rights and interests in land;(d)the rent and cess settled under Sub-Section (3) of Section 7 of the Act and charges of irrigation payable on land;(e)the extent of irrigation source;(f)the right of way and other easements attached to the land;(g)the encumbrances, if any, on land;(h)the valuation of land; and(i)the valuation of houses, structures, trees, wells and other improvements existing on land.

11. Use of draft survey record and draft record-of-rights, prepared in course of proceedings under the Orissa Survey and Settlement Act, 1958.

- Where the draft survey record or draft record-of-rights, whether attested or not, have been prepared in course of proceedings under the Orissa Survey and Settlement Act, 1958, the Assistant Consolidation Officer may, for the purpose of facilitating survey or local enquiry required under Rules 9 and 10, makes use of the same.

12. Determination of valuation of lands under Clauses (c) of Sub-Section (2) of Section 6.

(1)For the purpose of determining the valuation of lands, the Assistant Consolidation Officer shall determine for every unit in the consolidation area, one or more standard plots by-(a)ascertaining from the members of the Consolidation Committee and the land-owners of the unit, the best plot or plots of the unit, regard being had to productivity, location, availability or irrigation facilities and any other relevant factors having a bearing on the valuation of such plots; and(b)local inspection of plots in the company of as many members of the Consolidation Committee and as many land-owners of the unit as the Assistant Consolidation Officer may be able to collect.(2)(a)A list of standard plots for every unit shall be prepared and published in a conspicuous place in the concerned unit inviting objections thereon.(b)Objections, if any, received by the Assistant Consolidation Officer within a period of seven days after the publication under Clause (a) shall be disposed of in the unit by the Consolidation Officer whose order in the matter shall be final.(3)The "Exchange ratio", of lands shall be determined by the Assistant Consolidation Officer in consultation with members of the Consolidation Committee and the land-owners of the units and through suitable local inspection in the company of as many members of the committee and as many land-owners as he is able to collect; and taking into consideration the factors mentioned in Clause (a) of Sub-rule (1).(4)The valuation of lands shall be calculated in paise by multiplying the area of land with the exchange ratio.

13. Determination of valuation of houses, structures, trees, wells, etc., under Sub-clause (ii) of Clause (c) of Sub-Section (2) of Section 6.

(1)The valuation of the houses, structures, trees, wells and other improvements existing on land shall be the market value thereof.(2)The Assistant Consolidation Officer shall determine such valuation after local enquiry and field inspection in the company of as many landowners as he may be able to collect and in consultation with the Consolidation Committee.

14. Settlement of rent under Sub-Section (3) of Section 7.

(1) Before proceeding to settlement in respect of land situated in any consolidation area, the Assistant Consolidation Officer may group the villages of such area into different classes by taking into consideration the following factors, namely : (i) situation of the village; (ii) communication and marketing facilities; (iii) depredation by wild animals; and (iv) liability to vicissitudes of season. (2) The Assistant Consolidation Officer shall group the lands in the villages into as many different classes as he deems fit, and assign every plot of land to one such class having regard to the following factors, namely : (i) crop or crops normally grown on the land; (ii) nature of soil; (iii) situation of the land in the village; and (iv) sources of irrigation. (3) In taking into consideration the crop or crops normally grown on land for the purpose of settlement of rent as provided under Clause (ii) of Sub-Section (3) of Section 7, the Assistant Consolidation Officer shall take into account the following factors, namely : (i) the kind and quantity of crop or crops that can be grown during a year; (ii) the number of crops grown in a year; (iii) the profit that can be derived from the land with due diligence and by reasonable means. (4) The Assistant Consolidation Officer, while considering the situation of any land and the nature of the soil, shall take the following factors into consideration, namely : (i) availability of irrigation by flow or lift; (ii) liability to floods or protection therefrom in flood-affected areas; (iii) salinity; (iv) silt deposit; (v) general fertility of the land; and (vi) any other advantages or disadvantages which bear upon the productivity of the land. (5) (a) Subject to restrictions contained in the second proviso to Sub-Section (3) of Section 7, the Assistant Consolidation Officer shall in accordance with the provisions of the above rule and in the light of factors specified in the said Sub-section, settle fare and equitable rent in respect of every landowner interested or every of land-owners jointly interested in land, if they are not entitled to hold such interest without payment of rent : Provided that where in any consolidation area, settlement of rent has been made after the 31st day of December, 1950, under any law for the time being in force, in course of general settlement of rent in the area, the rent so settled shall be deemed to be the rent settled under this rule : Provided further that in respect of any consolidation area in which rent has been settled before the 31st day of December, 1950 under any law for the time being in force and Government have ordered that no settlement of rent shall be made under Sub-Section (3) of Section 7 of the Act, the Assistant Consolidation Officer or the Consolidation Officer, as the case may be, shall not settle rent and the rent already settled prior to the said date under the provision, as aforesaid, shall be deemed to be the rent settled under this rule. (b) The rent settled or deemed to have been settled under Clause (a) above, shall, subject to modification, if any, made in accordance with the provisions of the Act, be deemed to be the rent payable for the land, and the said rent shall be entered in the Land Register prepared under Clause (b) of Sub-Section (2) of Section 6. (c) The rent payable by the land owner in respect of his holding after consolidation shall be equal to the rent payable in respect of his holding before consolidation subject to reduction, if any, made under Section 21. (d) When the rent is settled or made to have settled under this rule, it shall take effect from the beginning of the agricultural year next after the date of coming into force of the Final Consolidation Scheme under Sub-Section (2) of Section 22, unless Government, by order, prescribe any other date for the purpose : Provided that the rent payable under any law for the time being in force, shall continue to be so payable until after the settled rent as aforesaid, takes effect under the provisions of this clause.

15. Settlement of cess under Sub-Section (3) of Section 7.

(1)The cess payable under the provision of Orissa Cess Act, 1962, as amended from time to time, shall also be assessed on and in the consolidation area by the Assistant Consolidation Officer in course of settlement of rent under the provisions of Rule 14 and the cess so assessed shall be entered in the Land Register prepared under Clause (b) of Sub-Section (2) of Section 6.(2)The cess so assessed shall, subject to alteration, if any, in proceedings under the Act and these Rules for alteration of rent, be deemed to have been correctly assessed under the Orissa Cess Act, 1962 and shall take effect from the date from which such rent takes effect ;Provided that the cess payable under any law for the time being in force shall continue to be so payable until after the cess assessed under this rules takes effect ;Provided further that in making assessment of cess under this rule, the annual value of lands held by land-owners in the consolidation area shall be construed [* * *] [Deleted vide R.D. Notification No. 27236.-C.H. (Legislative) 37/76-R in Orissa Gazette Extraordinary No. 701/30.4.1976.] or deemed to be the rent settled under [Sub-rule (5) of Rule 14] [Corrected vide Orissa Gazette Extraordinary No. 57/1975.] and entered in the Land Register under the said provision.(3)The cess payable by the land-owner in respect of his holding after consolidation shall be equal to the cess payable in respect of his holding before consolidation subject to reduction, if any, made under Section 28.

16. Procedure for change of village boundary and constitution of new village envisaged under Sub-Section (4) of Section 7.

(1)The proceeding for effecting changes in the village boundary or for constitution of a new village shall be started by the Consolidation Officer. At the commencement of the proceeding, he or if authorised by him, the Assistant Consolidation Officer shall issue a general notice in Form No. 3 inviting objections to the proposed changes in the boundary or to the proposed constitution of the new village, as the case may be, and a copy of the said notice shall be transmitted to Collector :Provided that when a portion of the village has been or is declared to be a reserve forest, or when a portion of the village is deemed to be a reserve forest under the provision of any law for the time being in force, the changes in the boundary of the village shall be effected according to such declaration or the deeming provision, as the case may be, and it shall not be necessary to start proceedings under this rule for effecting such changes.(2)Objections, if any, received within a period of 15 days from the date of service of notice shall be considered by the Consolidation Officer along with the opinion of the Collector, if any, received during the said period. He shall forward the proposal with a summary of objections and the opinion of the Collector, if any, to the Director of Consolidation for orders :Provided that when the proceedings are conducted by the Assistant Consolidation Officer under Sub-rule (1), he shall, after consideration of the objections and the opinion of the Collector, if any, submit his proposals to the Consolidation Officer who shall then formulate and forward his proposals with summary of objections and opinion of the Collector to the Director of Consolidation.(3)On receipt of the proposals from the Consolidation Officers, the Director of Consolidation shall consider the same and pass such orders as he deems fit.

17. Reservation of land for public purposes under Clause (a) of Sub-Section (2) of Section 8.

(1) Land may be reserved for all or any of the following public purposes, namely : (a) Roads; (b) Drainage and irrigation channels; (c) Schools, Hospitals, Panchayat Offices, Stockman Centres, Jubak Sangha, Mahila Samiti, etc.; (d) Lands for military personnel; (e) Extension of house site; (f) House site of landless persons; (g) Cultivable land for landless persons subject to the approval of the Consolidation Committee; (h) Gochar and village forest; (i) Future developmental purposes; (j) Playground; (k) Cremation ground and graveyards; (l) Any other purpose of similar nature for which reservation of land may be considered necessary in the interest of the land-owner of the unit. (2) The extent to which land shall be reserved for various public purposes mentioned under Sub-rule (1) shall be determined in consultation with the Consolidation Committee after taking into consideration the availability of land for public purposes, the needs of village community and in conformity with the orders of Government issued from time to time in this regard.

18. Publication of map, land register, statement of principles etc. under Sub-Section (1) of Section 9 and issue of notice under Sub-Section (2) of Section 9.

(1) The map, land register, other records, if any, and the statement of principles required to be published under Sub-Section (1) of Section 9 shall be published by placing them for public inspection free of charge for a period of thirty days. The notice publishing such map, land register and statement of principles shall be in Form No. 4. (2) Notice under Sub-Section (2) of Section 9 shall be in Form No. 9 and relevant extracts from the land register shall be enclosed thereto. (3) Notices in respect of land belonging to Government Department shall be issued to Heads of local offices of the concerned Department.

19. Manner of filing objections under Sub-Section (3) of Section 9 or under Sub-Section (1) of Section 15.

(1) Objections, if any, to entry in or omission from land register and other records and the statement of principles shall be made in Form No. 6 and shall be received by the Assistant Consolidation Officer, and the objector shall, within such time as the Assistant Consolidation Officer may direct, file as many copies of objections as may be necessary to be served on every person whose interest may, in the opinion of such officer, be affected. (2) When an objection is received under Sub-rule (1), notice thereof in Form No. 7 along with a copy of the objection shall be served on every person whose interest may, in the opinion of the Assistant Consolidation Officer, be affected thereby and any such person and the objector shall be called upon to attend at such time and place, as the Assistant Consolidation Officer, in case of objections to be disposed of by him under Sub-Section (1) of Section 10, or the Consolidation Officer in case of objections to be disposed of under Section 11, as the case may be, may fix for disposal of such objection. (3) On the date fixed for hearing of the objection or any other date to which the hearing may stand adjourned, the Assistant Consolidation Officer or the Consolidation Officer, as the case may be, shall, after making such enquiry as he

considers necessary and after giving the parties present an opportunity of being heard, pass such orders as he may deem proper :Provided that in deciding objections on the basis of conciliation, the Assistant Consolidation Officer shall record the terms of conciliation in the presence of at least two members of the Consolidation Committee:Provided further that while disposing of objections on valuation of land, houses, structures, trees, wells and other such improvements standing on land, the Consolidation Officer shall consult as many members of the Consolidation Committee as may be present in response to a notice to be issued to each of them for the purpose at least three days before the hearing of such objections.

20. Procedure for filing appeals under Secs. 12, 20 and 55.

- The procedure for filing and disposal of appeals under Secs. 12, 20 and 55 shall, as far as practicable, be the same as is provided under Order XLI of the Code of Civil Procedure, 1908.

21. Preparation of provisional Consolidation Scheme envisaged under Section 17.

- The provisional consolidation scheme prepared under Section 17 shall be accompanied by a copy of the map of the unit showing the plots allotted to the land-owners and plots reserved for specific purposes in accordance with Statement of Principles.

22. Publication of the Provisional Consolidation Scheme under Section 18.

(1)The provisional consolidation scheme shall be published in a conspicuous place in the unit for a period of at least fifteen days for public inspection free of charge. The notice publishing the provisional consolidation scheme shall being Form No. 8.(2)Notice to be sent to land-owners under Sub-Section (1) of Section 18 shall be prepared in Form No. 9 and relevant extracts from the provisional consolidation scheme shall be enclosed thereto.(3)The Assistant Consolidation Officer shall within fifteen days of the publication of the provisional consolidation scheme under Sub-Section (1) shall generally demarcate the Chakas in the provisional scheme in the village :Provided that a general notice to the villagers would be given by the Assistant Consolidation Officer to this effect before such demarcation.

23. Manner of filing objections under Sub-Section (2) of Section 18.

(1)Objections, if any, to any entry in or omission from the provisional consolidation scheme shall be made in Form No. 10 and shall be received by the Consolidation Officer, or where authorised by the Consolidation Officer, the Assistant Consolidation Officer and the objector shall, within such time as the Consolidation Officer or the Assistant Consolidation Officer, as the case may be, may direct, file as many copies of the objection as may be necessary to be served on every person whose interest may, in the opinion of such officer is affected.(2)When an objection is received under Sub-rule (1) notice thereof in Form No. 11 along with a copy of the objection shall be served on every person whose interest may, in the opinion of the Consolidation Officer, be affected thereby and all such

persons and the objector shall be called upon to attend at such time and place as the Consolidation Officer may fix for disposal of such objection.(3)On the date fixed for hearing of the objection, or on any other date to which the hearing may stand adjourned, the Consolidation Officer shall, after making such enquiry in the unit as he considers necessary, and after giving the party present an opportunity of being heard, pass such orders as he may deem proper :Provided that in deciding objections, the Consolidation Officer shall consult as many members of the Consolidation Committee as may be present in response to a notice to be issued to each of them for the purpose of at least three days before the hearing of such objections.

24. Hearing of objections under Sub-Section (2) of Section 19.

- The Consolidation Officer, before passing an order to modify the provisional consolidation scheme, and the Assistant Consolidation Officer, while acting under the direction of the Consolidation Officer under the provision of Sub-Section (2) of Section 19 shall give an opportunity to the parties and members of the Consolidation Committee of being heard.

25. Revision of the provisional consolidation scheme under Sub-Section (2) of Section 20 and confirmation under Sub-Section (1) of Section 21.

(1)The Director of Consolidation, before passing orders for revision of the provisional consolidation scheme under Sub-Section (2) of Section 20, or the Assistant Consolidation Officer or the Consolidation Officer, while acting under directions given by the Director of Consolidation under the aforesaid provision, shall give opportunity to the parties concerned and to the members of the Consolidation Committee to appear and be heard.(2)The Director of Consolidation shall, before making modifications in the provisional consolidation scheme under Sub-Section (1) of Section 21, give reasonable opportunity to the parties and the members of the Consolidation Committee of being heard.

26. Publication of map and record-of-rights under Sub-Section (2) of Section 22.

- The map and record-of-rights under Sub-Section (2) of Section 22 shall be published by the Assistant Consolidation Officer by placing them for public inspection, free of charge for a continuous period of fifteen days. The notice publishing the map and the record-of-rights shall be in Form No. 12.

27. Supply of extract of record-of-rights to the land-owners under Sub-Section (3) of Section 22.

- A copy of the relevant extract from the record-of-rights published under Sub-Section (2) of Section 22 shall be supplied to each land owner :Provided that where there are more than one land-owners in a holding, it shall be sufficient to supply only one extract of the record-of-rights for all such land-owners; and extract shall be made over to their Agent or Manager or anyone of the

land-owners concerned as the Assistant Consolidation Officer may deem fit.

28. Demarcation of Chaka in the field.

- As soon as may be after the confirmation of the provisional consolidation scheme under Sub-Section (1) of Section 21, but not later than the final consolidation scheme coming into force under Sub-section (2) of Section 22, the Assistant Consolidation Officer shall have the "Chaka" properly demarcated on the ground in accordance with the consolidation scheme as confirmed.

29. Compensation for houses, structures, etc. under Sub-Section (2) of Section 24.

(1) At least fifteen days before the final consolidation scheme comes into force, the amount payable for houses, structures, trees, wells and other improvement shall be intimated to the land-owners concerned. (2) The intimation referred to in Sub-rule (1) shall be given through a notice in Form Mo. 13. (3) A statement of amount payable shall accompany the notice referred to in Sub-rule (2).

30. Compensation for lands contributed for public purposes under Sub-Section (1) of Section 29.

(1) The market value of the land contributed for public purposes shall bear the same proportion to its valuation determined under Sub-rule (4) of Rule 12 at the market value of the standard plot shall bear to its valuation. (2) The market value of the standard plot shall be determined by the Assistant Consolidation Officer through local enquiry and taking into consideration the factors mentioned in Clause (a) of Sub-rules (1) of Rule 12. (3) The market value so determined under Sub-rule (2) shall be approved by the Consolidation Officer with or without modification.

31. Recovery of compensation under Sub-Section (1) of Section 27.

(1) Without prejudice to the rights to recover compensation through any other mode of recovery open to the person entitled, the statement issued under Sub-rule (3) of Rule 29 may, along with an application addressed to the Collector, be presented or sent by registered post for recovery of the amount as arrears of land revenue. (2) On the application being presented or received by him, the Collector shall send a copy thereof to the Certificate Officer for preliminary enquiry to ascertain if any part of compensation still remains to be paid to the proper person and submit the result of his enquiry for orders. (3) The Collector shall, after satisfying himself on the genuineness of the claim forward the case for realisation of the compensation due, if any, as arrears of land revenue by the Certificate Officer having jurisdiction.

32. Application to Tahasildar to transfer the fragment under Sub-Section (3) of Section 34.

- The person intending to transfer a fragment under Sub-Section (3) of Section 34 shall apply to the local Tahasildar with full particulars of the land, its location, the names of contiguous land-owners and the price he expects along with other relevant particulars.

33. Determination of market value of fragment under Sub-Section (3) of Section 34.

- The market value of the fragment shall be determined by the Tahasildar in the manner such value is determined, for the purpose of awarding compensation for acquisition of land under the provisions of Land Acquisition Act, 1894.

34. Auction under Sub-Section (3) of Section 34.

(1)The Tahasildar shall within seven days of receipt of application under Sub-section (3) of Section 34, conduct a preliminary enquiry in respect of the land intended to be transferred and shall issue notices to the owners of the contiguous 'chakas' and publish a copy of the same in the village in which the land is situated fixing the date for auction of the said land.(2)(a)On the date fixed for auction the Tahasildar or the Additional Tahasildar shall conduct the auction in the village in which the land is situated in the presence of as many owners of the contiguous Chakas as appear and be willing and shall decide the auction in favour of the highest bidder; provided that he may, for reasons to be recorded in writing, sell the land to any other bidder except the highest bidder.(b)No bid amount which is less than the prevailing amount available shall be accepted.(3)The intending bidders shall deposit with the Tahasildar 10 percent of the market value or rupees fifty only whichever is more as security and only those who so deposit the security amount shall be entitled to bid in the auction. The security shall be refunded immediately after the auction sale is over except as otherwise provided.(4)If the bidder in whose favour auction is finalised is unable to pay bid amount on being required to do so, so much of his security deposit shall be forfeited as is just sufficient to cover the loss and paid to the person making the application under Sub-rule (1) and the bidder of the next lower amount, not being less than market value, shall be allotted the land on full payment of the bid amount on the spot.(5)The entire proceeding under Sub-rule (4) shall, as far as practicable, be completed in the forty-five days.

35. Manner of disposal of matter under Section 36.

- The provisions of Rule 20 shall mutatis mutandis apply to the filing, hearing and disposal of cases of revision under Section 36.

36. Closure of Consolidation operations.

- The orders passed by the competent authorities shall be given effect to under Sub-Section (3) of Section 41 by the local Tahasildar. Form No. 1[See Rule 5]Public notice of the notification issued under Sub-Section (2) Section 3 of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972Notice is hereby given for information of the public in general that

the State Government have been pleased to order in notification No..... dated..... to the effect that the area mentioned in the schedule below in..... district may be brought under consolidation operation.

showing the area brought under consolidation operation

Sl. No. Area brought under consolidation operation (interms of P.S. or G.Ps)

Given under my hand and seal this day of.....20.....Consolidation OfficerForm No. 2[See Rule 18]Notification for the purpose of constituting unit and preparing map and land register in respect of the said unit under Sub-Section (1) of Section 6 of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972To land owners, occupants and the persons claiming to be interested the lands of -

Village District

Thana Thana No.

Tahasil Tahasil No.

Whereas the State Government have been pleased to decide in notification No..... dated..... to bring the area comprised in..... under consolidation operation, I, Shri.....Director of Consolidation, Orissa in exercise of the powers conferred on me under Sub-Section (1) of Section 6 of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 do hereby order that the units specified in the schedule below shall be constituted comprising village noted against each for the purpose of framing a single scheme of Consolidation in respect thereof;And whereas for the purpose aforesaid maps and land register will be prepared by the Assistant Consolidation Officer or any of his subordinate after conducting local enquiry:You are hereby required to attend from time to time either in person or by agent to pointed our to such officer or his subordinates boundaries of land, supply information for the purpose of preparing the map and the land register as aforesaid to produce evidence in support of your right and claims to valuation of land, trees structures or wells and other improvements made thereon, clear obstructions, if any coming on your land during preparation of such map and land register.

showing the constitution of the units.

| Sl. No. | Name of the unit | Names of the villages constituting the unit | Police station | P.S.No | District |
|---------|------------------|---|----------------|--------|----------|
| (1) | (2) | (3) | (4) | (5) | (6) |

Given under my hand and the seal this day of..... 20.....Director of ConsolidationForm No. 3[See Rule 16 (1)]Notice inviting objections for changing boundaries of village or constitution of new villageIt is hereby notified that it is proposed to make changes in the boundaries of the following village/constitute the following new village in the manner indicated in the schedule below ;Any person claiming to be interested in the lands of the aforesaid villages may within fifteen days from the date of service of this notice file objection, if any, to the said proposal with reasons for such objection before the undersigned.Consolidation Officer

Schedule 3

Assistant Consolidation Officer Form No. 4 [See Rule 18 (1)] Notice for publication of map, land register and other records and statements of principles under Section 9 Notice to land owner, and other persons claiming to be interested in the lands..... Unit..... village..... Police Station..... Police station No..... Tahasil..... District..... it is hereby notified that the map, land register statement of principles (if any, other records, then specify) have been prepared under the provisions of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 and the rules made thereunder. The same will be published at..... by being placed for public inspection free of charge, for a period of thirty days with effect from..... during office hours on working days. Objections, if any to any entry or omission from the aforesaid record may be made within a period of sixty days from the date of publication after which no objection will be entertained. Given under my hand and seal this day of..... 20..... Assistant Consolidation Officer Form No. 5 [See Rule 18 (2) & (3)] Notice with extracts from the land register under Sub-section (2) of Section 9 to land-owners and other persons having interest in land To..... son of..... resident of..... Tahasil..... Police-station..... District..... (in case of notice intended to be sent to local Heads of Offices) (only the designation and full address of the Officer need be mentioned here). Please take notice that a land register showing the extent and interests in land, valuation of plots, rent and cess settled therefor trees, wells and other improvements existing thereon has been prepared under the provisions of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 and the rules made thereunder. An extract of the land register relating to year holding department is enclosed for your information. If you have any objection to any entry in omission from the land register the same may be made within sixty days from the date of receipt of this notice after which no objection shall be entertained. Given under my hand and seal this day of..... 20..... Assistant Consolidation Officer Form No. 6 [See Rule 19 (1)] Objection under Section 9 (3) and 15 (1) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 In the Court of the Assistant Consolidation Officer/Camp Consolidation Officer, Circle.....

Case No..... Camp.....
 Village..... District.....
 Police-station..... P.S.No.....
 Tahasil..... Tahasil No.....

1. Name of the objector with father's name, caste and address.....

2. Name, father's name, caste and address of the person or persons in whose favour the entry objected to, has been made and whose interests are likely to be affected by the objection.....

3. Detailed particulars of the entry or the commission objected to (among other things, the Khata No. Plot No. Area Serial No. of the Land Register to which the entry relates should be mentioned).....

4. Statement of relief sought with reasons thereof.....

5. Signature of the objector with date of filing the objection.....

N.B. The petitioner should file as many copies of this petition as there are defendants mentioned against serial No. 2 of this petition. Acknowledgement for receipt of the petition objecting to any entry in the Land Register and Map under Section 9 (3) and Section 15 (1) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972. I acknowledge to have received the objection petition, dated..... filed by Shri..... son of..... resident of village..... Police-station No..... relating to case No..... The petitioner is directed to file..... copies of this petition (if not already filed) within seven days from today, the..... 20..... Assistant Consolidation Officer..... Camp Form No. 7 [See Rule 19(2)] Notice fixing date for the hearing of objection under Sections 10(1) and II of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 To..... so of..... resident of village..... Police-station..... In the Court of the Assistant Consolidation Officer/Consolidation Officer Camp..... at..... district..... Case No..... Process Register No..... Whereas an objection (copy of which is annexed) under Secs. 9(3) and 15(1) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 has been filed by you, Shri son of resident of village..... Police-station No..... and the date of hearing of the same has been fixed for the..... 20 You are hereby informed that you should on the day fixed appear personally or by authorised agent in this Court at..... at..... O' clock and produce any evidence you have. In case of your failing to appear at the time, date and place fixed, order will be passed according to law. Given under my hand and seal this day..... of..... 20..... Assistant Consolidation Officer/Consolidation Officer Form No. 8 [See Rule 22(1)] Notice for publication of the Provisional Consolidation Scheme under Section 18 Notice to land-owners and other persons having interest in land : Unit..... Village..... Police Station..... Police-station No..... Tahasil..... district..... It is hereby notified that a provisional Consolidation Scheme has been prepared showing the new plots and rent, cess and other charges payable in respect of the new holding on consolidation and the lands reserved for various public purposes. The same is published on (date) at..... by being placed for public inspection, free of charges, for a period of fifteen days from that date during office hours on all working days. A copy of the map showing the land on consolidation is also published along with the provisional consolidation scheme. Objections, if any, in any entry in or omission from the said consolidation scheme may be made within a period of thirty days from the aforesaid date after which no objection will be entertained. Given under my hand and seal this day of..... 20..... Assistant Consolidation Officer Form No. 9 Notice with extracts from the Provisional Consolidation Scheme under Section 18 of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 to land-owners and other persons having interest in land To..... son of..... resident of village..... Police-station..... Tahasil..... district..... Please take notice that a provisional consolidation

scheme showing plots allotted to you on consolidation in a new holding with rent, cess and other charges payable in respect of the said holding has been prepared. An extract of the said scheme is enclosed. If you have any objection to any entry in or omission from the said consolidation scheme the same may be made within thirty days from the receipt of this notice after which no objection shall be entertained. Given under my hand and seal this day of 20..... Assistant Consolidation Officer Form No. 10 [See Rule 23 (1)] Objection under Section 13 (2) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 In the Court of the Consolidation Officer..... Circle, presented through the Assistant Consolidation Officer..... Camp. Case No..... Name of the Camp to which the objection relates..... village..... Police-station No..... Tahasil..... Tahasil No.....

1. Name of the objector with father's name, caste and full address.....

2. Name and address, father's name, caste of the persons in whose favour the entry objected to have been made and whose interests are affected or likely to be affected by the objection.....

3. Detailed particulars of the entry or the omission objected to (among other things the Sl. No. of the entry in the Provisional Consolidation Scheme, Plot Nos. area should be maintained for easy identification)

4. Statement of relief sought with reason thereof.....

N.B. : The petitioner should file as many copies of this petition as there are defendants mentioned against Sl. No. 2 of this petition. Perforated Half Acknowledgement for receipt of the petition objection to any entry in the Land Register and Map under Section 18(2) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972. I acknowledge to have received the objection petition dated..... filed by Shri..... Son of..... resident of village..... Police-station No..... relating to Case No..... The petitioner is directed to file..... copies of this petition (where the required No. of copies already fixed, this part of the acknowledgement shall be struck off) within seven days from today, the..... 20..... Consolidation Officer/Assistant Consolidation Officer for Consolidation Officer Form No. 11 [See Rule 23(2)] Notice for fixing date for hearing of objection under Section 19 (1) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 To..... son of..... resident of..... village..... Police-station..... District..... In the Court of Consolidation Officer..... Circle..... district..... Case No..... Process Register No..... Whereas an objection (copy of which is annexed) under Section 18(2) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 has been filed by you Shri son of..... resident of village..... police-station..... and the date of hearing of such objection has been fixed for..... 20..... You are hereby informed that you should on the day fixed appear personally or by authorised agent in this Court at O' clock and produce any evidence you have, in case of your failing to appear at the time, date and place fixed orders will be passed according to law. Given under my hand and seal of this day of..... 20..... Consolidation Officer Form No. 12 [See Rule

26]Notice publishing map and record-of-rights under Sub-section (2) of Section 22 of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972To landowners and other persons having interest in land Unit..... Village..... Police-station..... No..... Tahasil..... district.....It is notified that a map and a record-of-rights prepared after confirmation of the Provisional Consolidation Scheme will be published on at..... by being placed for public inspection free of charge for a period of fifteen days from the aforesaid date during office hours on working days.Given under my hand and seal this day..... of 20.....Assistant Consolidation OfficerForm No. 13[See Rule 29(2)]Notice with a statement of compensation for houses, structures, trees, wells and other improvements on land to land-owners and other persons having interest in landToShrison of.....resident of village..... Police-station..... Tahasil..... District.....Please take notice that compensation to be received/paid by you towards the market value of houses, structures, trees, wells and other improvements as shown in detail in statement enclosed is payable under the provisions of Section 24 of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972.Please also take notice that the compensation so determined has to be paid by you to Shri.....received by you from Shri..... resident of village..... Police-station.....district.....If the compensation is not paid within a period of six months from the date of receipt of this intimation interest at the rate of six per cent per annum shall be chargeable on the amount of compensation and that the party entitled to compensation may in addition to any other mode of recovery open to him apply to the Collector within six months from the expiry of the period as aforesaid, for recovery on his behalf as if it were a public demand payable to the State Government.Given under my hand and seal this day..... of 20.....Assistant Consolidation Officer.