

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

No. RDM-LRGEA-CLRFIC-0003-2023-^{*****}23084 /R&DM Dated 30 JUN 2023

From

Shri Avaya Kumar Nayak, OAS (SS)
Special Secretary to Government

To

All Collectors

Sub: **Clarification regarding temporary allotment of Government land in favour of different entities for public/ private purposes subject to payment of license fee**

Madam/ Sir,

I am directed to say that two nos. of circulars i.e. G.O. No. 33503/R&DM dated 31.08.2013 and Resolution No.1071 dated 12.01.2022 have been issued by this Department laying down the principles for temporary allotment of Government land for different purposes.

2. The G.O dated 31.08.2013 stipulates that the Collector may, with prior permission of the RDC, allow temporary use of government land in favour of a private organization/ Company for private purposes on year to year basis subject to payment of license fee equivalent to 1/10th of the market value of the land payable each year by the user agency and also subject to fulfilment of several other conditions.

3. On the other hand, the Resolution dated 12.01.2022 which is applicable to all Departments stipulates that the Government in the administrative Department in whose name the land is recorded, may grant temporary allotment of land in favour of an entity for developmental and incidental works for a maximum period of three years (with provision for extending the tenure for two more spells of three years each) subject to payment of license fee equivalent to 3% of the market value of the land per annum and also subject to fulfilment of several other conditions.

4. As there are two circulars on the same subject of temporary allotment of Government land, doubts have been raised in different quarters regarding the applicability of the two circulars, particularly on certain issues like-

(i) what will be the rate of license fee i.e. whether 10% or 3% and in which case,

(ii) who is the competent authority to approve such temporary allotment, whether the RDC or the Government of the administrative Department and in which case,

(iii) whether the G.O No. 3503 dated 31.08.2013 has been superseded after coming into force of the Resolution No.1071 dated 12.01.2022.

5. Keeping the above in view, the Government, after careful consideration, have been pleased to clarify as follows,-

(i) **G.O No. 3503 dated 31.08.2013;** The G.O is applicable in case of temporary allotment of a land recorded in Revenue & DM Department Khata which has been reserved under section 3 (1) (a) of the OGLS Act, 1962 for a certain purpose or has been recorded under a certain Kisam in the Settlement records prepared under the provisions of the Odisha Survey & Settlement Act, 1958 and Rules made thereunder, but no immediate settlement for any purpose is contemplated. Under the G.O, the aforesaid land can be temporarily allotted in favour of a private entity **for setting up of stone crusher units only** and the Collector, with the prior approval of the RDC, may allow temporary use of such land subject to compliance of the terms and conditions by the user agency including payment of license fee as stipulated in the said G.O.

(ii) **Resolution No.1071 dated 12.01.2022**

(a) The Resolution is applicable in case of temporary allotment of land recorded in the name of different Departments of the State Government including in the name of Revenue & DM Department in favour of an entity, public or private, **for use only for a public purpose or for a purpose which is incidental or ancillary to any work of the Department** in whose name the land is recorded.

(b) In case the land is recorded in the name of a Department other than Revenue & DM Department, Government in the Department in whose name the land is recorded shall be the authority to grant such

permission for temporary allotment of land subject to compliance of all formalities stipulated in the Resolution dated 12.01.2022.

(c) However, in case of lands recorded in the Revenue & DM Department Khata, the Collector (instead of Government in Revenue & DM Department) may, with the prior approval of the RDC, allow such temporary allotment of land and the constitution of District Level Committee for determination of license fee and making recommendations for temporary allotment shall not be required. The Tahasildar shall determine the market value of the land in consultation with the concerned District Sub- Registrar/ Sub-Registrar and recommend proposal for temporary allotment of the land to the Collector through the Sub- Collector and the Collector may, with the prior approval of the RDC, allow such temporary allotment of land.

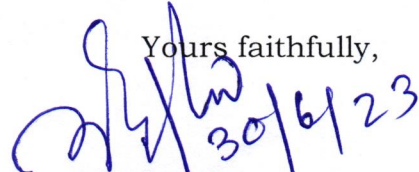
(d) Further, if the land is recorded in the Revenue & DM Department Khata, the land can also be temporarily allotted in favour of an entity, public or private, for a public purpose which is incidental or ancillary to any work of another Department of the State Government under the Resolution dated 12.01.2022. In that case, the following procedure shall be adopted,-

The Chief Officer of the concerned district/ division of the Department which requires land of Revenue & DM Department for temporary allotment in favour of a public/ private entity in connection with a public purpose which is incidental or ancillary to any work of that Department shall make a recommendation to the Tahasildar for temporary allotment of the land in favour of such public/ private entity and the Tahasildar, if he is of the opinion that no immediate settlement of the land for any purpose is contemplated, shall determine the license fee on the basis of the market value of the land in consultation with the concerned District Sub- Registrar/ Sub-Registrar and recommend proposal for temporary allotment of the land to the Collector through the Sub- Collector and the Collector may, with the prior approval of the RDC, allow such temporary allotment of land in favour of that public/ private entity.

(iii) Any land which attracts the provisions of the Forest (Conservation) Act, 1980 or is included in the DLC list shall not be considered for temporary allotment either under G.O No. 3503 dated 31.08.2013 or under Resolution No.1071 dated 12.01.2022.

You are, therefore, requested to take appropriate action in the matter of temporary allotment of government land accordingly.

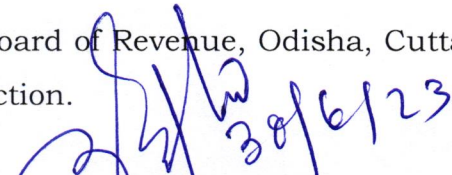
Yours faithfully,


30/6/23

Special Secretary to Government

Memo No. **23085** /R&DM Dated **30 JUN 2023**

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


30/6/23

Special Secretary to Government