

Government of Odisha
Department of Water Resources

.....

NOTIFICATION

Bhubaneswar, Dated

2015

Sub: Comprehensive guideline for accordance of approval to construct a bridge/culvert over canal/nallah by a private person.

15 It is a long practice that private persons have been applying for permission to construct a bridge/culvert over canal/nallah for their own requirement. Some times permission is being given from Govt. level and in certain cases permission is given by field offices. Because of such permission from different levels, due to lack of proper scrutiny, natural flow of canal/nallah has been found to be restricted and difficulty is faced for maintenance and utility of structure after construction. Moreover, as a long practice such permission is being given on case to case basis.

In order to overcome such difficulty during and after construction of such structures and with a view to ensure a uniform Principle, a comprehensive guideline for accordance of approval to construct a bridge / culvert over canal/Nallah by a private person was under active consideration at Govt. level. After careful consideration, Govt. have been pleased to approve the guideline as mentioned below

Guidelines for Construction of Bridges/Culverts over Canals/Natural Nalla or Drain by Private Persons

Process for Application.

The applicant has to submit an application for bridge/culvert to the concerned Executive Engineer in charge of canal/natural nallah or drain along with the location map stating the reason for providing a structure at that location. The applicant must submit a declaration to adhere to the following practices during/after execution of the structure.

1. Permission for bridge/culvert can be considered by Govt. provided canal embankments are not used as public roads and there are separate roads on both side and one side of the canal.
2. Such permission shall not be accorded if the applicant is found to have encroached any Government land.
3. The ownership right over the land (of construction site) and the structure shall be with the Department.

4. The hydraulic and structural parameters of the canals shall not be disturbed during and after the construction.
5. The work will be executed in consultation with the concerned E.E. and his authorized representatives.
6. Any damage to the canal/banks/service road made by the applicant shall be repaired and restored immediately by him during and after execution of work at his own cost.
7. The work site shall be clear of debris after completion of the work.
8. The applicant shall take care of any law and order situation arising due to the work.
9. The structure after completion shall be open for public use.
10. Periodic maintenance of the structure and approaches is to be done by the applicant.
11. The applicant will not claim for any compensation in case the permission is withdrawn or modified by Government, if required, at any point of time

Approval Criteria:

- i) Permission for bridge/culvert can be considered provided canal embankments are not used as public roads and there are separate roads on both side or one side of the canal.
- ii) The concerned Executive Engineer should verify the Record of Rights on both sides of the canal before recommending the application for the permission to ensure that the proposed provision is not misused by encroachers to encroach/occupy Govt. land.
- iii) The application will be examined by the concerned E.E. for its genuine necessity by the applicant and its feasibility considering all aspects.
- iv) Ordinarily the maximum width of bridge shall be equal to the width of service road of the canal. But in specific case larger width of bridge/culvert can be considered on valid ground.
- v) The application, after scrutiny, will then be submitted by the E.E. to the Superintending Engineer and by the S.E. to the C.E. The Chief Engineer will forward the application with appropriate recommendations to Govt. in DoWR for approval.

On recommendation of the Chief Engineer, Govt. may accord permission of bridge/culvert to the applicant subject to following conditions.

1. Permission for bridge/culvert can be considered provided canal embankments are not used as public roads and there are separate roads on both side and one side of the canal
2. Such permission should not be misused by encroachers to usurp (unauthorized occupation) Govt. land .
3. The concerned Executive Engineer soon verify the record of Rights on both sides of the canal before recommending the application for the permission to ensure that the proposed provision is not misused by encroachers to usurp(un-authorized occupation) Govt. land.
4. The applicant will deposit fee for processing and permission from Govt. in shape of non-refundable demand draft amounting to Rs.2, 000/- per Cusec discharge of canal/natural nallah or drain(for Eg-for a bridge over a canal of 5 cusec discharge, required deposit is Rs.10,000/-) payable at nearest State Bank of India in favour of Executive Engineer/FA&CAO of any Project as the case may be. The draft will be deposited to Govt. account by concerned EE / FA&CAO. The required amount of deposit may be made within a period of six months from the issue of the

Govt. approval, otherwise, the Govt. approval stands cancelled. For special circumstances, Govt. may exempt part or whole of deposit fee for a specific case with proper justification.

5. The design and drawing shall be checked and approved by competent authority (E.E/SE/C.E.) as per codal provision.
6. The work will be taken up only after approval of the technical design and drawings .
7. Govt. reserves the right to withdraw/modify the permission, if required in public interest.
8. The ownership right over the land (of construction site) and the structure shall be reserved with the Department.
9. The hydraulic and structural parameters of the canals/natural nallah or drains shall not be disturbed during and after construction.
10. The work will be executed by the applicant in consultation with the concerned E.E. and his authorized representatives.
11. The applicant shall clear the work site of debris after completion of the work.
12. The applicant shall take care of any law and order situation arising due to the work.
13. The structure after completion shall be opened for public use.
14. Periodic maintenance of the structure and approaches shall be done by the applicant
15. The applicant will not claim for any compensation in case the permission is withdrawn or modified by Govt, if required, at any point of time.
16. Any damage to the canal/natural nallah or drain/banks/service road made by the applicant shall be repaired and restored immediately by him during and after execution of work.
17. For any further clarification over the matter in future, decision of Govt. is final and binding.

This Notification shall come in to force with effect from the date of publication in Odisha Gazette.

ORDER:-Ordered that the Notification be published in the Odisha Gazette.

By order of the Governor.



(P.K. Jena)

Principal Secretary to Govt.