

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-Reg-CLRFIC-0002-2018-35884 /R&DM dated 24 SEP 2018

From

Sri Sashadhar Nayak, OAS(SAG)
Additional Secretary to Government.

To

The Collector, Ganjam, Chatrapur.

Sub: Clarification regarding registration of leased out land in favour of Indian Rare Earths Ltd. (IREL) by private landowners.

Ref: Your letter No.1254/Regn. dated 03.04.2018.

Sir,

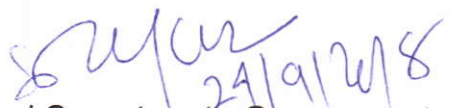
In inviting reference to the above-mentioned letter on the above-captioned subject, I am directed to say that the matter was examined at this level and the opinion of the Law Department was sought on the matter. The Law Department have opined that the lease document and the supplementary document had been executed between the Government of Odisha and M/s. Indian Rare Earths Ltd. (IREL) for the purpose of excavating rare earth from the area. IREL has not executed any lease agreement with private landowners; rather, it has been undertaking operation as per the provision under Rule-31 of Mineral Concession Rules, 1960 on payment of compensation for the damage/injury caused to the landowners.

2. The landowners, not being the lesser to the lease, are no way affected by the terms and conditions of the lease documents executed between the State Government and IREL. So the private landowners still remain as the occupiers of the surface of the lease land and by virtue of their title, they can transfer/sell such land to any person. The buyers of the land will take the position of the new landowners and will continue to get all benefits arising out of such mining operation by IREL. Since the landowners are really in need of money to meet some of their family exigencies, they cannot be debarred from executing deed of transfer in lieu of consideration price to the prospective buyers. Consent of the old landowners for the work of such excavation in favour of IREL would remain applicable to the new landowners on their purchase. If the consent documents prepared in favour of IREL by the private landowners had included the condition for use of lands only for

dwelling or agricultural purpose and not for industrial or commercial purpose, then those shall certainly apply to the prospective buyers.


3. In view of the above clarifications, you are requested to take necessary action on the matter.

Yours faithfully,


Additional Secretary to Government

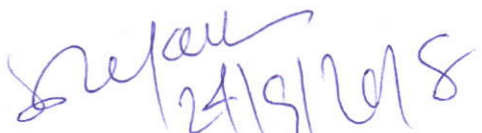
Memo No. 35885 dtd. 24 SEP 2018

Copy forwarded to the IGR, Odisha, Cuttack for information and necessary action.


Additional Secretary to Government

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Copy forwarded to the IMU Cell for information.


Additional Secretary to Government