

GOVERNMENT OF ODISHA  
REVENUE & D.M. DEPARTMENT

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No. 29089 /R&DM, Bhubaneswar, dated the 29<sup>th</sup> September, 2014.  
GE (GL)-S-31/2014

From

Dr. Taradatt. IAS,  
Additional Chief Secretary to Government.

To

The Collector, Keonjhar.

**Sub: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – clarifications.**

Sir,

I am directed to invite reference to your Letter No.1745/Rev., dated 06.09.2014 on the aforementioned subject and to say that you have raised the following issues on alienation of Government land for compensatory afforestation in lieu of forest land to be diverted for non-forest use.

- (a) Whether Government land recorded as Abada-Ajogya Anabadi Khata can be alienated/leased out for raising compensatory afforestation?
- (b) What is surplus unobjectionable land?
- (c) Whether Government land recorded as 'forest' available in the land bank can be provided for raising compensatory afforestation on realisation of land cost?
- (d) What is the method of fixation of the cost of non-forest land/revenue forest land available in the land bank?
- (e) Whether land recorded as Abada Ajogya Anabadi Khata provided for raising compensatory afforestation can be taken to Abadajogya Anabadi Khata after Stage-1 clearance of the Central Government?

2. After careful consideration of the aforesaid issues, it has been clarified as follows:

- (a) Lands covered by rivers, nalas, hills, hillocks, stoneflats, sand hills, lake, sea or other natural collections of water etc. which are not ordinarily fit for occupation for any non-agricultural or agricultural purposes and over which there is

no communal right will be recorded in a separate khatian to be known as Abada-Ajogya Anabadi. Lands recorded in the Abada-Ajogya Anabadi khatian can be used only for a public purpose. If it is intended to be used for any other purpose and if such use will not cause any inconvenience to anybody it has first to be transferred to the Abadaajogya Anabadi khatian under the orders of the competent authority. Hence, if any Abada-Ajogya Anabadi land is fit for raising compensatory afforestation, then the same is required to be transferred to Abadaajogya Anabadi khatian and to be alienated/leased out.

- (b) Government land classified as 'Gochara', 'Rakhit' or 'Sarbasadharana' and used as burial ground, Government premises, tanks, roads, public place of worship and lands prohibited to be alienated by any Central or State Acts are coming under objectionable category and the remaining Government lands are to be treated as unobjectionable land. The lands coming under objectionable and unobjectionable category are enumerated vide Government Letter No. 4898-R, dated 28.1.1966 and in the Odisha Prevention of Land Encroachment Act, 1972. In view of the scarcity of Government land, the Revenue & D.M. Department vide their Letter No.2258/R&DM, dated 4.8.2014 in paragraph-2 have clarified that for the purpose of sustainable development of the State, the housing, transport and other developmental needs and rights of the populace has to be met first and thereafter Government land kept under Abada Jogya Anabadi Khata may be alienated for raising compensatory afforestation.
- (c) Government of India, Ministry of Environment & Forest and Climate Change in their F. No.11-306/2014-FC, dtd. 8<sup>th</sup> August, 2014 have advised all the State Governments to set up a land bank of non-forest land or revenue forest land for the purpose of creation of compensatory afforestation in lieu of forest land to be diverted for non-forest work which will help to minimise the delay in clearance of forest diversion proposal. Hence, the land recorded as non-forest or revenue forest such as chhota jungle, bada jungle etc. (having no forest growth) available in the land bank can be

provided for raising compensatory afforestation on realisation of premium.

- (d) The land cost of the non-forest land/revenue forest land available in the land bank can be determined on the basis of the market value of land as determined in case of acquisition of private land. The bench mark valuation available for the private land situated in the close vicinity having similar advantages may also be taken into account. The valuation of the land which is higher may be taken as premium for the land.
- (e) This point has already been clarified at “(a)” above. However, in the instant case since in-principle approval of the Central Government has already been obtained, there is no necessity to change the status of the land at this stage. The Abada Ajogya Anabadi land set apart for raising compensatory afforestation is mutated in favour of the Forest & Environment Department; the same shall be declared as reserved/protected forests as the case may be under the Indian Forest Act, 1927.

Yours faithfully,



25-9-14

Additional Chief Secretary

**Memo No. 29090 /R&DM, Date. 29.09.2014.**

Copy forwarded to all Collectors (except Collector, Keonjhar) for information and necessary action.



29-9-14

Additional Chief Secretary

**Memo No. 29091 /R&DM, Date. 29.09.2014.**

Copy forwarded to the Principal Secretary, Forest & Environment Department/ Principal Chief Conservator of Forests for information and necessary action.



29-9-14

Additional Chief Secretary