

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No.GE (GL)-S-09/2015- 9159 / R&D.M Dated 24th March, 2015

From

Dr. Taradatt, IAS
Additional Chief Secretary to Government

To

All Collectors

Sub: Clarification regarding dues payable by Central Government/ NHAI for alienation of government land for construction/expansion of national highways in the State

Madam/Sir,

I am directed to say that the erstwhile Revenue Department vide G.O No. 61428 dated 20.09.1983 had communicated the decision of Government that government land required for national highway purposes may be transferred in favour of Government of India free of cost without payment of market value (inclusive of capitalized value of land revenue) on usual procedure.

2. Subsequently, Government during the year 2002 reviewed its earlier decision and decided that no premium for the government land transferred to the Union Government for national highway purposes shall be charged. However, the Union Government would be required to pay the capitalized value of land revenue, which is computed @ 25 times of the annual rental. This has been communicated to all concerned vide erstwhile Revenue Department G.O No. 32365 dated 29.06.2002

3. Doubts have been raised in certain quarters as to whether premium and capitalized value would be realizable from National Highways Authority of India (NHAI) for alienation of government land for national highway purpose.

4. It may be noted that this Department in its G.O No. 45220/ R&DM dated 08.10.2012 has clarified that the Central Government Ministries/ Departments are liable to pay capitalized value of land revenue, which is equivalent to 25 times of annual ground rent and cess in addition to premium of the government land being alienated in their favour for execution of various projects [Para 7(i) of the G.O]. It has further been clarified that payment of capitalized value of land revenue will be applicable in cases of alienation of government land in favour of Ministries/ Departments of the Central Government only. However, the Undertakings/ Organizations/ Corporations/ autonomous bodies under Central Government will have to pay the annual ground rent and cess in addition to premium in case of transfer of government land in their favour [Para 7(iv) of the G.O].

5. This was a general clarification with regard to applicability of capitalized value of land revenue and the quantum thereof. The G.O, in no way, meant to say as to

whether premium of the government land transferred in favour of Central Government Ministries/ Departments or Undertakings/ Organizations/ Corporations/ autonomous bodies under Central Government are exempted or not. Exemption of premium is decided by Government on a particular case or a class of cases. In other words, if the Government decides or has so decided to exempt premium in respect of a particular case or a class of cases, the premium has to be exempted. In absence of any such decision by Government, the premium has to be realized.

6. Keeping the above in view, it is hereby clarified that if government land is alienated in favour of Ministry of Road Transport & Highways, Government of India for construction/ expansion of national highways, such land may be transferred to the Ministry free of premium. However, the Ministry would be required to make one - time payment of capitalized value of land revenue which is equivalent to 25 times of the annual ground rent and cess taken together. For the purpose, the rent has to be calculated @ 1% of the market value of the land and cess @ 75% of the rent so calculated. Besides, the Ministry would also be required to pay incidental charges as prescribed in Serial No. 4 of Schedule III of the OGLS Rules, 1983 [as amended vide OGLS (Amendment Rules, 2013)].

7. In cases where NHAI is filing requisition for alienation of government land on behalf of Ministry of Road Transport & Highways for construction/ expansion of national highways, the land will be alienated in favour of the Ministry subject to payment of the dues as mentioned at Para 6 above.

Yours faithfully,


24.3.15

Additional Chief Secretary to Government

Memo No. 9160 /RDM Dated 24.03.15

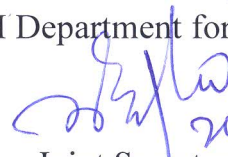
Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.


24.3.15

Additional Chief Secretary to Government

Memo No. 9161 /RDM Dated 24.03.15

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/ all seats of LR & GE (A)/ (B)/ (C) of Revenue & DM Department for information and necessary action.


24/3/15

Joint Secretary to Government