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## REVENUE AND DISASTER MANAGEMENT DEPARTMENT

### NOTIFICATION

The 8th September, 2020

**S.R.O. No.192/2020.**— Whereas the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required under sub-section (1) of section 8 A of the Odisha Government Land Settlement Act., 1962 (Odisha Act. 33 of 1962), in an extraordinary issue of the *Odisha Gazette* No. 948, dated the 6th July, 2020 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No. RDM-LRGEA-STATUT-0001-2020- 21427/R&DM., dated the 3rd July, 2020 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the *Odisha Gazette*;

And whereas no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by section 8 A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely:—

1. Short title and Commencement.— (1) These rules may be called the Odisha Government Land Settlement (Second Amendment) Rules, 2020.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), after rule 5-A, the following rule shall be inserted, namely: —

“5-AA. Notwithstanding anything contained in rules 3, 5, 8, 10, 11, 13 and 14, settlement of Government land situated within the limits of the Bhubaneswar Municipal Corporation area shall be made in the manner prescribed in Schedule IV- A.”.

3. In the said rules, after Schedule IV, the following Schedule shall be inserted, namely: —

**“ Schedule- IV- A**

**(See rule-5-AA)**

**Rules for settlement of Government land situated within the limits of  
Bhubaneswar Municipal Corporation Area**

1. Definitions. — In this Schedule, unless there is anything repugnant to the subject or context:

- (a) “Bhubaneswar Development Authority” (BDA) means the Authority constituted as such by the State Government under sub- section (3) of section 3 of the Odisha Development Authorities Act, 1982. (Odisha Act 14 of 1982) ;
- (b) “Bhubaneswar Municipal Corporation area” means the area coming under the jurisdiction of Bhubaneswar Municipal Corporation constituted under the Odisha Municipal Corporation Act, 2003 (Odisha Act 11 of 2003) ;
- (c) “Department” means the General Administration and Public Grievance Department, Government of Odisha;
- (d) “Director of Estates” means the officer appointed as such by the State Government; and
- (e) “Odisha State Housing Board” means the Board constituted as such by the State Government under section 3 of the Odisha State Housing Board Act, 1968. (Odisha Act 11 of 1968) .

2. Purposes for settlement. — (1) Settlement of Government land within the Bhubaneswar Municipal Corporation area shall be done by the Department on consideration of different needs and uses in public interest for the following purposes, namely:—

- (a) for undertaking activities by any Department of the Government, local authority, Union Government and other Government agencies including State Public Sector Undertakings or Central Public Sector Undertakings;

(b) for activities that are considered expedient in public interest for reasons to be recorded in writing, to be undertaken by organizations other than those mentioned in item (a);

(c) for housing scheme by the authorities like Bhubaneswar Development Authority, Odisha State Housing Board and other similar bodies or Co-operative Societies that the Government in the GA & PG Department may, by notification, specify from time to time :

Provided that such authorities shall submit the Scheme for housing development to the Department after obtaining approval of the Government in Housing and Urban Development Department for transparent allotment of land or houses to the individual beneficiaries as per their eligibility and existing policies of the Government for housing;

(d) for the benefit of the inhabitants of residential clusters for availing access to public utilities ;

Explanation I : The expression 'Public utilities' includes roads or electricity supply utilities for electrical installations and such other utilities services as the Government in GA & PG Department may, by notification, declare from time to time.

Explanation II : For removal of doubt, it is hereby declared that no private right shall accrue on the land so settled;

(e) for allotment of land under any declared policy of the Government in the GA & PG Department.

(2) The purposes specified under sub- clause (1) shall not be construed as an order of priority.

**3. Constitution of Land Allotment Committee. —** (1) There shall be constituted a Land Allotment Committee to consider and make recommendation to the Government for allotment of land.

(2) The Committee shall have the following members, namely: —

(i) Chief Secretary, Odisha;

(ii) Secretary, Revenue and Disaster Management Department;

(iii) Secretary, Housing and Urban Development Department;

- (iv) Secretary, Finance Department;
- (v) Secretary, Law Department ;
- (vi) Secretary, General Administration and Public Grievance Department ;
- (vii) Vice Chairman, BDA ;
- (viii) Director of Estates.

(3) The Chief Secretary, Odisha shall act as the Chairperson and the Director of Estates shall act as the member- convener of the Committee.

(4) The Chairperson may invite any other officer of Government or expert (not exceeding two) as member of the Committee, whose suggestion or knowledge may be required while finalizing the proposals.

(5) The Committee may meet as and when required.

(6) The Committee shall make suggestion or recommendation to the Government, as per the policy guidelines to be followed in the matter of allotment of land within the limit of Bhubaneswar Municipal Corporation area.

**4. Principles of allotment. —** (1) All applications for lease of Government land shall be submitted to the Director of Estates in Form I appended to this Schedule.

(2) The application so received shall, forthwith, be entered in a register maintained in Form II appended to this Schedule.

(3) The Director of Estates shall, either himself or through any of his subordinate officers, —

(a) scrutinize the contents of the applications and about such other matters as are relevant to the question of allotment of land with reference to the existing Record-of- Rights and maps;

(b) verify land-use Plan as per the Comprehensive Development Plan (CDP) prepared by BDA;

(c) ascertain if the land applied for is free from encroachment or encumbrance or not and whether the applicant is eligible to get the land for the purpose for which he has applied for; and

(d) examine on any other grounds as may be necessary to determine the eligibility of the applicant.

(4) After making necessary verification required under sub- clause (3), the Director of Estates shall draw up list of allottees for different purposes whom he considers deserving and also draw up the list of cases whom he considers not deserving and place both the lists before the Land Allotment Committee constituted under sub- clause (1) of clause 3;

(5) The Land Allotment Committee shall consider the applications recommended by the Director of Estates along with those not recommended and after such enquiries as it may consider necessary, draw up final list of allottees for land for different purposes;

(6) The final list of allottees drawn up by the Land Allotment Committee shall be published by the Director of Estates in the website and the Notice Board of the Department as well as BDA.

(7) Objection, if any, received shall be examined, scrutinized and shall be placed before the Land Allotment Committee in the next meeting for examination on case to case basis;

(8) If no objection petition is filed within a period of fifteen days from the date of publication in the website, the list of allottees prepared by the Land Allotment Committee shall be placed before the Government in the GA & PG Department for approval;

(9) The approved allotment order shall be issued by the Director of Estates.

**5. Payment of premium and ground rent of land. — (1) Any allotment of land made under clause 4 shall be subject to payment of premium :**

Provided that the Government may exempt or reduce the premium payable in any case or class of cases for settlement of land.

(2) The lessee shall also be required to pay, in addition to the premium of the land, an annual ground rent as may be decided by the Government, from time to time:

Explanation— For the purpose of sub- clauses (1) and (2), the premium of the land means the market value determined under the Odisha Stamp Rules, 1952 for the private land situated in the close vicinity having similar advantage.

(3) Allotment of land in favour of any Department of the State Government by way of alienation shall be on free of all charges.

(4) The land allotted for availing access to public utilities under item (d) of clause 2, shall be made on payment of premium, jointly by the applicant, of such amount as may be considered by the Government in GA & PG Department.

**6.** Demarcation and handing over possession of the land. — After payment of the premium by the allottee in whose favour allotment order has been issued under sub-clause (9) of clause 4, the Revenue Inspector or Amin of the Department shall demarcate the land and hand over possession to the allottee or his authorized representative in whose favour allotment order has been issued :

Provided that except in case of allotment of land in favour of any Department of the State Government, all other allottees shall execute a lease deed and get it registered at their own cost and furnish a copy of the registered deed to the Director of Estates only after which the physical possession of the land shall be handed over.

**7.** Terms and conditions of settlement. — (1) Terms and conditions of the settlement of land made under clause 4 shall be such as may be decided by the Government in the GA & PG Department from time to time.

(2) The Government may put any restrictions, conditions and limitations for lease or alienation of Government land which may be deemed appropriate.

**8.** Correction of Record of Right. — (1) After execution of the lease deed, wherever necessary, the Director of Estates shall intimate the concerned Tahasildar to record the land in the name of the allottee and soon after receipt of such intimation, the concerned Tahasildar shall record the land in Pattadar status in the name of the allottee.

(2) The land allotted in favour of a Department of the Union Government or in favour of a Department of the State Government shall be recorded in the Departmental khata.

(3) After conversion of leasehold residential plots to freehold status, the Record- of- Rights (RoR) shall be corrected in Sthitiban or Raiyati status.

(4) Land allotted for residential purposes shall be recorded as “Gharabari”.

**9.** Resumption of land. — The Director of Estates, after obtaining Government approval, may, without prejudice to the provision of penalty that may be imposed under section 3- B, resume the land settled by him, if he has reasons to believe that, —

- (a) the person or institution or Department of Government or Corporation or Company or authority or any other organization with whom the land was settled, has used it for any purpose other than that for which it was settled; or
- (b) the land has been kept unutilized for a period exceeding three years from the date of such settlement; or
- (c) the lessee has violated the terms and conditions of the lease :

Provided that no order for resumption shall be passed without giving the lessee a reasonable opportunity of being heard in the matter.

**10.** Principles for conversion of leasehold into freehold. — The principles for conversion of residential leasehold plots into freehold shall be published by the Government in GA & PG Department, by notification in the Official Gazette.

**11.** Review. — Any decisions made or orders passed under this Schedule may be reviewed by the Government within one month from the date of such decision or orders, as the case may be, and after giving all persons interested an opportunity of being heard on the ground that there have been clerical errors or arithmetical mistakes or errors in course of proceedings under the rules.

**12.** Interpretation. — If any doubt arises or clarifications needed relating to interpretation of any of the provisions made in this Schedule, it shall be referred to the Government in Revenue and Disaster Management Department for decision.

#### FORM I

[See clause 4 (1)]

#### APPLICATION FOR LEASE OR ALIENATION OF GOVERNMENT LAND

To

The Director of Estates,  
GA & PG Department

1. Type of the applicant : (Strike out whichever is not applicable)

- (a) Central Government Ministry or Department :
- (b) State Government Department :
- (c) Corporation/ Company/ Society/ agency owned by Central Government :
- (d) Corporation/ Company/ Society/ agency owned by State Government :

- (e) Public Ltd. Company/ Private Ltd. Company other than those in (c) or (d) :
- (f) Registered Society/ Trust other than those in (c) or (d) :
- (g) Any other entity (please specify) :

2. Address of the applicant Organization—

- (a) Headquarters :
- (b) Local office in Odisha [if other than (a)] :

3. Particulars of the authorized representative of the applicant organization—

- (a) Name :
- (b) Father's name :
- (c) Designation :
- (d) Address :

4. Detailed particulars of the land applied for—

- (a) Name of the revenue village :
- (b) Khata No. :
- (c) Plot No. :
- (d) Area applied for :
- (e) Kisam :

5. Purpose for which the land is required :

Declaration

I solemnly affirm that the particulars given above and the documents enclosed with the application are correct and true to the best of my knowledge.

Office seal of the authorized representative/ Organization

Signature of the authorized representative with name and designation

Date

Documents to be enclosed : —

- (i) Authorization of the Organization in favour of the representative
- (ii) Attested true copy of Certificate of Incorporation/ Registration, if applicable
- (iii) Attested true copy of Memorandum/ Articles of Association, if applicable
- (iv) Copy of Audited Statement of Accounts for last three years, if applicable
- (v) Land Utilization Plan



(vi) Certified copy of the Record- of- Rights (RoRs)

Note: Documents at Sl. No. (ii) to (iv) shall not be required in respect of applicant organizations of State Government/ Central Government as described at (a) to (d) of Column 1 of the Form.

Form II

[See clause 4 (2)]

FORM OF REGISTER

1. Sl. No. :-
2. Date of application :-
3. Name and address of the Applicant/Requisitioning Authority :-
4. Purpose :-
5. Land Schedule
  - Mouza :-
  - P.S No. :-
  - Khata No. :-
  - Plot No. :-
  - Area :-
6. Alienation/ Allotment order Number and Date :-
7. Area alienated/ allotted :-
- 7 (A). Premium fixed :-
8. Date of payment of premium :-
9. Registered Lease Deed Number and Date :-
10. Date of handing over physical possession of the land :-
11. Remarks :-

[No. 26820-RDM-LRGEA-STATUT-001/2020/R&DM]

By Order of the Governor

BISHNUPADA SETHI

Principal Secretary to Government