

**THE ORISSA CONSOLIDATION OF HOLDINGS AND
PREVENTION OF FRAGMENTATION OF LAND
(AMENDMENT) ORDINANCE, 1979**

*[Promulgated by the Governor on the 22nd May 1979 published
in an extraordinary issue of the Orissa Gazette dated
the 23rd May 1979]*

AN

ORDINANCE

TO AMEND THE ORISSA CONSOLIDATION OF HOLDINGS AND PREVENTION
OF FRAGMENTATION OF LAND ACT, 1972

WHEREAS the Legislature of the State of Orissa is not in
Session;

AND WHEREAS the Governor of Orissa is satisfied that circum-
stances exist which render it necessary for him to take immediate
action to amend the Orissa Consolidation of Holdings and Prevention
of Fragmentation of Land Act, 1972 in the manner hereinafter
appearing ;

NOW, THEREFORE, in exercise of the powers conferred by
clause (1) of Article 213 of the Constitution of India, the Governor
of Orissa is pleased to make and promulgate the following Ordinance
in the Thirtieth Year of the Republic of India :—

1. (1) This Ordinance may be called the Orissa Consolidation of
Holdings and Prevention of Fragmentation of Land (Amendment)
Ordinance, 1979.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. In section 2 of the Orissa Consolidation of Holdings and
Prevention of Fragmentation of Land Act, 1972 (hereinafter referred
to as the principal Act), in clause (f),—

Amendment
of section 2.

(a) for the words “parcels of agricultural land” the words “parcels
of land” shall be substituted ;

Orissa Act
21 of 1972.

(b) in the explanation, after paragraph (iii), the following proviso
shall be inserted, namely:—

“Provided that no such declaration shall be made on a claim
preferred by any land owner if such claim is preferred after the
date of publication of the Provisional Consolidation Scheme
relating to the area under section 18.”

3. In section 4 of the principal Act,—

Amendment
of section 4.

(a) in clause (2), for the word, figure and brackets “sub-
section (2)”, the word, figure and brackets “sub-section (1)” shall
be substituted;

(b) after clause (2), the following new clause shall be inserted, namely:—

“(2-a) no land owner shall, after the publication of the Map and Land Register under section 9, convert any land in the unit to be used in any manner so as to render it unsuitable for consolidation without obtaining the permission in writing of the Consolidation Officer;”.

Amendment
of section 6.

4. In section 6 of the principal Act,—

(a) in sub-section (1), the words “published in the Official Gazette and shall also be” shall be omitted ;

(b) in sub-section (2), for the words “in the Official Gazette” the words “in the village” shall be substituted.

Amendment
of section 7.

5. In section 7 of the principal Act, in sub-section (1),—

(a) for the words “the Assistant Consolidation Officer and the Consolidation Officer shall, in addition to the powers vested in them under this Act”, the words “the Assistant Consolidation Officer shall, in addition to the powers vested in him under this Act” shall be substituted ;

(b) for the existing proviso, the following provisos shall be substituted, namely :—

“Provided that where an application is made for effecting partition on the basis of specific parcels of land it shall be referred to the Consolidation Officer for disposal :

Provided further that, except where all the concerned land owners agree, a partition on the basis of specific parcels of land shall not be effected without giving the parties concerned a reasonable opportunity of being heard.”

Amendment
of section 8.

6. In section 8 of the principal Act, after sub-section (3), the following new sub-section shall be inserted, namely :—

“(4) Nothing contained in the Orissa Government Land Settlement Act, 1962 shall apply to lands required to be earmarked for public purposes as aforesaid.”.

Amendment
of section 10.

7. In section 10 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely :—

“Provided that where any party does not appear before the Assistant Consolidation Officer on the date fixed in that behalf, he shall set him *ex parte* and proceed with the conciliation among the parties appearing before him ; and orders passed on such conciliation shall, subject to the orders passed in an appeal or revision, if any, be binding on the parties who are set *ex parte*.”.

Amendment
of section 13.

8. In section 13 of the principal Act,—

(a) sub-section (2) shall be deleted;

(b) after sub-section (3), the following new sub-section shall be inserted, namely :—

“(4) Where in respect of any village an order is published under sub-section (1) of section 5 at any time after the publication of the Map and Land Register under sub-section (1), the map and the record-of-rights prepared on the basis of such Land Register shall, for all intents and purposes, be deemed to have been prepared under the Orissa Survey and Settlement Act, 1958, provided they are published in the same manner as required by sub-section (2) of section 22 and extracts of the record-of-rights are supplied to the land owners at the time of such publication.”.

Amendment
of section 15.

9. In section 15 of the principal Act, in sub-section (1), for the words, figures and brackets “not later than the date of publication of the notification under section 41 or under sub-section (1) of section 5”, the words, figures and brackets “not later than the date of publication of the order, if any, under sub-section (1) of section 5 or the date of confirmation of the scheme under sub-section (1) of section 21, whichever is earlier” shall be substituted.

Amendment
of section 17.

10. In section 17 of the principal Act, in sub-section (1), for the words, figures and brackets “after publication of the notification under sub-section (2) of section 13”, the words, figures and brackets “after publication of the Map, Land Register and other records under sub-section (1) of section 13” shall be substituted.

Amendment
of section 21.

11. In section 21 of the principal Act, in sub-section (1) the following words and figures shall be added at the end, namely :—

“or for giving effect to the final order, if any, passed under section 15.”.

Amendment
of section 25.

12. In section 25 of the principal Act, after sub-section (2), the following new sub-sections shall be inserted, namely :—

“(3) Notwithstanding the provisions contained in sub-section (2), where no application is made under sub-section (1) by a land owner and the Assistant Consolidation Officer has reasons to believe that the land owner has not entered into possession of the lands allotted to him, he may, on his own motion and at any time before the issue of a notification under sub-section (1) of section 41, put the land owner in actual physical possession of the lands so allotted in the same manner and subject to the same conditions as specified in sub-section (1).

(4) The powers conferred on the Assistant Consolidation Officer under sub-section (3) shall, in like manner and in like circumstances, be exercisable by the Tahsildar having jurisdiction after the issue of a notification under sub-section (1) of section 41.”

B. D. SHARMA
GOVERNOR OF ORISSA

Dated 22nd May 1979