



No. 9204 / ACSR&DM, Date 22-03-2022

No. RDM-LAA-MISC-0027-2014

To

All Collectors  
All LAOs/Spl LAOs

**Sub: Instructions regarding taking over possession of the land to be acquired vis-à-vis tendering payment of compensation under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLA R&R) Act, 2013.**

**Ref: This Department Memo No.24027 dated 16.05.2012.**

Sir,

In inviting a reference to the letter on the subject cited above, I am directed to say that earlier, this Department on interpretation of the provisions of Section 16, section 17 (3-A), section 18 and section 31 (2) of the Land Acquisition Act, 1894, had issued a clarification vide letter No. 24026/R&DM dated 16.05.2012, that *there is cogent provision in Section 17 (3-A) which prescribes tendering payment of 80% of the compensation before taking possession. When the awardees are not forth coming either to receive their compensation or they are not giving consent to receive the same the undisbursed compensation can be disbursed by mode of depositing it in the Court by Collector as per Section 31 (2) of LA Act, 1894 and hand over the possession of the acquired land by following all other provision of L.A. Act and other executive instructions.*

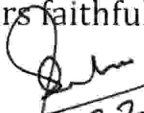
Now, the Land Acquisition Act 1894 has been repealed and the RFCTLA R&R Act 2013 has come into force w.e.f. 01.01.2014. Section 38 of the new Act provides for ensuring full payment of compensation as well as rehabilitation and resettlement entitlements before taking over possession. However, Section 40(3) of the Act, which relates to the cases of urgency, provides that "*Before taking over possession of any land under sub-section (1) or sub-section(2), the Collector shall tender payment of eighty percent of compensation for such land as estimated by him to the person interested entitled thereto.*"

Further, section 77 (2) of the Act, provides that " If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, Collector shall deposit the amount of the compensation in the Authority to which a reference under Section 64 would be submitted;".

In view of the above, since the land acquisition is done for public purpose and delay in land acquisition leads to time and cost overrun, and to take a pragmatic approach, the State Government has been pleased to accept the same procedure to take over possession of the land **after tendering payment of 80% of compensation** as provided in the earlier LA Act, 1894 and u/s 40 of the RFCTLAR&R Act, 2013. Further, the payment which has been received on protest by the land losers may be included while computing 80% of the payment, before taking over possession.


In view of the above, you are requested to take necessary action accordingly.

Yours faithfully,

  
22/3/2022  
Addl Chief Secretary to Government


Memo No. 9205 / R&DM, Dated 22 MAR 2022

Copy forwarded to the Member, Board of Revenue, Odisha/ All Departments of Government / All Heads of Department / All RDCs for information and necessary action.

  
22/03/2022  
Joint Secretary to Government


Memo No. 9206 / R&DM, Dated 22 MAR 2022

Copy forwarded to CMD, IDCO, Bhubaneswar/ CMD, IPICOL, Bhubaneswar for information and necessary action.

  
22/03/2022  
Joint Secretary to Government

Memo No. 9207 /R&DM dtd. 22 MAR 2022

Copy forwarded to E-Governance Branch with a request for upload of the same in Revenue & DM Department website for information and necessary action.

  
22/03/2022  
Joint Secretary to Government

Memo No. 9208 /R&DM dtd. 22 MAR 2022

Copy forwarded to Land Acquisition (A), (B) & (C) Branch , Registration Branch and R&R Cell of this Department for information and necessary action.

*Handwritten signature and date: 22/03/2022*

Joint Secretary to Government