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S.No
24

LAND CIRCULAR NO. 905
(Northern Railway)

No. 197-W/0/IX/Pt.V

Date-05.01.2007

**Sub:- Procedure Order for Granting Way Leave Facility and
Licensing of Railway Land**

It has been observed that incomplete proposals for licensing of Railway land and granting way leave facility are being sent by Divisions to Headquarter office, which results delay in obtaining sanction of competent authority.

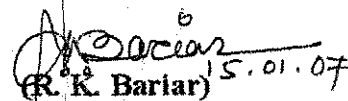
The following guidelines are hereby issued to streamline and expedite the process.

1. The proposed alignment of all way leave facility proposals namely electric transmission lines, passage/roads for vehicles, underground water/sewage/oil/gas/effluent pipelines, underground electric/Optical fiber/TV cable, and over-ground water/sewage/oil/gas/effluents pipelines, and over ground water/sewage/gas pipe lines, open drains etc should be as close to the Railway boundary line as possible.
2. Minimum requisite gradient of the sewer shall be designed for discharging three times the dry-weather flow following half-full with a minimum self-cleaning velocity of 0.75 m/s (IS-1742-1983 para 4.6) to ensure free flow of sewage and should be incorporated in the plan. Top level of sewer manhole should be kept level with the ground.
3. A certificate from party be obtained and kept in record, and also incorporated in the agreement, regarding proper maintenance of sewer line.
4. Railway should ensure that out fall of sewer is at a place outside the Railway boundary. Where smooth flow of the sewerage may take place. It should also be examined that discharge may not cause flooding near Railway land/ track.
5. An undertaking must be obtained from the party and also a clause be incorporated in the Agreement that in case shifting of alignment is required on party account, the cost of shifting/ execution of the work shall be borne by the party.
6. Party will be responsible for :
 - 6.1 Periodical de-silting of all open drain/storm water carrying drains, which do not carry any sludge.
 - 6.2 Periodical cleaning of jungles/vegetation grounds
 - 6.3 Repairs to drain and sewer pipes.
7. A clause in the agreement be incorporated that if at any time the way leave facility becomes in the opinion of Railway, a menace to the safety of Railway operation, property, or caused health hazard, the licensee shall at once take steps to remedy such dangerous defects entirely to the satisfaction of Railway administration, failing which the Railway shall have the right to take remedial actions and the cost thereof including losses incurred if any, shall be recovered from the licensee for which the capitalized maintenance charges shall be recovered from Party in advance at the time of granting way leave facility.

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8. Licensee shall not transfer/lease or sublet in any way the Way leave facility / right granted by the Railway.
9. The division shall submit Way Leave proposal to HQ for sanction of Competent authority, complete in all respects along with following documents:
 - i) Request of party in original.
 - ii) Copy of certified land rate of the area circulated by District revenue authorities.
 - iii) Certificate to the effect that the land is surplus to the Railway's requirements for the next 20 years.
 - iv) Whether structural drawing for the work is approved.
 - v) Whether any land has already been licensed to the party and if so, any amount outstanding as licensee fee against the party.
 - vi) Vetting of proposal by Divl. Accounts and approval of DRM.
 - vii) Plan on polyester paper/tracing cloth showing land to be licensed. Railway land boundary. and distance from nearest track and main line track. Permanent adjoining structures such bridge, building, quarters etc should be shown on the plan. The plan shall be approved and signed by concerned divisional authorities & also signed by Party.

DA. Revised Agreement.


(R. K. Bariar) 5.01.07

Chief Engineer/MRTS
Northern Railway, Head Quarter
New Delhi.