



No. 12575 / ACSR&DM, Date 21 APR 2022

No. RDM-CHS-POLICY-0001-2022

To

Secretary Board of Revenue, Odisha, Cuttack
Director of Land Records and Survey, Odisha Cuttack
All Collectors

Sub: Clarification on change of status from "Chandna/ Darchandana/ Dardarchandana" to Stitiban and fixation of Rent thereon- Regarding

Sir,

With reference to above subject, I am directed to say that the Collector, Cuttack has sought clarification pertaining to change of status of land recorded as "Chandana/Darchandana/Dardarchandana" in RoR to Stitiban status. In this context, he has reported that some RoRs of Cuttack District are recorded in the status of Chandana /Darchandana /Dardarchandana having rent and cess in appropriate column in some cases and having no rent in some other Darchandana Khata. A number of applications are being filed by recorded tenants for change of Status from Chandandar or Darchandandar or Dardarchandanadar to Stitiban status.

2. In this context, it is reiterated that Para 21 in "**Rayati Jami Record Kariba Pranali**", interalia, has provided that the land recorded in Chandana Sattva shall be recorded in stitiban status. After transfer of such land, at the time of mutation, such land shall be recorded as stitiban/ rayati land.

3. "**Chandnadar**" finds mention in the Para 327 of Maddox's Settlement Report and Para 62-63 of Dalziel's Report. Maddox reported that the non-agriculturists (Having no agricultural land in the village except homestead land) such as shopkeepers, labourers, artisans, etc., had to pay for rent for their homestead land and were called as "**Chandnadars**". In some cases, the "**Pahi Raiyats**" (whose homestead land was in the village and agriculture land was situated in other villages)

were also called "**Chandnadar**" in the homestead village. They were recognised as **Tenants** as per section 3(3), 4(4) and 236(2) of Orissa Tenancy Act, 1913.

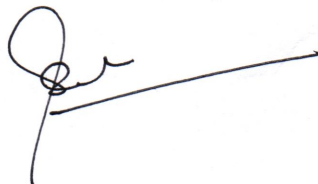
4. In the sabik settlements, the homestead land of non-farmers were settled in "Chandana" *sattva* for Temporarily Settled Estates and "Gharabari" *sattva* for Permanently Settled Estates. In some places such as Phulbani, the "**Chandnadars**" were considered as "**Sukhadasi**" class. They enjoyed the right of inheritance, transfer and partitioning of *sattva* without any hindrance from generation to generation like *Thani* and *PahiRayats*.

5. In Para 21(5) of "Rayati Jami Record Kariba Pranali ", it has been clearly instructed that in Hal Settlement, **Chandnadar** is to be recorded in "**Stitiban**" *Sattva*. If no rent has been fixed, then fair and equitable rent would have to be fixed on such land. Similarly, **Cess** and **Nistar cess**, as applicable shall be fixed at scheduled rate. If there has been transfer of **Chadana** land, then these are to be recorded as like as transfer of **Rayati** land .

6. In view of above facts, recording of a khata in DaraChandana / DardarChandana *sattva* is against the spirit of executive instructions issued by Government from time to time. However, the status of land either as Chandna or DarChandana or DardarChandana in some RoRs which were published before 1990 under the OS&S Act, 1958 and OCH&PFL Act, 1972 prior to this policy decision of Government is still continuing.

7. In view of above, after careful consideration of the matter by Government, it is ordered as follows:

- i. Where a RoR is recorded in Chandana *Sattva* and the tenant applies for change of *Sattva*, the Tahasildar can open a Misc Case record and by referring to this instruction, he can change the Chandana *sattva* to Stitiban *Sattva*. No notice is required to be issued inviting public objections; change of *sattva* is to be allowed in respect of Chandana *sattva* to Stitiban by opening a misc. case record.
- ii. If rent and cess is mentioned in RoR, no further rent or cess is required to be calculated. If no rent /cess is mentioned in the appropriate column, the Tahasildar shall fix the fair and equitable rent /cess as imposed in similar *kisam* of land in same village /vicinity.



iii. In case of the sale or transfer of land under transfer of property Act from Chandana khata, mutation shall be allowed as per procedure and the mutated khata shall be prepared in Stitiban status.

iv. It must be remembered that Chandana khata/ plot is not to be treated at par with Sikkim khata / Plot. In the latter case, they are sub tenants under a raiyat who is a raiyat under the State. While the main khata is recorded in the name of the original raiyat, a supplementary Sikkim khata against the corresponding main khata is created in RoR which is indicative of possession of the sub tenant or Sikkim raiyat over the case land.

v. But in case of the Darchandana khata, the case is not so like Sikkim khata. The land contained in the Darchandana khata can be deleted from the main Chandana khata in the process of mutation and Darchandana khata can be recorded as Stitiban khata, if the land has been transferred by way of transfer in pursuance to TP Act, 1882. But due application must be filed by Darchandanadar with relevant documents.

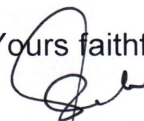
vi. Since there is no rent or cess in Darchandana khata, the fair rent may be fixed in respect of Darchandana khata and the exact amount may be deduced from the rent and cess column of corresponding Chandana khata.

vii. In case where sale deed / gift deed executed as per Transfer of Property Act, but the name of the vendee is entered wrongfully either in the RT column of Chandna or Dar Chandana or Dardar-Chandana khata or in the remark column of that khata, in those cases, the Tahasildar shall allow mutation and the RoR shall be prepared in stitiban status by opening a mutation case on application.

viii. In case of legacy cases, the Tahasildar, as custodian of RoRs and whose primary duty is to update the RoR, can open separate khata on basis of sale deeds, when there are applications to this effect.

You are, therefore advised to issue suitable instruction to your field offices for recording of such types of land to Stitiban status and fixation of rent/cess in the light of instructions.

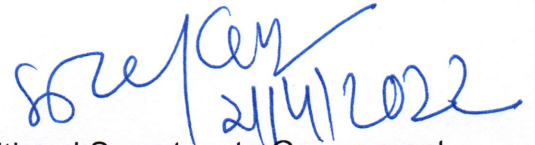
Yours faithfully,


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Additional Chief Secretary to Government

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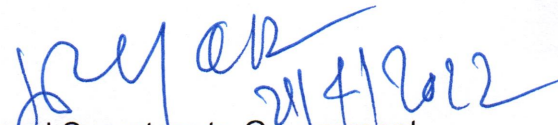
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21/4/2022

Additional Secretary to Government

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Additional Secretary to Government