



The Orissa Private Lands of Rulers (Assessment of Rent) Act, 1958

Act 13 of 1958

Keyword(s):

Dry Land, Irrigated-Wet Land, Private Land, Rainfed-Wet Land

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ORISSA ACT 13 OF 1958

THE ORISSA PRIVATE LANDS OF RULERS
(ASSESSMENT OF RENT) ACT, 1958

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ORISSA ACT 13 OF 1958

**[THE ORISSA PRIVATE LANDS OF RULERS
(ASSESSMENT OF RENT) ACT, 1958]**

[Received the assent of the Governor on the 21st May 1958, first published in an extraordinary issue of the Orissa Gazette, dated the 6th June 1958]

**AN ACT TO PROVIDE FOR ASSESSMENT OF RENT ON
THE PRIVATE LANDS OF RULERS IN THE STATE
OF ORISSA**

WHEREAS it is expedient to provide for assessment of rent with respect to the private lands of Rulers in the State of Orissa in the manner hereinafter appearing ;

It is hereby enacted by the Legislature of the State of Orissa in the Ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Orissa Private Lands of Rulers (Assessment of Rent) Act 1958. Short title, extent and commencement.

(2) It shall extend to the whole of the State of Orissa.

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context—

(a) "agricultural year" means the year commencing on the first day of July ;

(b) "dry land" means lands other than lands which are irrigated-wet or rainfed-wet ;

(Secs. 3-5)

(c) " irrigated-wet land " means land in which paddy can be grown and which receives supply of water from any source of irrigation ;

(d) " prescribed " means prescribed by rules made under this Act ;

(e) " private land " means any land held on the date of merger by a Ruler free from payment of rent ;

(f) " rainfed-wet land " means land in which paddy can be grown and which does not receive supply of water from any source of irrigation ;

(g) " rent " means whatever is lawfully payable in money by a Ruler to the State Government in respect of private lands held by a Ruler ;

(h) " Ruler " means the Ruler of a merged territory in the State of Orissa and includes his relatives and dependants ;

(i) all other expressions used and not defined herein shall have the same meaning as are respectively assigned to them under the tenancy laws in force in the concerned areas.

Private lands
to be subject
to assess-
ment.

3. Notwithstanding anything contained in any other law, custom, contract or agreement to the contrary, the private lands held by a Ruler, shall, with effect from the date of commencement of this Act, be liable to assessment and levy of rent as hereinafter provided.

Appoint-
ment of
Revenue
Officers.

4. The State Government shall after the commencement of this Act, by notification, appoint one or more officers as Revenue Officers who shall exercise jurisdiction in such area or areas as may be specified in the said notification, for the purposes of assessment of rent. They shall thereupon proceed to make assessments according to the provisions of this Act.

Classification
of lands
and the
maximum
rates of rent.

5. For the purposes of assessment, the private lands shall be classified by the Revenue Officer into the following classes, namely :—

(a) irrigated-wet land ;

(b) rainfed-wet land ; and

(c) dry land.

(Secs. 6-7)

Subject to the provisions of section 6 the rates at which the fair and equitable rent shall be assessed with respect to the above three classes of land shall not exceed the amount as may be prescribed from time to time by the State Government :

Orissa Act
IV of 1950.

Provided that in cases where the tenants of the Ruler have already acquired rights of occupancy under the provisions of clause (h) of section 7 of the Orissa Merged States' (Laws) Act, 1950, the rent payable by the Ruler to the State Government shall be such proportion of the rent received by him from the tenants as may be prescribed.

6. The Revenue Officer in determining the rates of fair and equitable rent shall take into account all or any of the following considerations, namely :—

Procedure in
determining
rates of rent.

(a) the nature of the soil and general productivity of such land ;

(b) the class under which the land is assessable ;

(c) market value of the land ;

(d) the prevailing rates of rent obtaining for similar lands in the neighbourhood ; and

(e) such other matters relating thereto as may be prescribed.

7. (1) When the Revenue Officer has determined the rates of fair and equitable rent he shall prepare a preliminary Patta in the prescribed form containing such particulars as are prescribed and shall send a copy of the same by registered post with acknowledgment due, to the assessee concerned. Thereupon the assessee may file objections, if any, to any of the entries in the Patta before the Revenue Officer within fifteen days from the date of receipt thereof and the Revenue Officer shall after considering any such objections pass such orders thereon as he deems fit after giving a hearing to the objector.

Preliminary
Patta and
confirmation
in appeal.

(2) If the assessee is aggrieved by any decision under sub-section (1), he may prefer an appeal before the Board of Revenue within thirty days from the date of the said decision and the decision of the Board thereon shall be final.

(Secs. 8-13)

Bar of juris-
diction.

8. The decision of the Revenue Officer subject to the decision, if any, of the Board of Revenue under section 7 shall be final and no proceedings under this Act shall be liable to be questioned in any court of law.

Issue of final
Patta.

9. When all such objections and appeals have been disposed of, the Revenue Officer shall make such alterations in the preliminary Patta as may be necessary to give effect to any decisions made under section 7 whereupon the Patta shall be final and shall be issued to the assessee by the Revenue Officer.

Date from
which rent
is to be
levied.

10. The rent assessed under the provisions of this Act and mentioned in the Patta shall be levied from the agricultural year next following the date of commencement of this Act.

Revision of
assessment.

11. The assessments made under this Act shall remain in force until the same are altered under the provisions of any enactment providing for the survey and settlement of land for the whole of the State of Orissa.

Arrears of
rent to be
recoverable
as arrears of
land revenue.

12. The arrears of rent under this Act, shall be recoverable as arrears of land revenue under the Bihar and Orissa Public Demands Recovery Act, 1914. Bihar and
Orissa Act 4
of 1914.

Revenue
Officer to
have powers
of a Civil
Court and
inquiry con-
ducted by
him to be
deemed to
be judicial
proceeding.

13. (1) The Revenue Officer, for the purposes of taking any action under section 4 or 6 or holding inquiries under section 7 shall have power to summon and enforce the attendance of witnesses or of any person having an interest in the subject-matter and to compel the production of documents by the same means and so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

V of 1908

(2) Every such inquiry shall be deemed to be a "Judicial Proceeding" within the meanings of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code and every statement made by any person examined by or before him with reference to such inquiry, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the said Code. XLV of 1860

(Secs. 14-15)

14. The State Government may make rules,* not inconsistent with the provisions of this Act, for carrying out the purposes of this Act. ^{Power to make rules.}

15. If any difficulty arises in giving effect to any of the provisions of this Act the State Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty. ^{Removal of difficulties.}

*For rules, see Notification No. 44576-Ten.-128/58-R., dated the 18th December 1958 published in *Orissa Gazette*, Extraordinary, dated the 30th December 1958 (No. 618).