

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

No. 1071 / R&DM, Bhubaneswar, dated the **12 JAN 2022**
RDM-LRGEA-MISC-0002-2019

Sub: Principles for temporary allotment of government land in favour of different public entities for public purposes subject to payment of licence fee in areas other than Bhubaneswar Municipal Corporation limits.

The Government in Revenue & D.M Department vide G.O No. 33503/R&DM dated 31.08.2013 has laid down the principles regarding temporary allotment of government land for private purposes. The said principles are applicable to the government land under the administrative control of Revenue & D.M Department. As per that guideline, the user agency has to pay to the State Government, a licence fee equivalent to 1/10th of the market value of the land payable each year for use of such land. This was issued in the context of temporary allotment of government land for establishment of stone crushers for various road projects. There was no separate policy guidelines for temporary allotment of Government land to Government and public entities for public purposes.

Keeping the above in view, the State Government, after careful consideration and with approval of the State Cabinet in their 42nd Meeting held on 10.01.2022, have been pleased to decide the following principles for temporary allotment of land recorded in the name of different Departments including Revenue and DM Department of the State Government in favour of public entities for public purposes:-

- (i) The Department in whose name the land is recorded may grant permission for temporary allotment of such land or any portion thereof at its level in favour of another entity for various development and incidental works.
- (ii) Government in the administrative Department (i.e. Government in the Department in whose name the land is recorded) shall be the authority to grant such permission for temporary allotment of land.
- (iii) Such temporary allotment of land shall be given for a **maximum period of three years**. If the administrative Department decides to extend the period of allotment beyond the three years period, it will be treated as a fresh temporary allotment and dealt with accordingly. However, such temporary allotments will be subject to a maximum of three times including the first spell of allotment. In other words, temporary allotment of a land can be permitted by the administrative Department for a maximum period of nine years.
- (iv) The temporary allotment of land shall be a licence only and the user agency shall have no right, title or exclusive possession over the land. It shall be allowed only to use the



land for the purpose specified by the administrative Department. If, during the subsistence of such permission, the land is required by the administrative Department for any other particular purpose, the user agency shall have to vacate the land without claiming for any compensation.

(v) The user agency shall have to pay to the State Government, **a licence fee equivalent to 3% of the market value of the land per annum payable at a time** for use of such land.

(vi) The user agency shall deposit the licence fee with the Tahasildar concerned or directly in **appropriate Head of Account of Revenue & DM Department**.

(vii) Permission to use the land shall be given for a maximum period of three years by the administrative Department on payment of licence fee in advance by the user agency. The user agency shall pay the licence fee in advance for the whole period of allotment soon after grant of permission for allotment of the land by the administrative Department and prior to taking over possession of the land for commencement of work. Even if the temporary allotment of land is for a period of less than one year, the user agency shall be liable to pay the licence fee for the full year. The administrative Department or its authorized officer shall hand over possession of the land only after having ensured that the licence fee for the full period of allotment has been paid by the user agency in advance.

(viii) In case the administrative Department decides to extend the period of allotment after expiry of three years, the licence fee shall be calculated afresh basing on the market value of the land prevailing at that point of time. In other words, supposing the administrative Department grants permission for temporary allotment of land in favour of a user agency on 1st April, 2020 for one year ending on 31st March, 2021 and after expiry of allotment extends the period from 1st April, 2021 to 31st March, 2022 and again extends it from 1st April, 2022 to 31st March, 2023, the licence fee shall be the same as was calculated during March, 2020. However, if the Department desires to further extend the period beyond 1st April, 2023, the licence fee shall be calculated afresh basing on the market value of the land prevailing during March, 2023 which shall be the same till 31st March, 2026.

(ix) For determination of market value of the land, licence fee and grant of permission for temporary allotment of land, the following procedure shall be adopted:-

(a) There shall be a District Level Committee under the chairmanship of Collector and consisting of the following members to consider proposals for temporary allotment of land, to finalize the licence fee of the land and to recommend such proposals to the administrative Department.

i.	Collector	Chairperson
ii.	Sub- Collector	Member
iii.	Tahasildar	Member
iv.	Sub- Registrar	Member
v.	Chief Officer of the concerned district/ Division of the administrative Department	Member Convener

- (b) Whenever the Chief Officer of the district/ division of the administrative Department feels it necessary that a particular patch of land recorded in the name of the Department is required to be temporarily allotted for certain public purpose in favour of a public entity, he shall furnish a detailed proposal in this regard to the Collector of the district after receipt of which the Collector shall constitute the aforesaid Committee at his level to consider the proposal.
- (c) The Committee shall duly examine the proposal and if found suitable, shall finalize the market value of the land and accordingly also fix the licence fee to be paid by the user agency and make specific recommendation along with proposed tenure of the temporary allotment for consideration of the proposal by the administrative Department.
- (d) After the same, the Chief Officer of the district/ division of the administrative Department shall furnish the recommendation of the Committee along with the proposed licence fee and proposed time period of allotment to the administrative Department through proper channel for consideration.
- (e) The administrative Department after receipt of the recommendation shall obtain Government approval and communicate grant of permission for temporary use of the land to all concerned including the concerned Collector and Tahasildar. While granting such permission, Government in the administrative Department may impose any terms and conditions, other than quantum of licence fee, as would be suitable to its requirement which the user agency shall be obliged to fulfil.
- (f) After receipt of communication of grant of permission, the user agency will deposit the full licence fee in the appropriate Head of Account of Revenue & DM Department and intimate the same to the administrative Department, the chief officer of the Department in the district, concerned Collector and Tahasildar.
- (g) Only after ensuring that the licence fee for the entire period of allotment has been deposited by the said agency, the authorized officer of the administrative Department shall hand over possession of the land to the agency for commencement of work.
- (x) The user agency shall not utilize the land in such a manner which will change the nature and kism of the land.
- (xi) The user agency, while utilizing the land shall abide by all rules/ regulations/ restrictions imposed by any law for the time being in force governing the field. The concerned Department shall also ensure that the licensee obtains all clearances required for use of land.
- (xii) On completion of the tenure, the user agency will vacate the land and hand over peacefully. The user agency will be accountable for the damages, if any, caused to the land and will be liable to pay compensation for the said damage, the amount of which shall be determined by the administrative Department in consultation with the Collector. The compensation shall also be deposited in the appropriate Head of Account of Revenue & DM Department. The compensation, if not paid, will be recoverable as a public demand under the OPDR Act, 1962.
- (xiii) Occupation of land beyond the allotment period will be treated as unauthorized occupation and the user agency will be liable to be evicted without payment of any

compensation and the construction or the materials and machineries, if any thereon shall be seized and forfeited.

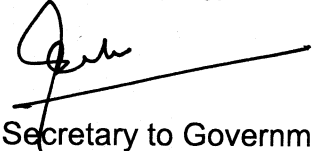
(xiv) The administrative Department or the Revenue and DM Department reserves the right to cancel any licence, if the licensee has violated any of the terms and conditions of the licence or any of the provisions of any law in force or if the land is required for any other public purpose.

(xv) The above procedure and principles shall be applicable only to the land which is recorded in the name of any Department of the State Government and for public purposes or for purposes which are incidental to any work of the administrative Department. It will not be applicable to the agencies/ companies/ corporations/ industries in whose favour lands have been leased out. Thus, the lessees cannot use this guideline to temporarily allot their leased out land.

This policy will not be applicable for Bhubaneswar Municipal Corporation limit, for which the relevant policy of GA and PG Department shall be applicable.

ORDER- Ordered that the Resolution be published in an extraordinary issue of the Odisha Gazette and copies thereof forwarded to all Departments of Government/ all Heads of Department of Government/ Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information.

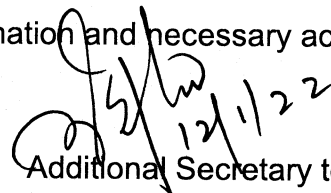
By order of the Governor



Principal Secretary to Government

Memo. No. 1072 /R&DM, Dated 12 JAN 2022

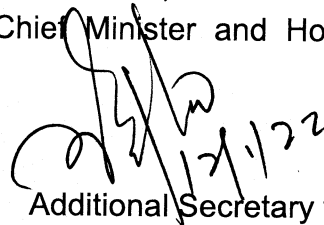
Copy forwarded to all Departments for information and necessary action.



Additional Secretary to Government

Memo. No. 1073 /R&DM, Dated 12 JAN 2022

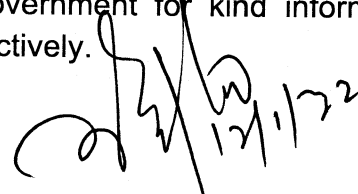
Copy forwarded to Principal Secretary to Chief Minister, Odisha / P.S to Minister, Revenue & DM for kind information of Hon"ble Chief Minister and Hon"ble Minister, Revenue & DM respectively.



Additional Secretary to Government

Memo. No. 1074 /R&DM, Dated 12 JAN 2022

Copy forwarded to O.S.D to Chief Secretary, Odisha / P.S to Development Commissioner-cum-Addl. Chief Secretary to Government for kind information of Chief Secretary and Development Commissioner respectively.

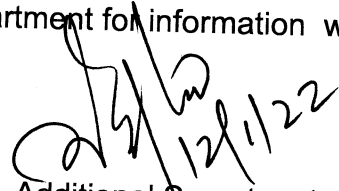


Additional Secretary to Government

Additional Secretary to Government

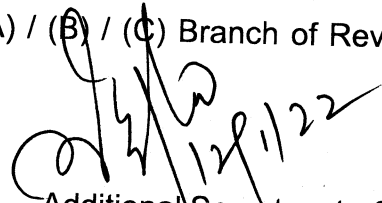
Memo. No. **1075** /R&DM, Dated **1 2 JAN 2022**

Copy forwarded to Parliamentary Affairs Department for information with reference to their Memo No.112 dated 10.01.2022.


12/1/22
Additional Secretary to Government

Memo. No. **1076** /R&DM, Dated **1 2 JAN 2022**

Copy forwarded to all seats of LR & GE (A) / (B) / (C) Branch of Revenue & DM Department for information and necessary action.


12/1/22
Additional Secretary to Government