By e-Mail/Post

GOVERNMENT OF ODISHA

REVENUE & DISASTER MANAGEMENT DEPARTMENT

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No. RDM-LRGE-GM-0011-2025- 2384 **/R&DM, Dated** 21 JAN 2025

From

Sk Jamiruddin, OAS (SAG)

Additional Secretary to Government

To

The Collector, Ganjam.

Sub: Clarification with respect to "urban area" as defined in the Odisha Govt. Land Settlement (OGLS) Rules- Regarding

Sir,

In inviting a reference to your office No.4031/Rev, dated.27.10.2023 on the subject mentioned above, I am directed to say that as per rule 2 (1) (h) of the OGLS Rules, 1983 [as substituted vide the OGLS (Amendment) Rules, 2013]

"(h) 'urban area' means an area within the limits of-

(i) a Municipal Corporation, Municipality or Notified Area Council;

(ii) ***the area of jurisdiction of a Development Authority*** *; or*

(iii) such other area as the Government may, by notification, decide from time to time."

Hence, it is clarified that, as per rule 2 (1) (h) of the OGLS Rules, 1983, any area coming within the jurisdiction of a Development Authority shall be treated as 'urban area' so far as the provisions of the OGLS Rules, 1983 are concerned.

Further, a copy of the earlier clarification issued to the Collector, Khurda regarding the application of de-reservation principles to all Gochar land irrespective of the fact that the land situated in urban or rural areas vide this Department letter No. 42728 dated 17.11.2018 is sent herewith for information and reference.

Yours faithfully,

21/01/2025

Additional Secretary to Government

(P.T.O)

Memo No. 2385 /R&DM, Dated 21 JAN 2025

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ All RDCs/ All Collectors (except Collector, Ganjam), for information and necessary action.

21/01/2025

Additional Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No. RDM-LRGEB-KHD-0167-2018 42728 /R&DM Dated: 17 NOV 2018

From

Sri Avaya Kumar Nayak, OAS (SAG),
Additional Secretary to Government.

To

Collector, Khordha.

Sub : Clarification regarding applicability of Section-4 of OGLS Act, 1963 in respect of Development Areas.

Sir,

In inviting reference to your letter No. 2898, dated 09.08.2018 on the above mentioned subject, I am directed to say that, as per proviso to Section-3(1) of the OGLS Act, 1962, no Government land recorded as Gochar shall be settled under clause (e) without being de-reserved in accordance with the provisions contained in Section-3-A. The Act does not provide any exemption to urban areas.

2. Similarly, section 3- A (2) of the Act specifies that the officer authorized for the purpose, shall have power to de-reserve any land referred to in sub- section (1) i.e. any land reserved under section 3 (1) (a) or land recorded as Gochar if he is satisfied that the land is no longer required for the purpose for which it was reserved or can no longer serve the purpose for which it was reserved or is in excess of the reasonable requirement for the purpose for which it was reserved.

3. From the above two provisions of the Act, it is amply clear the de-reservation process is applicable to all Gochar land irrespective of the fact it is situated in urban area or rural area.

4. Further, Rule 4 of the OGLS Rules, 1983 reads as follows:-

"De-reservation principles- (1) Any land which has been reserved under clause (a) of sub- section (1) of section 3 or recorded as Gochar may be de-reserved by any officer not below the rank of Collector authorized by the State Government in that behalf. In making such de- reservation, the following procedure shall be followed, namely:-

(2) While de-reserving any government land recorded as Gochar, the authorized officer shall assess the reasonable requirement for the purpose of Gochar for use by the community in the following manner:-

(i) In every surveyed village which is not included within the limits of an urban area, five per cent of the effective area of the village shall be set apart for pasturage (Gochar) subject to availability of suitable government land.

(ii) in every unsurveyed village, land for pasturage shall be set apart at the rate of one acre for every fourteen inhabitants of the village and if the village is non-inhabited, reservation for pasturage shall be made at the rate of one acre for every

(P.T.O)

three persons having land in the village, subject to availability of suitable government land:

Provided that the above provision shall not apply to Gochar situated in an urban area."

5. Thus, the proviso mentioned in the rule that "the above provision shall not apply to Gochar situated in an urban area" is a proviso to sub- rule (2) of the said rule. It is not a proviso to entire rule 4. So, the words "the above provision" refers to the provision made in sub- rule (2) which stipulates the extent of government land to be reserved as Gochar in a surveyed or an unsurveyed village. In other words, the provision of setting apart five percent of the effective area in case of a surveyed village or one acre for every fourteen inhabitants or one acre for every three persons having land in case of an un-surveyed village while de-reserving any government land recorded as Gochar, shall not be applicable to Gochar land situated in an urban area.

6. In fact, when the statute in unambiguous terms stipulates that no government land recorded as Gochar shall be settled without being de-reserved, it cannot be expected that the rules made thereunder shall make exception for Gochar land situated in urban area.

7. Hence it is clarified that while de-reserving Gochar land situated in an urban area, the officer authorized for the purpose has to follow the procedure outlined in rule 4 (1) of the OGLS Rules, 1983. However, while de-reserving the same, the officer need not assess the reasonable requirement for the purpose of Gochar for use of the community by setting apart a certain extent of land as Gochar as stipulated in rule 4 (2) of the said Rules. Further, as required under section 3- A (2) of the OGLS Act, 1962, this de-reservation of Gochar land situated in urban area shall also be subject to the condition that the officer has to be satisfied that such land is no longer required for the purpose for which it was reserved or can no longer serve the purpose for which it was reserved.

Yours faithfully,

17/11/18

Additional Secretary to Government