

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

No.GE(GL)-S- 58/10- 48395 / R & DM. Dtd.26.11.2010

From

Shri R. K. Sharma, IAS
Commissioner-cum- Secretary to Government

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub: Principles for determination of the basis for fixation of premium, interest and penalty for occupation of Government land before/after sanction of formal lease.

Sir,

I am directed to say that the principle for determining the basis for fixation of premium, interest and penalty for occupation of Government land before/after sanction of lease/ alienation is being presently regulated by erstwhile Revenue & Excise Department G.O. No. 5914 dated 2.2.1966.

2. However, formulation of a revised principle for determination of the same was under active consideration of Government for some time past. Government, after careful consideration of the matter and in supercession of the existing principles as laid down in the G.O. cited above, have been pleased to decide as follows:-

(a) In respect of the cases where land is to be occupied after formal sanction of lease, the market value of the land as on the date of recommendation of the Tahasildar for sanction of lease should be charged, provided that a period of more than one year has not lapsed from the date of such recommendation to the date of submission of the proposal to the authority competent to sanction the lease. Wherever a period of more than one year has lapsed from the date of recommendation of the Tahasildar, the authority competent to sanction the lease may direct the Tahasildar to reassess the market value based on recent sale statistics.

(b) In the cases where the lands are occupied by way of advance possession with the permission of competent authority, the market value of the land should be determined as on the date of taking over advance possession or occupation by the applicant. The arrear land revenue and cess at the prescribed rates shall also be payable for the entire period of occupation. The interest on premium and arrear land revenue and cess for the entire period of occupation shall also be payable at the prevailing rate of interest i.e. 6% per annum up to 27.11.1992 and 12% after that date.

(c) In the cases where land has been occupied without prior approval of the competent authority, it should be treated as encroachment and will be liable to eviction. However, in the exceptional cases, where the Government, due to certain good and sufficient reasons, consider to settle the land with the occupier, the occupier will be required to pay:

i) Premium calculated at the market value of the land as on the date of occupation and interest thereon for the entire period of occupation, or the market value as applicable in the cases where the land is to be occupied after formal sanction of lease, whichever is higher.

ii) An amount equal to the penalty as would have been payable under the provisions of the OPLE Act and Rules, and

iii) Arrear ground rent and cess with interest, based on market value prevailing during the relevant period.

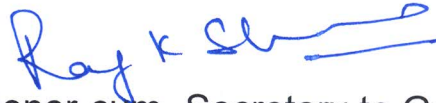
3. In respect of cases under 2(c), the benefits of concessional rates of premium, if any, available under any policy of Government for the specified purpose will not be applicable to such cases where the land has been occupied unauthorisedly without formal sanction of lease or without grant of advance possession by an authority competent to sanction the lease.

4. The interest on premium and arrear ground rent and cess will be calculated at the prevailing rates of interest, i.e. 6% per annum up to 27.11.92 and 12% per annum thereafter.

5. These principles will also be applicable to all the pending cases where lease / alienation is yet to be sanctioned. The cases where lease / alienation has already been sanctioned need not be re-opened.

All concerned may be intimated accordingly under intimation to this Department.

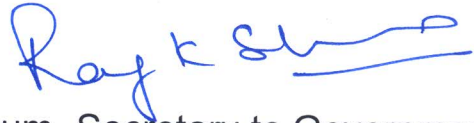
Yours faithfully,



Commissioner-cum- Secretary to Government.

Memo No. 48396 /R&D.M. dtd. 26.11.2010

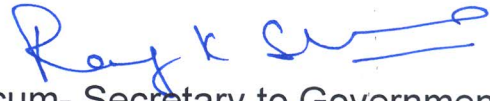
Copy forwarded to All RDCs/Director, Land Records, Surveys & Consolidation, Orissa, Cuttack/ All Collectors for information and necessary action.



Commissioner-cum- Secretary to Government.

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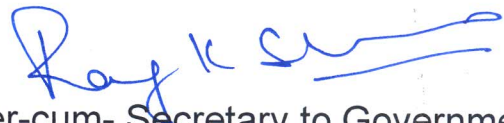
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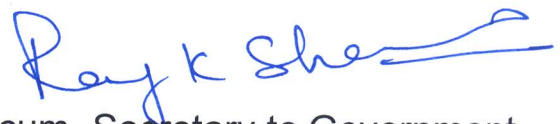
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Commissioner-cum- Secretary to Government

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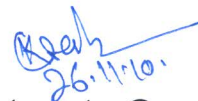
Copy forwarded to P.S to Minister, Revenue & D.M. for kind information of Hon'ble Minister.



Commissioner-cum- Secretary to Government

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Copy forwarded to LR&GE(A)/(B)/(C)/ CH&S Branch/Registration Branch/LR (A)/(B)/Budget (B) Branch/OIC, IMU Cell of Revenue & D.M. Department for information and necessary action.



26.11.10.

Under Secretary to Government