

By e-Mail/FAX

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RDM-LRGEA-POLICY-0021-2018-34035 /R&DM Dated 11 0 SEP 2018

From

Dr. C.S. Kumar, IAS
Principal Secretary to Government

To

All Collectors

Sub: Authority competent to file requisition for alienation of government land for construction of national highways in the State

Madam/ Sir,

I am directed to say that a clarification had been issued vide this Department G.O No. 9159/R&DM dated 24/03/2015 that government land required for construction/ expansion of national highways shall be alienated in favour of Ministry of Road Transport & Highways (MoRTH), Government of India on free of premium basis but subject to payment of capitalized value of land revenue and incidental charges.

2. Subsequently, a G.O bearing No. 11111/ R&DM dated 03/04/2017 has been issued by this Department to the effect that alienation of government land shall be sanctioned free of all charges in favour of National Highways Authority of India (NHAI) for construction of national highways in the State.

3. Basing on the aforesaid decision of Government, the NHAI authorities are filing requisition on behalf of MoRTH for alienation of government land on free of all charges basis for construction of national highways in different districts of the State. As stated by the CGM, (Tech.) & RO, NHAI, requisition is filed by concerned Project Director of NHAI for alienation of government land in favour of MoRTH since MoRTH is the owner of NH land and that National Highways stretches where projects are under implementation by NHAI have been entrusted to NHAI for development, operation and maintenance.

4. From the above, it is understood that the government land on which national highways are constructed shall be recorded in the name of MoRTH and NHAI is only entrusted with the task of developing, operating and maintaining the highway.
5. Recently, doubts have been raised in certain quarters as to who shall be the competent authority to file requisition for alienation of government land for national highway purposes i.e. an authority of MoRTH itself or authority of NHAI if the land is to be alienated in favour of MoRTH. Some of the field level revenue functionaries are also insisting for authorization letter from MoRTH in favour of NHAI authorities to file such requisition on behalf of MoRTH.
6. In this context, attention is drawn to "The Authentication (Orders and other Instruments) Rules, 2002" made by Central Government in exercise of the powers conferred by article 77 (2) of the Constitution of India, which authorizes the officers/ authority under whose signature various Orders and other Instruments executed in the name of President of India are to be authenticated.
7. Recently, the Central Government have made certain amendment to the above Rules which has been published in the Gazette of India bearing No. 3044 dated 3rd August, 2018. A copy of the Amendment Rules, 2018 is enclosed for reference.
8. As may be seen from the aforesaid Amendment Rules, 2018, the Central Government have now authorized the concerned Project Director or Regional Director of the NHAI/ National Highways Infrastructure Development Corporation Ltd. to execute mutation/ conveyance deeds in respect of land acquired for the National Highways in the name of President of India through the Ministry of Road Transport and Highways.

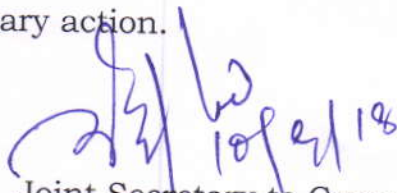
9. Considering all the above aspects in view, Government, after careful consideration, have been pleased to decide that requisition filed by the concerned P.D, NHAI on behalf of MoRTH shall be acceptable for processing of proposal for alienation of government land in favour of MoRTH for construction of national highways in the State and also to record such land in the name of MoRTH.

Yours faithfully,


Principal Secretary to Government

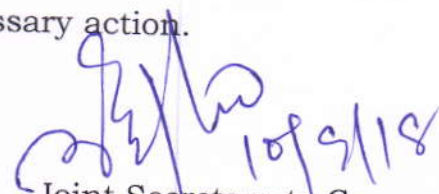
Memo No. 34036 /RDM Dated 10 SEP 2018

Copy with copy of the enclosure forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ all Sub- Collectors/ all Tahasildars for information and necessary action.


Joint Secretary to Government

Memo No. 34037 /RDM Dated 10 SEP 2018

Copy with copy of the enclosure forwarded to Joint Secretary (in charge of IMU Cell)/ LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.


Joint Secretary to Government