

**GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

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No. LA (C)-49/12 (DKL) **24026** /R&DM, Dated: **16.5.12**

From: Dr. Taradatt, IAS  
Principal Secretary  
Revenue & D.M Department

To

The Collector, Dhenkanal

**Sub: Clarification regarding handing over of possession of acquired land to Requiring Authority irrespective of Status of payment vis- a- vis the provisions Under Section 17 (3-A) read with Section 12, 16, 18 and 31 of L.A Act.**

Sir,

In inviting a reference to your letter no- 467 dt. 12.04.12 and the provisions contained in under Section 17 (3-A) read with section 12, 16, 18 and 31. I am directed to say that Government after careful consideration has been pleased to issue clarifications there on as follows.

After declaration, Govt. directs the Collector to take order for the acquisition of the land U/s-7 of LA Act. Under Section-11 Collector makes the award and U/s 12(2) he gives notice of the award to the awardees. **Section 16 speaks that when the Collector has made the award U/s-11, he may take possession of the land. Here the inherent meaning of award is payment of compensation. Also the cogent provision is Section 17 (3-A) which prescribes tendering payment of 80% of the compensation before taking possession.**

Payment of compensation is dealt in section 31 of LA Act. Sec 31(1) says that on making an award U/s-11, Collector shall tender payment of the compensation as per the award to the awardees unless prevented by one or more contingencies mentioned in Subsection (2) of Sec-31, which embodies- **'if they shall not consent to receive, if there be any dispute as to title or apportionment'**.

**Sub-Sec-2 of section-31 further carries that in such contingencies as described above, the collector shall deposit the amount of compensation in the court to which a reference U/s-18 would be submitted.**

Sec-18 speaks of reference to court by the collector as to determination of compensation, the persons to whom it is payable or the apportionment of the compensation among persons interested.

From the above discussion it summarily transpires that the mode of payment of compensation is of two types-1) Direct payment by cash or alternative form 2) payment by deposit in court. The qualifying provision of tendering of 80% compensation to the awardees before taking possession as is stipulated in Sec 17 (3-A) construed to mean percentage of payment by any or two modes as above aggregating to 80 %. Sec 17 (3-A) also alternately deals with the course of action in case of those contingencies as spelt out in Sec 31, Sub-Sec-(2) thus:- "where the collector is so prevented, the provision of section 31, Sub-section(2) shall apply as they apply to the payment of compensation under that section".

From this enabling provision it can be arrived at that when the awardees are not forth coming either to receive their compensation or they are not giving consent to receive the same; the compensation can be disbursed by the mode of depositing it in the court by the Collector as per Sec-31(2) with submission of a reference U/s -18 of the Act.

In view of the above statutory provisions, you are directed to follow the procedure explained above and take recourse to depositing the undisbursed compensation money in the court as per provision Under Section-31-Sub-Sec-2 of LA Act 1894 read with Sub-sec. (3-A) of Sec-17 of the Act, and handover possession of the acquired land by following all other provisions of L.A Act and Executive Instruction there under.

Yours faithfully



Principal Secretary to Government

Memo No. 24027 Dt. 16.5.12

Copy to All Collectors / SPL LAOs / LAOs for information and necessary action. They are instructed to adopt the procedure as explained in the foregoing Para and take necessary steps for depositing the undisbursed land compensation in consonance with the Section 31- Sub Sec-2 of LA Act, read with Sub-Sec(3-A) of Sec-17 of the Act, and handover possession of the acquired land to Requiring Authority by following all other provisions of L.A Act and Executive Instruction there under.




Principal Secretary to Government



Memo No. 24028 Dt. 16.5.12

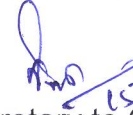
Copy to the All RDCs for information and necessary action.

  
15.5/12

Additional Secretary to Government

Memo No. 24029 Dt. 16.5.12


Copy to LA (A) Section/ LA(B) Section/ LA(C) / R&R section for information and necessary action.

  
15.5/12

Additional Secretary to Government

Memo No. 24030 Dt. 16.5.12

Copy to Guard files (5 copies).

  
15.5/12

Additional Secretary to Government