

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*

No. RDM-LRGEB-BLS-0083-2017-36868 /R&DM dated 03.11.2019

From

Dr. Chandra Shekhar Kumar  
Principal Secretary to Government

To

Secretary, Board of Revenue, Odisha, Cuttack  
All RDCs  
All Collectors

**Sub: Transfer of water bodies, tanks (Jalasaya) etc, situated in urban areas to the administrative control of Urban Local Bodies.**

Madam/Sir,

In inviting a reference to the subject cited above, I am directed to say that erstwhile Revenue Department vide letter No.25475/R dt.11.6.1959, letter No.10703/R dt.2.3.1962 and letter No.51853/R dt.2.8.1965 have issued instruction for transfer of properties of Revenue Department like fisheries, tanks, markets, hats, fairs etc to the control of Gram Panchayat. But no such instruction has been issued for transfer of water bodies, tanks etc. located in urban areas to the Urban Local Bodies.

2. The water bodies like tanks etc. situated within the urban limits are often not renovated by the Revenue Authorities. As these water bodies are not waste lands, these cannot be permanently leased out as per the provisions of the OGLS Act and Rules in favour of the Urban Local Bodies for renovation and beautification purposes to cater to the urban requirements. As there is no specific guideline for transfer of tanks etc. to the ULBs, the Municipal Corporations/ Municipalities/ NACs are facing problems to renovate and utilize such water bodies more productively in accordance with the urban requirements. Hence, formulation of a policy guideline for transfer of tanks, water bodies etc. located within the urban limits to the administrative control of the concerned ULBs was under active consideration of the Government for sometime past.

3. In this connection, the provisions of the Odisha Municipal Act, 1950 is relevant. Section 123 of the said Act provides that "It shall be lawful for the State government from time to time to direct that any road, bridge, channel, building or other property movable or immovable, which is vested in the State Government for

the purpose of the State and which is situated within a Municipal area shall, with the consent of the municipality and subject to such exceptions and conditions as the State government may make and impose be placed under the control and administration of the municipality for the purpose of this Act and there upon such road, bridge, channel, building or other property shall under the control and administration of the municipality subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.”

4. Keeping the above in view, the Government after careful consideration have been pleased to issue following guidelines for placing the tanks etc under the control and administration of the concerned Urban Local Body under section 123 of the Odisha Municipal Act, 1950.

- i. Collector of the District shall recommend the proposal to Government in R&DM Department for placing such property of Government like tanks etc. (i) if the property is situated within the limits of the concerned ULB and (ii) if the concerned ULB through a Resolution furnishes its consent for such transfer.
- ii. The property shall be placed with the control and administration of the concerned ULB with approval of Government in R&DM Department, subject to following exceptions and conditions;
  - a) The scheduled property shall continue to remain in Government in Revenue & DM Department khata and the kism of the land shall remain unchanged as Jalasaya.
  - b) The ULB shall preserve and protect the tank situated on the scheduled land.
  - c) In no case, the jalasaya or the tank shall be converted or shall be allowed to lose its character. In other words the nature and character of the tank shall remain unchanged.
  - d) The ULB shall maintain the same and can take steps for renovation and beautification of the same as per the urban requirements. This may be done after due Resolution of the ULB and with approval of Collector of the District.

- e) Third party rights or community rights, particularly rights for drinking, bathing and irrigation, if any, shall not be infringed upon.
  - f) The right to pisciculture shall be left to the ULB subject to the condition that 50% of the earning shall be utilized for the maintenance and other activities incidental to the property. The property, if the ULB so decides, can be leased out for fishery purposes only through public auction, following a transparent procedure.
  - g) If the Collector of the district is of the opinion that the ULB has failed to maintain the tank properly or has failed to make full use of the same or has not taken sufficient safeguards for getting full usufruct out of the same or if the Municipality has violated any of the above conditions, then he shall cause a notice to the Executive Officer of the ULB to rectify within a period of 3 months. If the Executive Officer fails to rectify or furnishes insufficient reason, then Collector of the District shall recommend to Government in Revenue and DM Department for revocation of the Order.
- iii. The Government in Revenue and DM Department reserves the right to revoke the order of placing the tank under the control and administration of the ULB at any time in the larger public interest.
- iv. **This Guideline shall not be applicable to water bodies / jalasayas which have lost their characteristics.**

Yours faithfully,

  
Principal Secretary to Government

Memo No. 36869 / R&DM

Dated 03.11.2017

Copy forwarded to H&UD Department for information and necessary action.

  
Principal Secretary to Government