Government of Orissa
Revenue & Excise Department

No. GE(MBJ) 4/98-22351 / R., dt. 1.5.98

From

Shri D. K. Das,
Deputy Secretary to Government.

To

The Collector,
Mayurbhanj.

Sub. : Lease of Govt. land in favour of Department of Govt.

Sir,

I am directed to invite reference to your letter No. 966, dtd. 15.3.97 on the aforesaid subject and to furnish herewith the pointwise clarification as indicated below.

1. Section-3(1) (d) of the Orissa Government Land Settlement Act, 1962 provides that Govt. shall charge fees on application for settlement of lands and such other fees as may be necessary for or incidental to the disposal of such fees shall be payable in the prescribed manner. It is further envisaged under Rule 12 of the O.G.L.S. Rules, 1983 that fees payable in favour of matters referred to in clause(d) of Sub-section(1) of Section-3 shall be in accordance with the rates specified in schedule - III. Provided that the Government may exempt the fees prescribed in the said schedule in any case or class of cases for settlement of land.

   In case of settlement of land in favour of other Deptt. Govt. in Revenue Department have not exempted court fees which is required to be accompanied with the application. Hence, the requisitioning officer is required to affix the requisite court fees in the application form for the land proposed to be alienated in favour of other Department.

2. As regards point No. 2, it may be mentioned here that when alienation of land is made in favour of other Departments the same is recorded in favour of the respective Departments in separate Khaitan under Departmental Khata as provided under the Government instructions. Since the land is only transferred from one Department to other and the land is recorded is favour of Government of Orissa. the other Department (except Commercial Department) is not liable to pay annual rent and cess for this purpose.

3. When land is transferred to other Departments, no lease deed is required to be executed. Clause (d) of Sub-Section (1) of Section 90 of the Indian Registration Act makes it clear that the documents which purport to be or are evidence of the Act or assignments by Government of land or of any interest in land including sanads and Inams, title deeds are exempted from registration. The concerned Tahasildar under the Jurisdiction of which the land is situated is required to effect the change of record of rights on the basis of the sanction order issued by the competent authority.

Yours faithfully,

Deputy Secretary to Government

Memo No. 22352 / R., Dtd. Bhubaneswar 1.5.98
Copy forwarded to All Collectors (Except Collector, Mayurbhanj) for information and necessary a



Deputy Secretary to Government

Memo No. 22353 / R., Dtd. Bhubaneswar the 1.5.98
Copy forwarded to All Revenue Divisional Commissioners for information and necessary actio



Deputy Secretary to Government

Memo No. 22354 / R., Dtd. Bhubaneswar, the 1.5.98
Copy forwarded to the Secretary, Board of Revenue, for information and necessary action.



Deputy Secretary to Government

Memo No. 22355 / R., Dtd. 1.5.98
Copy forwarded to L.R. & G.E. (A) and (C) Branch / 20 spare copies to Guard file for information a
necessary action.



Deputy Secretary to Government