

Estates Partition Act, 1897

Section 9 - Added by the Orissa Estates Abolition

Amendment) Act, 1957 (Orissa Act 23 of 1957), s. 2 (ii). (h) Where, by operation of this Act, the right to the possession of any estate or any part thereof vests in the State Government, the Collector may, by written order served in the prescribed manner, require any person in possession of such estate or any part thereof to give up possession of the same by a date specified in the order, and it shall be competent for the Collector to take, or cause to be taken, such steps as, in the opinion of the Collector, may be necessary for securing compliance with the said order or preventing any breach of the peace. 1 [The Collector shall also determine the amount, if any, payable by such person on account of any damage, destruction or deterioration in value of such estate or part thereof as a result of such possession after the date of vesting and the amount so determined shall be realised as arrears of land revenue: Provided that no order for payment of the amount aforesaid shall be passed unless the person concerned has been given a reasonable opportunity of being heard]. (i) Where the Collector is satisfied in respect of the settlement of lease of any land or mines or minerals comprised in such estate or the transfer of any kind of interest in any building used primarily as office or cutchery for the collection of rent of such estate or as rest houses for estate servants on duty or as golas for storing rent in kind or part thereof, made or created at any time after the 1st day of January, 1946, that such settlement, lease or transfer was made with the object of defeating any provisions of this Act or obtaining higher compensation thereunder, he shall have power to make enquiries in respect of such settlement, lease or transfer and may, after giving reasonable notice to the parties concerned to appear and be heard, set aside any such settlement, lease or transfer, dispose of the property claiming under it and take possession of such property in the manner provided in clause (h) on such terms as may appear to him to be fair and equitable: Provided that in case where the Collector decides not to set aside any such settlement, lease or transfer he shall refer the case to the Board of Revenue for confirmation of the settlement, lease or transfer and the orders passed by the Board of Revenue in this behalf shall be final: