

Central Railway



HEADQUARTERS OFFICE,
ENGINEERING BRANCH,
MUMBAI C.S.M.T.

NO: CR-HQ0ENGG(EOFF)/448/2020

Date: 06.09.2024

Sr. DEN (Co)/ BB, PA, NGP, BSL & SUR

Sub: Procedure for issuance of Railway NOC for construction of buildings in the vicinity of railway land.

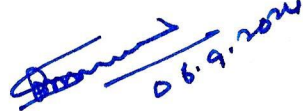
Ref:- This office letters no. W.419.L.NOC.Genl.IV.BB dated 01.03.2018.

Please refer to this office letter dated 01.03.2018 under reference, where detailed checklist for dealing with building NOC cases in the vicinity of Railway land was issued. Further, additional guidelines were issued by HQ vide this office letter dated 16.12.2020, 04.12.2023 and 14.05.2024.

In this regard, the checklist has now been updated and is being circulated to all the Divisions for compliance. As advised earlier vide this office letter dated 01.03.2018 under reference, the complete proposal should be submitted to HQ along with the updated checklist enclosed herewith.

This issues with the approval of competent authority.

D.A.: - As above.


(S. H. Malbhage)
Dy. Chief Engineer (General)

CHECKLIST FOR FORWARDING NOC CASES PERTAINING TO CONSTRUCTION OF BUILDINGS IN THE VICINITY OF RAILWAY LAND.

Sr. No.	Items	Yes	No	Remarks/Reference
1.	Whether copy of Party's application has been submitted?			
2.	Whether copy of Fee Receipt has been attached along with?			
3.	a) Whether this is a case of post-facto construction? b) If yes, responsibility has been fixed for the failure to stop the construction of the building/ structure within 30 m of Railway land without Railway's NOC and necessary DAR action has been initiated?			
4.	Whether Letter from Local Municipal/Panchayat/Planning Authorities duly forwarding the NOC for Railway's approval has been submitted?			
5.	Whether municipal DP plan/survey map duly depicting the plot and Railway's location has been submitted?			
6.	Whether plot numbers mentioned in all the documents (party's application, local municipal authority letter, deed if any etc.) are matching?			
7.	Whether party is constructing the structure on the plot owned by Railways?			
	If yes, whether			
	(a) The plot has been leased to client by Railways?			
	(b) A separate permission has been obtained by the Party from Railways in line with the lease deed, if required?			
	Or is this a case of land grabbing/encroachment?			
8.	(a) Whether ADEN's Feasibility Report & Sketch has been submitted.			
	(b) Whether the date of site visit by concerned ADEN and In-charge SSE/JE has been mentioned in the ADEN feasibility report.			
9.	Whether NOC from Construction department has been obtained.			
10.	Whether NOC from Operating Branch has been obtained.			

[Signature]
06.9.2024

11.	Whether NOC from other Railway organisations like MRVC, DFCCIL, NHRCL, RVNL etc. has been obtained, wherever applicable.			
12.	Whether Structural Stability Certificate has been duly issued by a Chartered Structural consultant in the specified format?			
13.	Whether 7/12 or Property Card or any relevant document (deed, development agreement etc.) has been submitted in favour of Party?			
14.	(a) Whether copy of land plan referred by Division to verify the Railway land width and shape has been enclosed?			
	(b) In case the mutation of Railway land adjacent to subject plot has not been done in Railway's favour, whether Division has applied for mutation of the same, prior to submission of proposal for HQ approval?			
15.	Whether all the relevant sections of the structure(s) have been shown?			
16.	Whether the stage height-vs-distance from Railway Track/Land boundary has been shown for all the structures being constructed in the Railway buffer zone?			
17.	Whether distance of the different stages of structures from Railway track/land boundary has been taken from nearest edge towards Railway land?			
18.	Whether height criterion has been checked for all the stages of the structure?			
19.	Whether a minimum clear horizontal space of 3 m has been left between nearest edge of the building and the Railway land boundary?			
20.	If Railway land is bordering the plot on more than one side, whether condition 18 and 19 has been checked for all the sides?			
21.	(a) Whether sewer/sullage lines have been marked properly?			
	(b) If yes, then whether sewer is getting disposed in the Municipality sewer system or the sewer is being dumped on Railway land?			
22.	Whether the building during/after construction will endanger the safety of Railway Track?			
23.	Whether the location of subject plot has been shown by marking the reference KM post?			

24.	Whether access to building has been shown on the OPT?			
25.	Whether access to building will be from Railway land?			
26.	Whether Railway land width at the subject location shown in OPT is matching with the land plan(s)?			
27.	(a) Whether in case of high-rise buildings or buildings with basements or where deep digging is involved in close proximity to Railway track, Division has obtained detailed drawings and construction methodology of the structure being proposed to be constructed?			
	(b) Whether Division has taken steps to ensure that under no circumstances, safety of Railway track/slope is getting affected during or after construction during lifetime of the proposed building?			
28.	Whether division has referred the updated land plans considering all the land/roll plan(s) pertaining to the subject location?			
29.	Whether sketch of division's land plan duly showing Railway boundaries and plot location has been traced on the OPT?			
30.	Whether the OPT is signed by all the concerned?			
31.	Whether all the 29 NOC conditions advised by this office have been incorporated in the OPT?			
32.	(a) Whether boundary wall exists at the subject location or not?			
	(b) If not, whether boundary wall has been constructed/is planned to be constructed under Railway supervision at the correct Railway land boundary, duly pinpointing responsibility on concerned SSE/JE?			
	(c) If party is constructing a common boundary wall, whether details of the same have been submitted?			
33.	(a) Whether GAD submitted by Division is in accordance with the Standard Sample Drawing advised vide HQ's letter dated 16.12.2020?			
	(b) Whether all the modifications in GAD have been mentioned and duly approved in the alteration table, along with altered no. of the GAD?			
34.	Whether the documents submitted along with the proposal are clear and legible?			
35.	Whether the Note for the proposed NOC has been signed by all concerned and approval of DRM has been obtained?			

CENTRAL RAILWAY

HEADQUARTER OFFICE
ENGINEERING BRANCH,
MUMBAI C.S.T.

NO: CR-HQ0ENGG (EOFF)/448/2020

Date: 16.12.2020.

Sr. DEN (Co) BB, BSL, NGP, SUR & PA.

Sub: Standard Sample GAD for issuing NOC for construction of buildings/
structures adjoining Railway boundary.

Ref: CR-HQ0ENGG(EOFF)/848/2020 dated 15.10.2020.

In connection with the above subject, a Standard Sample GAD for the NOC proposals for construction of structures adjoining Railway boundary is being sent herewith.

Divisions are advised to submit the NOC proposals as per the Standard Sample GAD sent herewith and any NOC proposal signed by DRM after 16.12.2020 will not be accepted if not in the desired format. The divisions are also advised to follow below procedure from this date afterwards before submission of any NOC proposal to the Headquarters:-

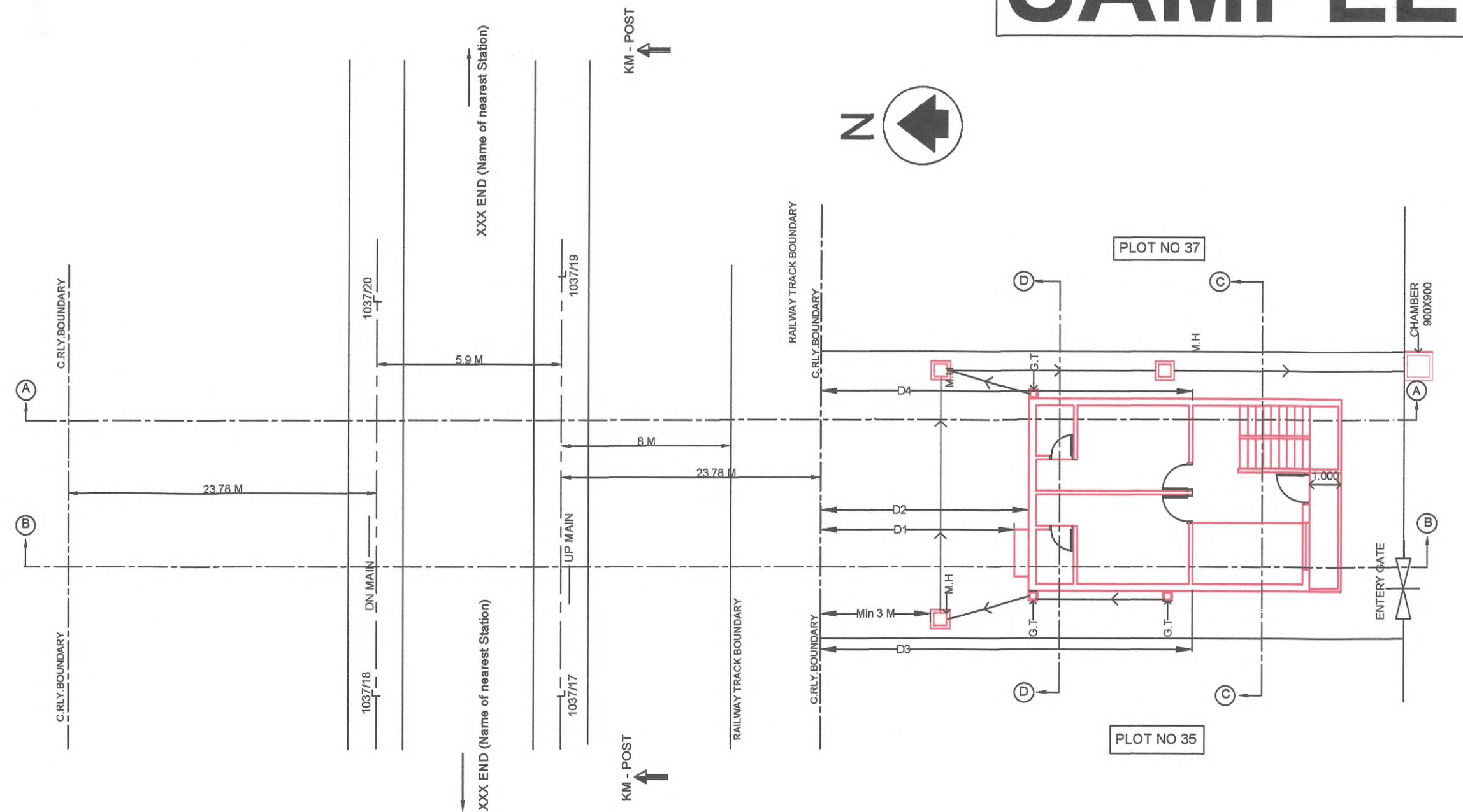
1. No overwriting shall be allowed. All hand corrections, if required, shall be carried out only through the revision note. Overwritten Drawings and in case of corrections, Drawing without correction Note shall not be accepted.
2. In case of High Rise Building, where deep digging is involved in close proximity to Railway Track, Division should submit detailed Drawings and construction methodology of the structure being proposed to be constructed underground and submit steps to ensure that under no circumstances safety of Railway Track / Slope is affected during or after construction during lifetime of building.
3. The division must submit status of Mutation, 7/12 or Property Card, Award Copy & Acquisition documents of the Railway Land adjacent to the subject plot along with the NOC proposal. In case the Mutation of Railway land has not yet been done, then division shall bring out the effort made to get the same done.

It is therefore requested to submit NOC proposals approved by DRM after 16.12.2020 as per the instructions issued above with GAD in the standard GAD format being sent herewith.

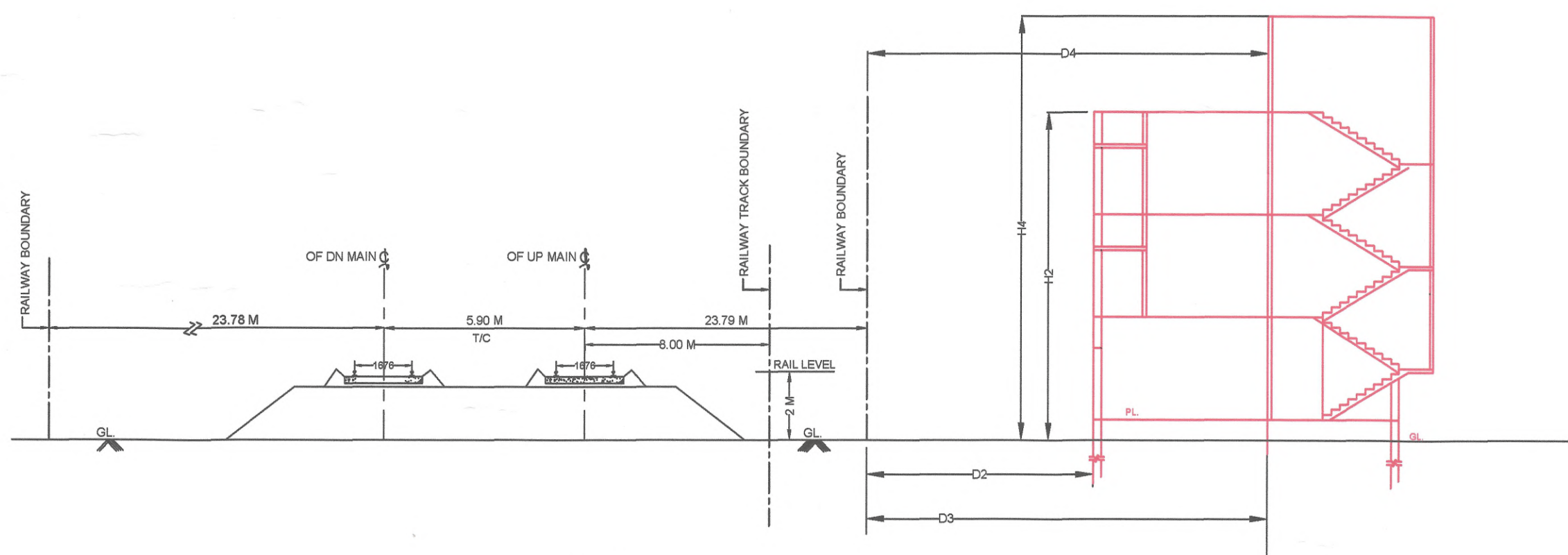
DA: As above.

(Raj Kumar)
Dy. Chief Engineer (Works)

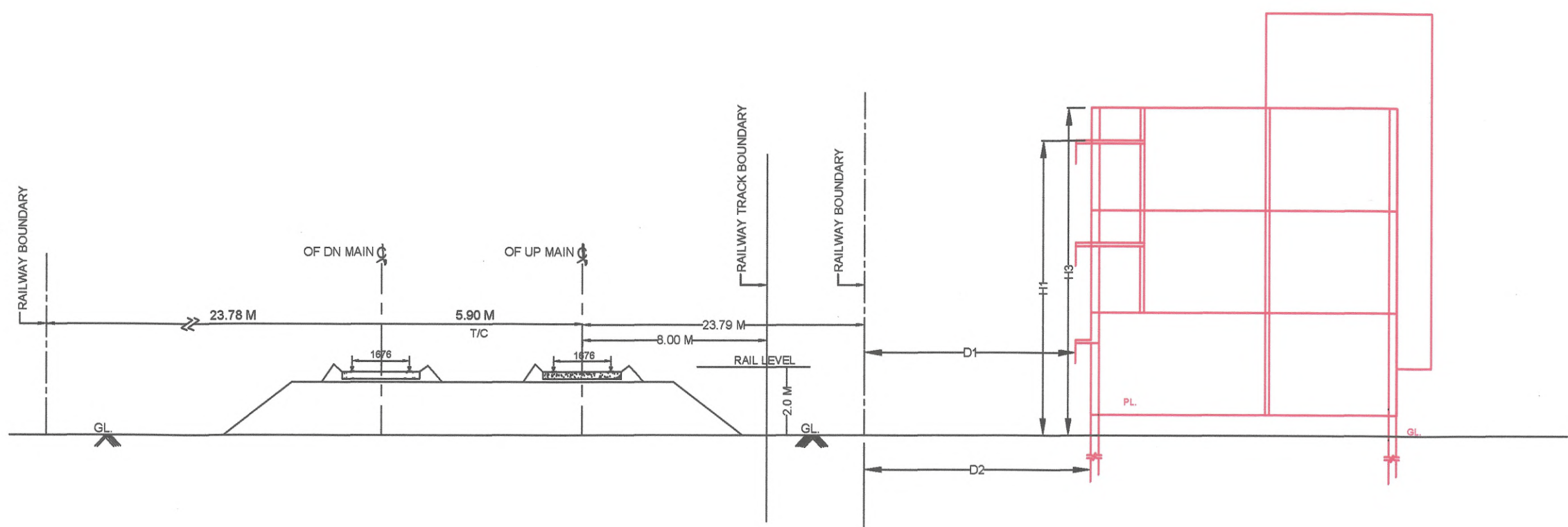
SAMPLE DRAWING



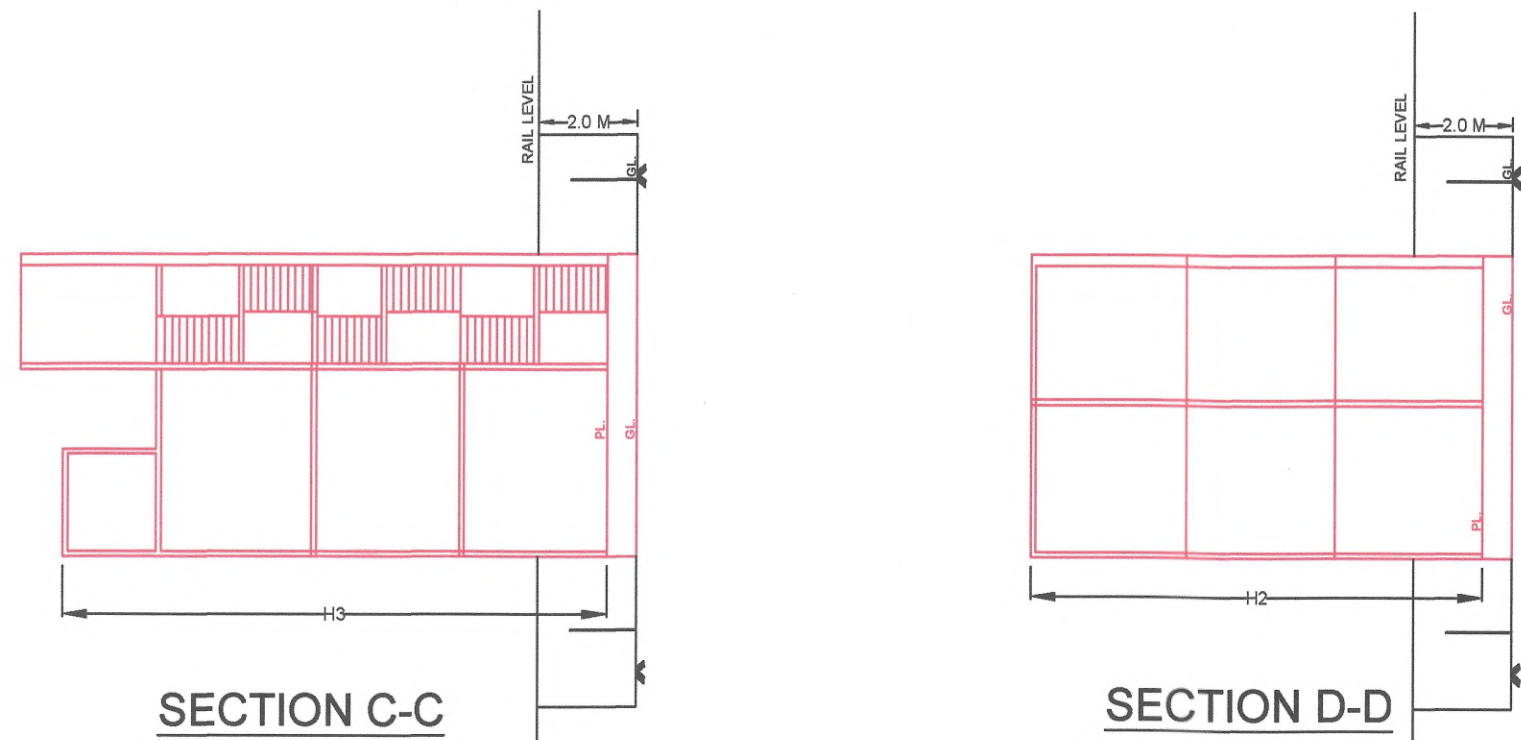
GROUND FLOOR PLAN



SECTION A-A

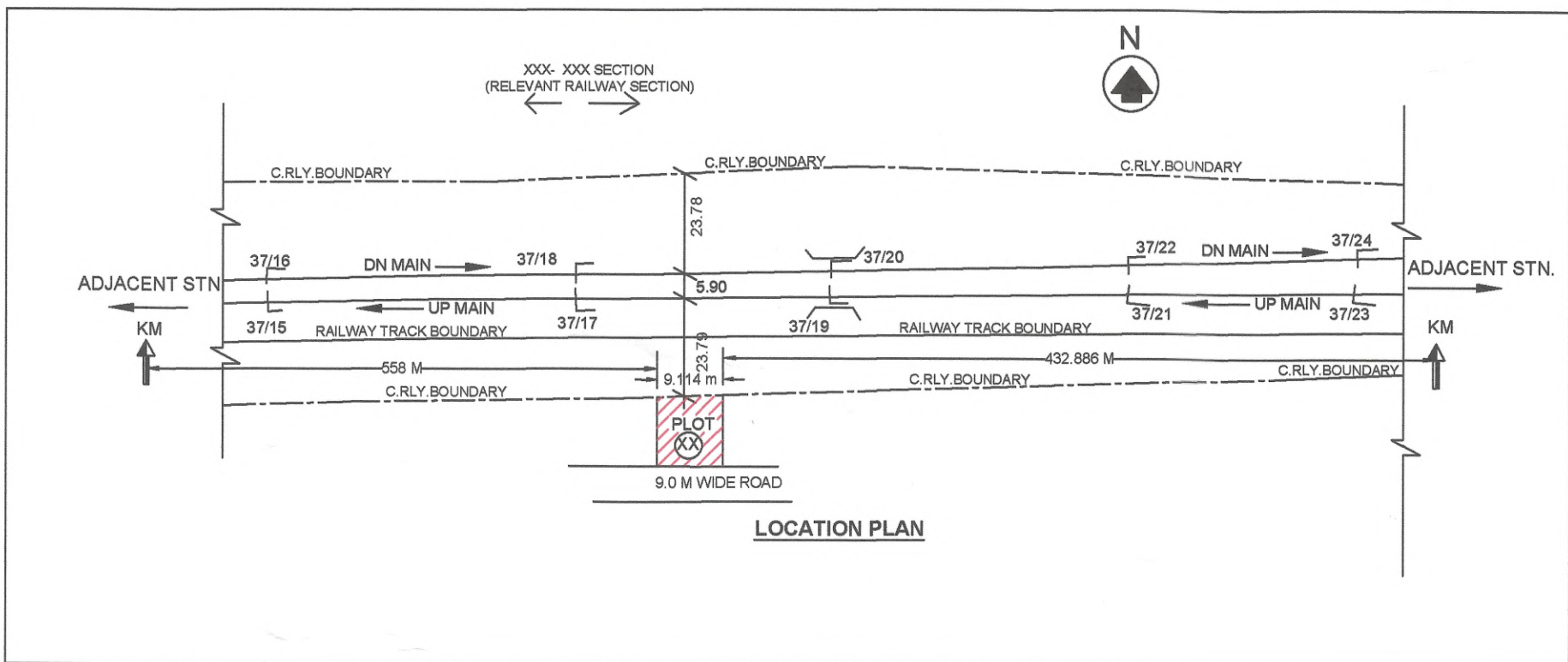


SECTION B-B



SECTION C-C

SECTION D-D



IT IS CERTIFIED THAT THE RAILWAY BOUNDARY IS AS PER THE LP NO.WHICH IS THE LATEST AND NO FURTHER ACQUISITION OF LAND HAS BEEN CARRIED OUT AT THIS LOCATION THEREAFTER.

(NAME)
SSE/D&D/Div

* NOTES FOR DIVISION

- NOTATION :
H(i) :- HEIGHT OF THE STAGE FROM G.L.
D(i) :- DISTANCE OF THE NEAREST EDGE OF THE STAGE FROM RAILWAY LAND BOUNDARY.

Where i = 1,2,3 & 4

- NO OVERWRITING SHALL BE ALLOWED. ALL HAND CORRECTIONS, IF REQUIRED, SHALL BE CARRIED OUT ONLY THROUGH THE REVISION NOTE. OVERWRITTEN DRAWINGS AND IN CASE OF CORRECTIONS, DRAWINGS WITHOUT CORRECTION NOTE SHALL NOT BE ACCEPTED.
- IN CASE OF HIGH RISE BUILDINGS, WHERE DEEP DIGGING IS INVOLVED IN CLOSE PROXIMITY TO RAILWAY TRACK, DIVISION SHOULD SUBMIT DETAILED DRAWINGS AND CONSTRUCTION METHODOLOGY OF THE STRUCTURE BEING PROPOSED TO BE CONSTRUCTED UNDERGROUND AND SUBMIT STEPS TO ENSURE THAT UNDER NO CIRCUMSTANCES SAFETY OF RAILWAY TRACK / SLOPE IS AFFECTED DURING OR AFTER CONSTRUCTION DURING LIFETIME OF BUILDING.
- THE DIVISION MUST SUBMIT STATUS OF MUTATION, 7/12 OR PR CARD, AWARD COPY & ACQUISITION DOCUMENTS OF THE RAILWAY LAND ADJACENT TO THE SUBJECT PLOT ALONG WITH THE NOC PROPOSAL. IN CASE THE MUTATION OF RAILWAY LAND HAS NOT YET BEEN DONE, THEN DIVISION SHALL BRING OUT THE EFFORT MADE TO GET THE SAME DONE.

NOTES :-

- THE HEIGHT OF THE PROPOSED BUILDING STRUCTURES VARYING IN DIFFERENT STAGES WITH MINIMUM DIFFERENT CLEAR HORIZONTAL DISTANCES BETWEEN RAILWAY LAND BOUNDARY TO NEAREST EDGE OF THE PROPOSED BUILDING STRUCTURES AS UNDER AS SHOWN IN THE DRAWING BEARING NO.DRM(W).....

STAGES	MAXIMUM HEIGHT OF THE PROPOSED BUILDING FROM GROUND LEVEL TO TOP OF BUILDING IN M.	MAXIMUM HEIGHT OF THE PROPOSED BUILDING FROM RAIL LEVEL TO TOP OF BUILDING IN M.	MINIMUM DISTANCE PROVIDED BETWEEN RAILWAY LAND BOUNDARY TO NEAREST EDGE OF PROPOSED BUILDING IN M.
I. STAGE I			
II. STAGE II			
III. STAGE III			

- THE PARAMETERS / DIMENSIONS MENTIONED VIDE SR. NO. 1 ABOVE SHOULD BE STRICTLY FOLLOWED/ADHERED AT SITE.
- NO CONSTRUCTION MATERIAL IS ALLOWED TO STORE / STACK ON THE RAILWAY LAND BY THE BUILDER DURING CONSTRUCTION OF BUILDINGS / STRUCTURES.
- IN NO CASE ENROACHMENT ON RAILWAY LAND SHOULD BE ALLOWED DURING THE CONSTRUCTION OF THESE PROPOSED BUILDING / STRUCTURE.
- NO ACCESS WILL BE PROVIDED TO THE PROPOSED BUILDING/STRUCTURES FROM RAILWAY LAND OR PROPOSED BUILDING / STRUCTURES TO RAILWAY LAND.
- SEWER AND DRAIN SHOULD BE CONNECTED TO THE MUNICIPAL SEWER LINE AND DRAIN SHOULD NOT BE DIRECTED TOWARDS RAILWAY TRACK.
- DRAINAGE AND STORM WATER FROM RAILWAY LAND SHOULD NOT BE OBSTRUCTED, PROPER DRAINAGE ARRANGEMENT ALONG WITH ARRANGEMENT OF DISCHARGE TO BE SHOWN IN DRAWING.
- RESPONSIBILITY FOR THE SAFETY OF THE PROPOSED BUILDINGS WILL REST WITH THE OWNER / DEVELOPER.
- THE DESIGN AND CONSTRUCTION WORK OF THE PROPOSED BUILDINGS SHOULD BE FOLLOWED AS PER RELEVANT IS CODES.
- NO FOUNDATION OF ANY STRUCTURE WHATSOEVER SHOULD COME UNDER THE RAILWAY LAND, AND NOT OBSTRUCT TRACK STABILITY.
- SIGNAL VISIBILITY TO THE TRAIN DRIVERS IS NOT OBSTRUCTED DUE TO CONSTRUCTION OF THESE PROPOSED BUILDINGS.
- ADEQUATE PRECAUTION/SAFETY SHOULD BE TAKEN FOR EXCAVATION WORK, SO THAT IT MAY NOT CAUSE ANY DAMAGE TO RAILWAY BOUNDARY WALL AND RAILWAY TRACK.
- THE EXCAVATION WORK SHOULD NOT BE CARRIED OUT IN RAINY/MONSOON SEASON.
- IF BUILDINGS/STRUCTURES IS NOT CONSTRUCTED AS PER APPROVED DRAWING BY RAILWAY OR DETECTION OF ANY DEVIATION TO DRAWING WILL LEAD TO CANCELLATION OF NOC GRANTED BY RAILWAY AND NECESSARY ACTION WILL BE TAKEN IMMEDIATELY.
- THE APPLICANT/PARTY WILL INFORM TO CONCERNED AGEN OF RAILWAYS ABOUT COMMENCEMENT OF WORK WITHIN 60 DAYS, GIVING REFERENCE OF NOC ISSUED BY RAILWAYS.
- COMPLETE SAFETY SHOULD STRICTLY BE ENSURED IN RESPECT OF ANY CRANE WORKING TOWARDS RAILWAY LAND INVOLVED DURING THE CONSTRUCTION WORK. THE BUILDER/OWNER WILL BE FULLY RESPONSIBLE FOR ANY LOSS CAUSED TO THE RAILWAY OR ANY ONE DURING THE COURSE OF CONSTRUCTIONS AS WELL AS AFTER CONSTRUCTIONS.
- RAILWAYS HAS RIGHT TO INSPECT THE WORKSITE DURING CONSTRUCTION STAGE AS WELL AS DURING LIFETIME OF BUILDING/STRUCTURE TO ENSURE SAFETY OF RAILWAY ASSETS AND TRAIN OPERATION.
- ALL THE DATA/ DOCUMENTS RELATED WITH OWNERSHIP OF LAND IS REST WITH THE APPLICANT TO PROVE. RAILWAY NOC DOES NOT MEAN THE OWNERSHIP OF LAND.
- NOC SHOULD BE GIVEN TO GET NECESSARY CLEARANCE FROM STATE GOVT / MUNICIPALITY ETC. IT IS NO WAY AUTHORIZE THE APPLICANT THE OWNERSHIP OF SAID LAND. THE RAILWAY LAND BOUNDARY SHOWN IS FOR INDICATIVE PURPOSE.
- THE PARTY WILL CONSTRUCT THE COMMON BOUNDARY WALL AT ITS OWN COST AS PER THE DRAWING AND DIRECTIONS OF RAILWAY WHERE RAILWAY BOUNDARY IS ADJACENT TO PRIVATE PARTY PLOT. THE DEMARCATION WOULD BE DONE BY RAILWAYS.
- IT IS CERTIFIED BASED ON THE SANCTIONED PLANS / WORKS FOR NEW LINE AND SURVEYS AVAILABLE WITH THE DIVISION THAT THE LAND IS NOT REQUIRED FOR RAILWAYS OWN DEVELOPMENT IN THE FORESEEABLE FUTURE.
- THE PROTECTION SYSTEM- PHASED IMPLEMENTATION OF EXCAVATION SHOULD BE ENSURED WHILE EXCAVATION IS BEING CARRIED OUT FOR BASEMENT, DEEP FOUNDATION, AND PROPER PROTECTION FOR NALLAH SHOULD BE ENSURED.
- NO PLANTATION OF TREES SHOULD BE DONE IN THE VICINITY OF RAILWAY TRACK I.E. 10 MTs. FROM RAILWAY TRACK WHICH COULD EVENTUALLY GROW UP TO HEIGHT DETRIMENTAL TO SAFE OPERATION OF RAIL TRAFFIC.
- IT WILL BE THE RESPONSIBILITY OF SOCIETY/ AGENCY (TO WHOM NOC IS ISSUED) TO CUT OR TRIM TREE/TREE BRANCHES TO PROTECT LOSS OF LIFE DUE TO ELECTROCUTION, LIKELY TO FALL ON THE LIVE CONDUCTORS AND DISRUPTION OF RAIL TRAFFIC DUE TO EARTHED CONDUCTING ITEMS TOUCHING / COMING IN THE VICINITY OF INDUCTION ZONE OF 110 KV / 25KV / 1500 V HIGH VOLTAGE TRACTION SUPPLY. LAPSES CAUSING DISTURBANCE TO THE TRAIN OPERATION ARE TO BE DEALT AS PER THE PROVISIONS OF THE RAILWAY ACT 1989 / INDIAN PENAL CODE AND ALL OTHERS RELEVANT ACTS/ RULES ETC.
- IN CASE OF DELAY IN CUTTING/TRIMMING OF TREE BRANCHES BY THE LAND OWNER TO THE SAFE DISTANCE FROM RAILWAY TRACK WITHIN 7 DAYS FROM THE DATE OF NOTIFICATION BY RAILWAYS AUTHORITIES, RAILWAY WILL TAKE ACTION TO REMOVE SUCH OBSTRUCTIONS WITH A RIGHTFUL ENTRY IN THE PREMISES OF LAND/PLOT/ PROPERTY. THE LAND OWNER HAS TO BEAR THE ENTIRE COST OF SUCH ACTIVITIES. RAILWAY HAS THE RIGHT TO RECOVER THE COST FROM THE LAND OWNER AS A PENAL ACTION.
- THIS NOC IN NO WAY GRANTS THE APPLICANT THE OWNERSHIP OF SAID LAND. IF ANY DISPUTE FOR OWNERSHIP FOR THE MENTIONED PLOT ARISES IN THE FUTURE, THIS NOC WILL BE DEEMED TO BE CANCELLED AND THE DEVELOPER/OWNER SHALL FULLY DISCHARGE THE LIABILITIES DULY INDEMNIFYING THE RAILWAYS.
- IN ANY CASE, AT LEAST 3 M CLEAR HORIZONTAL SPACE HAS TO BE MAINTAINED BETWEEN THE CLOSEST EDGE OF THE STRUCTURE AND THE RAILWAY LAND BOUNDARY.
- THE PROPOSED STRUCTURE MUST NOT LEAD TO ACCRUAL OF EASEMENT RIGHTS SUCH AS RIGHT OF WAY, RIGHT TO DISCHARGE SULLAGE AND STORM WATER, EASEMENT OF SUPPORT, EASEMENT OF LIGHT AND AIR ETC. ON RAILWAY LAND OVER A PERIOD OF TIME.
- AS REGARDS COMPLIANCE OF PROVISIONS OF DEVELOPMENT CONTROL, REGULATIONS OR OTHER RULES ISSUED BY STATE GOVERNMENT/ LOCAL AUTHORITIES IN THIS REGARD, IT IS FOR THE STATE GOVERNMENT/ LOCAL AUTHORITY TO EXAMINE AND ENSURE COMPLIANCE OF THE SAME.

SIGNATURE OF PLOT OWNER

SIGNATURE OF ARCHITECT

DATE	DESCRIPTION OF CHANGES	ALTERATION	APPROVED BY

CENTRAL RAILWAY	XXX DIVISION
KM - XXX - XXX (UP SIDE)	XXX - XXX SECTION

TITLE OF THE DRAWING

SCALE:
DRG NO : DRM (W)
DRG NO : GM (W) BSBP

(NAME)	(NAME)	(NAME)
SSE/D&D/HQ	Dy. CE/G	CE/G
(CHECKED BY)		
HEADQUARTERS' APPROVAL		

(NAME)	(NAME)	(NAME)	(NAME)	(NAME)	(NAME)	(NAME)
SSE/D&D/Div	SSE/D&D/Div	DEN/LM	Sr. DEN	Sr. DOM	Sr. DEN (Co)	ADRM/INFRA
(DRAWN BY)	(CHECKED BY)		(CONCERNED SECTION)			DRM
DIVISIONAL OFFICERS' APPROVAL						

(ANUP GHODESWAR)
SSE/D&D/HQ
(PREPARED BY)

(RAJKUMAR)
Dy. CE/WORKS

(RAJEEV KUMAR MISHRA)
CHIEF ENGINEER/GENL

PL-1884/18
18/07/2017

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No. 2015/LML-I/19/2

New Delhi, Dt.: 17/07/2017

General Manager,
All Zonal Railways.

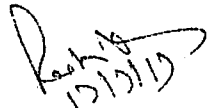
Principal Chief Engineer,
All Zonal Railways.

Sub.: Procedure for issue of 'No Objection certificate' for construction/redevelopment of Government and private building on land adjoining railway boundary.

Ref.: Central Railway's letter No. W.419.L.NOC.GENL (IV) dated 29/06/2017.

Please refer to Board's letter of even No. dated 25/06/2015 on the above cited subject wherein it has been mentioned in para 2 (a) that who had asked for NOCs were asked to submit three documents, one of them read as "Clear title of land in favour of applicant supported by all related documents" now it has been decided that this should not be insisted upon but Railway must ensure that the building/part of building should not lie on railway land.

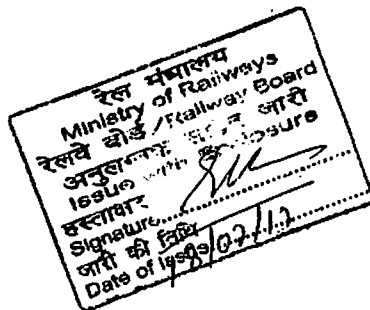
Please acknowledge receipt.


(Ramesh Kumar)
Director/Land & Amenities
Railway Board

ft. 18/07/17

v/c

2017/07/17



RAILWAY BD's/Ref.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

New Delhi, dated 25.06.2015

No. 2015/LML-I/19/2

General Manager
All Zonal Railways.

Principal Chief Engineer
All Zonal Railways.

Sub.: Procedure for issue of 'No Objection Certificate' for construction/ redevelopment of Government and private building on land adjoining railway boundary.

Ref.: Railway Board's letter No.2008/LML/19/17 dated 16.2.2010 and No.94/LM(L)/14/22 dated 29.8.95.

The construction of Government and private buildings near the railway land governed by para 827 of the Indian Railways Works Manual (IRWM). The basic intention behind the stipulations of the para is to safeguard Railway's interest in such a manner that no future encroachments take place and there is no accrual of easement right such as, Right-of-Way, Right to discharge sullage and storm water, etc. on railway land over a period of time. Although, it has been mentioned that an open space of approximately 30 metres between the Railway land boundary and the nearest edge of the building (the exact space to be left being governed by the local conditions) be suffice, it is also stipulated that in cities and towns, where land is valuable, it is not expected of the land owner of a plot to leave a large vacant space between his building and the railway boundary and it is deemed that Railway's interest will be adequately safeguarded if sufficient vacant space is left so as to ensure development of any future road access and drainage outside the railway land and to avoid request for surrender of railway land for such facility at future date. The duties and role of railway officials regarding dealing with utilisation of land as adjoining the railway land boundary have been clearly defined in para 827 of IRWM 2000.

2.0 Railways NOC is required for construction of building within 30 metres from railway boundary as per para 827 of IRWM. Instructions with regard to issue of "No Objection Certificate" (NOC) for construction/ redevelopment of Government and private building on land adjoining railway boundary have been issued vide above referred letters. It is observed that Railways are following different procedure and in some zonal railways too much time is taken in granting NOC. Hence a need is felt to streamline the

SSB/DRG
Sent to All Div
7.8.15

AGM
CCO

REC

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2/4/8

SSB/DRG
NOC

procedure. The Party be asked to submit the following documents along with request letter duly forwarded by State Government/ Local authority to the concerned Divisional office.

- a) Clear title of land in favour of applicant supported by all related documents
- b) Detailed drawing of the building showing complete layout (including height, width and length).
- c) Structural stability certificate by a Civil/Structural Engineer.

3.0 After receipt of request, the site verification is to be done by the field units. Field officials should check and certify the width of railway land and distance of plots from railway boundary. Rail level, ground level, etc. shall be taken. Sufficient open space be left between Railway boundary and nearest edge of building to ensure that it will not result into accrual of various easement rights as mentioned in para 1.0 above. Plot should be marked in the sketch with reference to KM post and permanent structures. Railway land width shall be verified with the certified land plan.

4.0 A drawing showing all the aspects as mentioned in para 3.0 above and other aspects like drainage arrangements, access arrangement to building, height, length, width of building and distance between Railway boundary & nearest edge of building be prepared, which will be jointly signed by all concerned.

5.0 On receipt of verification from the field units, further scrutiny of the request is to be done in the division. The proposal may also be got verified, if required, from construction units to confirm that the land is not under acquisition.

6.0 The proposal of NOC duly approved by DRM should be sent to headquarters. The plan should be signed by CE/G (or SAG officer dealing with the subject in headquarters) in token of his approval. After approval of CE/G (or the SAG officer dealing with the subject in headquarters), one copy of the plan be kept in HQ for record and the original plan be returned to the Division for issuing the NOC.

7.0 Whenever a NOC application is received in railway, the case should be thoroughly examined duly verifying the site conditions and taking into consideration factors such as safety to trains, land boundaries, disposal arrangements for waste, road

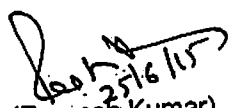
availability etc. Disposal of wastes such as sewage & Sullage water and disposal from septic tank should be away from the railway land.

8.0 The total 60 days is the time limit for granting NOC. Railway should keep a continuous watch on construction along the railway boundary and ensure that no construction is allowed without railway's NOC. A data base of NOC cases shall be maintained by the railways.

9.0 As regards compliance of provisions of development control regulations or other rules issued by State Government/ Local authorities in this regard, it is for the State Government/ Local authority to examine and ensure compliance of the same. The provisions of IRWM are not meant to unnecessarily restrict the utilisation of the land adjoining railway land on the plea that such land may be required for future development of the railway system. *In case land is required by Railway at a future date, it is only fair that the same is acquired after paying due compensation for the land and the built up property thereof.*

10.0 In case of high rise buildings/ buildings with basements, where deep digging is involved in close proximity to Railway track, Railway should examine the drawings and construction methodology and ensure that under no circumstances safety of Railway track is affected during or after construction. If necessary, Railway may stipulate site supervision/ inspection, etc., by Railway official during construction stage as well as inspection during lifetime of the building to ensure that building/basements do not affect the safety of trains.

Please acknowledge receipt of the letter.


(Ramesh Kumar)
Director (Land & Amenities)
Railway Board.

CENTRAL RAILWAY



HEADQUARTER OFFICE
ENGINEERING BRANCH
MUMBAI C.S.T.

Date: 30-10-2015

No.W.419.L.NOC (Genl.) III

DRM BB, BSL, NGP, PA & SUR.

Sub: - Issue of No Objection Certificate for the proposed Construction of buildings / structures within 30 m. from Railway Boundary.

- Ref: -** (1). Rly. Board's letter No.94/LML/14/22 dated 29.08.1995.
(2). Rly. Board's letter No.2007/LML/19/4 dated 16.05.2008.
(3). Rly. Board's letter No.2007/LML/19/4 dated 26.05.2008.
(4). Rly. Board's letter No.2008/LML/19/17 dated 16.02.2010.
(5). Rly. Board's letter No.2015/LML-1/19/2 dated 25.06.2015.
(6). This office letter of even no. dated 28.5.2014.

1. Railways NOCs are required for the construction of the buildings within 30 m. from the Railway land boundary as per para 827 of IRWM and guidelines issued by the State Government. While scrutinizing /processing proposal for NOC, provisions contained in Para 827 of IRWM and instructions issued by the Railway Board vide above referred letters are to be followed.

2. The detailed guidelines/procedure for the issuance of the NOC for the proposed construction of the building/structure within 30 m. from Railway boundary were issued vide this office letter of even no. dated 28.05.2014.

3. Railway Board vide above referred letter dated 25.06.2015 has decided that sixty days is the time limit for granting NOC.

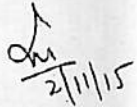
4. It is noticed that the existing procedure followed in CR to deal with issuance of NOC cases i.e. NOC proposal is being checked and verified by the field officials of various departments such as Engineering, S&T, Electrical, Commercial, Mechanical, Operating and Construction unit and then OPT & Office note is processed for the approval of all those departments is very lengthy, cumbersome and time taking. The average time taken in issuing the NOC is much more than 60 days. The abnormal time taken in issuing the NOC is resulting in several public complaints and grievances.

5. In order to expedite clearance of NOC cases, it is decided that the existing practice of checking the feasibility and the field verification by Electrical, S & T, Mechanical and commercial departments and approval of their respective BO's is not required for issuance of NOC for the proposed construction of the building /structure within 30 m. from the Railway boundary as such construction is being done outside railway boundary. Hence, Divisions are advised to process the proposal of issuance of NOC for the proposed construction of the building /structure within 30 m. from the Railway boundary after checking the feasibility and the field verification by Engineering & Operating departments and approval of respective BOs by Engineering & Operating departments through OSD&DRM / DRM. However, the proposal should be got verified from construction organization/ respective PSUs having planning to work at that location to confirm that the land where building / structure construction is proposed is not required by Railway work in foreseeable future.

6. In case, if any work is being planned by S&T, Electrical, Commercial or Mechanical department for which additional land is required to be acquired outside the Railway land at the location where the building construction is proposed, the same can be taken care of by Division while forwarding the case for the approval to the proposal for the issuance of NOC.

7. All other conditions/instructions issued vide this office letter No. W.419.L.NOC (Genl.) III dated 28.05.2014 will remain unaltered.

This has the approval of PCE.


(S.M. Maheshwari)

Chief Engineer/G

Copy to: Sr. DEN CO BB, BSL, NGP, PA & SUR for kind information & n.a. please.

CENTRAL RAILWAY

**HEADQUARTER OFFICE
ENGINEERING BRANCH
MUMBAI C.S.T.**

NO. W.419.L.NOC (Genl) III

Date: 28/05/2014

Sr.DEN (Co) BB, BSL, NGP, PA & SUR

**Sub: Issue of No Objection Certificate for the Proposed Construction of
Residential/ Commercial buildings within 30 m. from Railway Boundary.**

Railways NOCs are required for construction of building within 30 m from railway boundary as per para 827 of IRWM and notifications issued by Govt. of Maharashtra. While scrutinising / processing proposals for NOC, provisions contained in para 827 of IRWM and instructions issued by Railway Board vide following letters should be followed:

- i) Letter No. 94/LML/14/22 dt. 29/8/95
- ii) Letter No. 2007/LML/19/4 dt. 16/5/2008
- iii) Letter No. 2007/LML/19/4 dt. 26/5/2008
- iv) Letter No. 2008/LML/19/17 dt. 16/2/2010

1. Clear title of land in favour of the applicant supported by all related documents shall be ensured.
2. Field officials should check and certify the width of railway land and distance of plot from Railway boundary. Rail level, ground level etc. shall be taken and necessary sketches should be prepared by field staff after verification of site. Minimum clearance of 3.00 m between Railway boundary and nearest edge of building shall be ensured. Plot should be marked in the sketch with reference to KM post and permanent structures. Railway land width shall be verified with the certified land plan / Roll diagram.
3. Original Paper Tracing (OPT) should clearly show the site plan with detail Location of plot, floor plans, drainage arrangements, directions, detailed sectional drawing of building indicating height and distance between Railway boundary and nearest edge of building in various stages.
4. The drawing should be signed by all branch officers and DRM. Construction organisation or respective PSU having planning of any work at that location should also be consulted whether the land is required in foreseeable future. Following certificates in this regard should be given in the plan itself:

"It is certified based on the sanctioned Plans / Works for new line and surveys available with the Division that the land is not required for Railways own development in the foreseeable future".

5. Structural stability certificate should be signed by Structural Engineer/ Architect and owner/ applicant.
6. Status of proposals should be updated in Railways website in the prescribed format. after receipt of application along with requisite fees from party at Divisional level as instructed vide letter No. W.419.L.NOC.Genl.Web Site.BB dt. 2/8/2013 and application should be processed on First come First serve basis.
7. Following Conditions are to be drawn in Original Paper Tracing (OPT) drawing while processing the case in the division and before submission to HQ for approval of NOC:

1.	The height of the proposed building structures varying in different stages with minimum different clear horizontal distances between railway land boundary/ track boundary to nearest edge of the proposed building structures as under as shown in the drawing bearing No. DRM/W/			
	Stages 1,2,3,4,5 ...	Maximum height of the proposed building from Ground level to top of :-	Maximum height of the proposed building from Rail level to top of :-	The minimum clear horizontal distance provided between railway land boundary /track boundary to nearest edge of the proposed building in m.
2.	The parameters/dimensions mentioned vide Sr. No. 1 above should be strictly followed/adhered at site.			
3.	No construction material is allowed to store/stack on the railway land by the builder during construction of buildings/structures.			
4.	In no case encroachment on railway land should be allowed during the construction of these proposed building/structure.			
5.	No access will be provided to the proposed building/structures from railway land or proposed building/structures to railway land.			
6.	Sewer and drain should be connected to the municipal sewer line and drain should not be directed towards railway track.			
7.	Drainage and storm water from railway land should not be obstructed. Proper drainage arrangement along with arrangement of discharge is shown in the drawing.			
8.	Responsibility for the safety of the proposed buildings will rest with the owner/developer.			
9.	The design and construction work of the proposed buildings should be followed as per relevant I.S. codes.			
10.	No foundation of any structure, whatsoever, should come under the railway land and not affect track stability.			
11.	Signal visibility to the train drivers is not obstructed due to construction of proposed buildings.			
12.	Adequate precaution/safety should be taken for excavation work, so that it may not cause any damage to railway boundary wall and railway track.			
13.	The excavation work should not be carried out in rainy/monsoon season.			
14.	If buildings/structures are not constructed as per approved drawing by railway or detection of any deviations to drawing will lead to cancellation of NOC granted by railway and necessary action will be taken immediately.			
15.	The applicant/Party will inform to concerned AEN of railways about commencement of work within 60 days, giving reference of NOC issued by Railways.			
16.	Complete safety should strictly be ensured in respect of any crane working towards railway land involved during the construction work. The builder/owner will be fully responsible for any loss caused to the railway or any one during the course of constructions as well as after constructions.			
17.	Railways has right to inspect the worksite during construction stage as well as during lifetime of building/structure to ensure safety of railway assets and train operation.			

18	NOC should be given to get necessary clearance from state Govt. /municipality etc. It is no way authorize the applicant, the ownership of said land .The Railway land boundary shown is for Indicative purpose.
19	All the data/ documents related with ownership of land is rest with the Applicant to prove. Railway NOC does not mean the Ownership of land.
20	The Party will construct the common boundary wall at its own cost as per Drawing/ directions of railway wherever feasible restricting to the stretch of common boundary between railways and party. The Demarcation would be done by railways.
21	It is certified based on the sanctioned Plans / Works for new line and surveys available with the Division that the land is not required for Railways own development in the foreseeable future.
22	The Protection System- Phased Implementation of excavation should be ensured while excavation is being carried out for Basement, Deep foundation etc and proper protection for nallah should be ensured.

8. After receiving the approval of NOC from HQ, conditions mentioned in the letter and plan should be conveyed to all concerned field officials and concerned local bodies / revenue authorities to ensure compliance of the conditions at site by them.

This has the approval of PCE.

[Signature]
 28/5/14
 (S.M. Maheshwari)
 Chief Engineer (General)

Copy to: DRM BB, BSL, NGP, PA & SUR for kind information please.

AB/C

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

RB/L&A No. 091/2010

No. 2008/LML/19/17

New Delhi, dt.16.02.2010.

General Managers
Principal Chief Engineers
All Zonal Railways

Sub:- Issue of No Objection Certificate for construction / redevelopment of Government and Private building on land adjoining Railway boundary.

1. A number of representations have been received regarding granting of No Objection Certificate for undertaking construction/redevelopment of buildings in land adjoining Railway land.
2. Instructions have already been issued in this regard in the past vide Board's letter No. 94/LML/14/22 dated 29.08.1995; stating that as the land in urban area has become very valuable, Railways should adopt a pragmatic approach, examine building plans ensuring that layout of the building should not result into accrual of various easement rights.
3. The issue has again been examined in Board. The duties and role of Railway officials regarding dealing with utilization of land adjoining Railway land boundary have been clearly defined in Para 827 of IRWM 2000. Railways need to examine the proposal for construction/redevelopment of buildings/structures on adjoining land in an objective and pragmatic manner in terms of Railway rules/instructions accordingly. If after examining the proposal, Railway is of the opinion that the proposed structure will not lead to accrual of any easement rights, issuance of NOC can be considered. As regards compliance of provisions of development control regulations or other rules issued by State Govt./Local Authorities in this regard, it is for the State Govt./local Authority to examine and ensure compliance of the same.
4. In case of high rise buildings or buildings with basements or where deep digging is involved in close proximity to Railway track, Railway should examine the drawings and construction methodology and ensure that under no circumstances safety of Railway track is affected during or after construction. If necessary, Railway may consider stipulations of site supervision, inspection, etc., by Railway during construction stage as well as inspection, during lifetime of the building to ensure that building / basements do not affect Railway's train operations.

Please acknowledge receipt.

(Signature)

(M. K. Panda)
Dy. Director (Land & Amenities)
Railway Board.

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CSTE	मु नि मु इ
COS	मु नि
FA&CAO	वि स मु ले अ
CPO	मु का अ
CMD	मु वि नि
SDGM	व उ म प्र
CSC	मु सु आ
PRO	मु ज सं अ
DGM	उ म प्र
SECRETARY	सचिव
DRM	म र प्र

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Government of India
Ministry of Railways
(Railway Board)

(12)

No.2007/LML/19/4

New Delhi Dated: 26.5.2008

General Manager (Engg),
Western Railway, Churchgate, Mumbai

Sub: Grant of 'No Objection Certificate' for construction of private buildings in private lands in vicinity of Railway Land in Mumbai Area.

Ref: 1. Railway Board Letter No even dated 16.5.2008.

2. W. Railway letter No W 73/0 (Policy) (W5), dated 20.05.2008.

In reference to points raised for consideration of the railway vide its letter dated 20.05.2008 referred above, following clarifications are issued:

- CE(G)
1. As the railway track boundary can not be considered to be existing beyond the physical railway land boundary, the provisions in para -4 of Railway Board letter dated 16.05.2008 providing as "**Railway Track Boundary be considered to be a horizontal distance of '6m plus height of railway embankment at the point of consideration' from the centre line of the railway track nearest to the proposed building or the actual railway land boundary from the centre line of the railway track nearest to the proposed building whichever is less**" are correct.
 2. The directions issued under Railway Board letter dated 16-5-08 apply to all cases pending with the Railways on the subject whether received before issue of railway Board's letter dated 16.05.08 or after, to cases where parties have represented to Railway Board against the decision of the Railways and to all such past cases where NOC has been denied or granted as per then existing instructions but the applicant(s) requests for reconsideration of their proposals.

Copy to:

General Manager (Engg), Central Railway, Mumbai for information and similar action in respect of cases under Central Railway.

(D Sharma)
Executive Director (L & A)

26.5.08

By copy G
Chall
76

to be circulated
to all division, CPM.
24/5/08

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Government of India
Ministry of Railways
(Railway Board)

No.2007/LML/19/4

New Delhi Dated: 16.5.2008

General Manager (Engg),
Western Railway, Churchgate, Mumbai

✓ General Manager (Engg),
Central Railway
Mumbai.

Sub: Grant of 'No Objection Certificate' for construction of private buildings in private lands in vicinity of Railway Land in Mumbai Area.

(18) Number of representations have been received by the Board due to denial of issue of 'No Objection Certificate' by the railways to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area including some of the cases where the nearest track is at a considerable distance from the proposed building.

CEG
2. It is observed that extant rules on the subject in Mumbai area are governed by provisions in regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' which provides that "....no new construction of any building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the Railway track boundary, and in any case at least 3m away from such boundary." Further a 'No objection Certificate' from the concerned railway is required to be submitted by the party to the local authorities for granting permission for the building plans if proposed structure lies between the railway boundary and the distance of 30 m from it.

3. Because the 'Railway Track Boundary' is not defined, problems are arising due to reckoning of horizontal clearance from railway boundary instead of 'Railway Track Boundary' as provided in the regulation No. 29(8)(ii) mentioned above.

4. Matter has been examined and it has been decided by the Board (ME) that for the purpose of regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' "Railway Track Boundary" be considered to be a horizontal distance of '6m plus height of railway embankment at the point of consideration' from the centre line of the railway track nearest to the proposed building or the actual railway land boundary from the centre line of the railway track nearest to the proposed building whichever is less.

Copy to be sent to
Roll divisions

P.D.M.

PLC


22/10

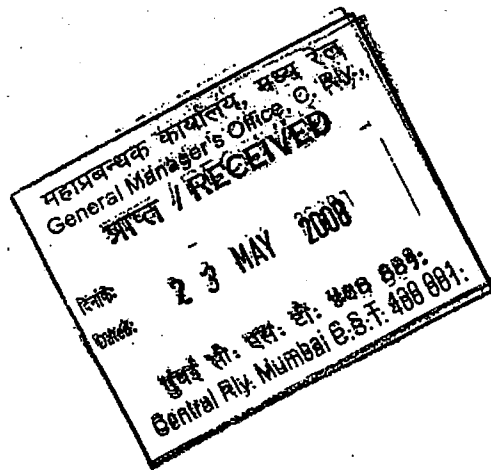
28/C

4.1 The nearest track here will mean the existing track or the proposed track in future if contemplated to be constructed in the near future, nearest to the proposed building. While considering allowance for future track, the railway should not unduly keep such allowance for individual sites when future track is not feasible on that side in view of already existing buildings or structures on either side of the proposed site. Instructions issued under Railway Board letter No.94.LM(L)/14/22 dated 29.8.95 may also be referred to in this regard.

5. It is, therefore, advised that all such cases regarding issue of grant of 'No Objection Certificate' to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area may kindly be dealt with accordingly. While granting 'NOC' railway may ensure that the provisions of para 827(b) of IRWM-2000 are complied with.

6. This is for your kind information and further necessary action. Fresh remarks in the cases earlier referred by Board to railways for comments, may be advised to the Board in view of above directions for further disposal of the same at this end.


(P.D. Sharma)
Executive Director/L&A-I
16.5.08



Government of India

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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2008/LML/19/13

New Delhi, dt. 06.06.2008

Under Secretary,
Urban Development Department
Mantralaya
Mumbai - 400032.

SB

Sub:- NOC for slum rehabilitation scheme on bearing FP No.616(Pt.) of TPS - IV Mahim division.

Ref:- i) Your letter No. TPB 4306/2230/CR-303/07/UD 11 dated 21.2.2008 addressed to PCE/Western Railway.

ii) Your letter No. TPB 4306/2230/CR-303/07/UD 11 dated 21.5.2008 addressed to PCE/WR and copy to Railway Board.

Reference above, it is advised that in view of representation from certain affected parties regarding non issue of 'No Objection Certificate' by Railways for construction of buildings in the vicinity of railway land in Mumbai area, guidelines have been issued to the Western and Central Railways clarifying as to what should be considered to be "Railway Track Boundary" in terms of regulation No.29 (8) (ii) of Government of Maharashtra. Urban Development Department, Development Control Regulation for Greater Bombay -1991. A copy of the guideline issued under Railway Board letter No. 2007/LML/19/4 dated 16.5.2008 is enclosed herewith for ready reference.

The above guidelines take care of the problem raised in your above referred letters. As regards, whether a margin of H/2 is required to be kept from railway track boundary, it is advised that the same is as per the rules laid down by the State Government.

(P.D. Sharma)
Executive Director/Land & Amenities-I
Railway Board.

Encl: As above.

Copy for information to:

- PCE/Churchgate, Mumbai/Western Railway
- PCE/Central Railway/ Mumbai.

ADEN/LM

OS (LM)

For 1/4 pt.

PR

17/06

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**Maharashtra Regional &
Town Planning Act, 1966.
Sanction to modification
under section 37(2) of the ...
Modifications to Regulation
29(8)(ii) of Development
Control Regulation for Gr.
Mumbai 1991.**

**GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
Date: 5th July, 2005.**

NOTIFICATION

No. TPB 4302/1318/CR-23/03/UD-11:

Whereas, Government of Maharashtra vide Notification of Urban Development Department No. DCR 1090/RDP/UD-11, dated 20th February, 1991 has sanctioned the Development Control Regulations for Gr. Mumbai, 1991 (hereinafter referred to as "the said Regulations") under section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") which came into force with effect from 25th March, 1991;

And whereas, the permission for construction of building on land adjoining the railway track is invariably given by the Local Body concerned viz., Corporation, Municipal Council as the case may be. Any work being undertaken in the proximity of the railway track can have serious effect on the safety of the track, it is felt necessary that "No Objection Certificate" be obtained from the Railway Authority before the Local Authority grants permission to the construction of such building. In this regard, it is desirable that a vacant space of 30 mt. be kept between the Railway Boundary and the face of any construction.

And whereas, the Government of Maharashtra in Urban Development Department, vide order No. TPB 4302/1318/CR-23/2003/UD-11, dated 23/5/2003 has directed Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") to amend the relevant provisions in D.C. Regulations by following the procedure laid-down under section 37 of the said Act; so as to insist NOC from concerned Railway Authorities before granting permission for the buildings within a distance of 30 mt. from Railway boundary;

And whereas, the Government of Maharashtra has further directed under section 154 of the said Act to insist such NOC from Railway Authorities, pending modification to development control regulations;

And whereas, the said Corporation has been empowered to initiate the modification of any part of or any proposal made in the final Development Plan under the provisions of sub-section (1) of section 37 of the said Act and submit the same to the Govt. for final sanction;

And whereas, The said Corporation after completing the legal procedure laid under section 37 of the said Act has initiated modification proposal and accordingly submitted the modification proposal to the Govt. for final sanction vide its letter No. CHE/GEN-346/DPC/GEN dated 8th October, 2004;

And whereas, after consulting the Director of Town Planning, Maharashtra State, Pune, Govt. find it necessary to sanction the said modification proposal;

Now, therefore, in exercise of the powers vested under section 37(2) of the said Act Govt. hereby

A) sanctions the modification proposal as described below:

Modification to Regulation No.29(8)(ii) - Building sites situated within 30 mt. from railway boundary:

No objection certificate from the concerned railway shall be insisted before granting permission for the building plans between the Railway boundary and the distance of 30 mt. from it. The development of such plot shall be carried out as per terms and conditions stipulated by the Railway Authority.

B) fixes the date of publication of this notification in the official gazette as the date of coming into force of this proposal.

C) Directs the said Corporation in the schedule of modification sanctioning the said modification appended to the said notification after the last entry, the above referred (A) shall be added.

By order and in the name of the Governor of Maharashtra,

(S.R. Kini)

Under Secretary to Government.

Note: This notification is also available on Government web site www.urban.maharashtra.gov.in

नगर परिषद, काटोल.

आवक नं. 113 दिनांक 11/12/2003

Maharashtra Regional and Town
Planning Act, 1966.

Direction under section 154 of the ...
Permitting construction of building
in proximity to Railway Track.

**GOVERNMENT OF MAHARASHTRA
URBAN DEVELOPMENT DEPARTMENT**
Mantralaya, Mumbai 400 032.
Dated the 23. May, 2003.

ORDER

N.S. TPD 4302/1318/CR-23/03/UD-11:

The permission for construction of building on land adjoining the railway track is invariably given by the Local Body concerned viz., Corporation, Municipal Council as the case may be. Any work being undertaken in the proximity of the railway track can have serious effect on the safety of the track, it is felt necessary that "No Objection Certificate" be obtained from the Railway Authority before the Local Authority grants permission to the construction of such building. In this regard, it is desirable that a vacant space of 30 mt. be kept between the Railway Boundary and the face of any construction.

Now therefore, I am directed to issue the suitable direction under section 154 of the all Planning Authorities to the effect that they invariably insist on "No Objection Certificate" from the concerned Railway before granting permission for the building plans.

DIRECTION

All the Planning Authorities are hereby directed to incorporate the following regulation in their building bye-laws by following the procedure laid under section 37 of the Maharashtra Regional and Town Planning Act -

"No objection Certificate" from the concerned railway shall be insisted before granting permission for the building plans between the Railway boundary and the distance 30 mt. from it.

By order and in the name of the Governor of Maharashtra

(Abbhiram Girkar)

Under Secretary to Government.

Copy to -

- 1) All the Municipal Commissioners of Corporation.
- 2) All the Chief Officers, Municipal Councils.

Copy - G. R. 41/10

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. 94/LM(L)/14/22

New Delhi, dated 29.8.95

The General Manager,
All Indian Railways & Production Units.

Sub: Construction of private buildings near Railway Land.

Cases have come to the notice of the Board wherein private parties have been denied the grant of a 'No Objection Certificate' for undertaking construction on their properties which adjoin the railway land, on the plea that such construction would restrict future development needs of the Railway, and would result in land acquisition complexities at the time of actual acquisition.

The construction of private buildings near the Railway land is governed by Para 3728 of the Indian Railway Way & Works Manual. The basic intention behind the stipulations of the Para is to safeguard Railway's interests in such a manner that no future encroachments take place, and there is no accrual of 'easement rights' such as right of way and right to discharge sullage & storm water, etc. on railway land over a period of time. Although it has been mentioned that an open space of approximately 30m between the railway land boundary and the nearest edge of the building (the exact space to be left being governed by the local conditions) should suffice, it is also stipulated that in cities & towns, where land is valuable, it is not expected of the land owner of a plot to leave a large vacant space between his building and the railway boundary; and it is deemed that Railway's interests will be adequately safeguarded if sufficient vacant space is left so as to ensure development of any future road access and drainage outside the Railway land and to avoid requests for surrender of railway land for such facility at a future date.

3. Furthermore, the provisions of the Para 3728 of the Indian Railway Way & Works Manual are not meant to unnecessarily restrict the utilisation of the land adjoining railway land on the plea that such land may be required for future development of the Railway System. In case land is required by the Railway at a future date, it is only fair that the same is acquired after paying due compensation for the land and the built-up property thereon.

43/c

Government of Maharashtra

No. TPB 4395/497/UD-11
Urban Development Department
Mantralaya, Bombay-400 032.

Dated 28 June, 1995.

To,
The Director (ES&P),
Municipal Corporation of Greater Bombay,
Bombay-400 001.

Sub: Redevelopment of property bearing C.B.No. 26,
27, 28 etc. of Sion Division

Ref: Your letter No. CHE/426/DPC dated 8.5.95

Sir,

Please refer to your letter mentioned above where advice of the Government under Development Control Regulation No. 62 (3) of the Development Control Rules of Greater Bombay, 1991 regarding whether distance to the left as per provisions of Regulation No. 29 (3)(ii) should be measured from the Railway track boundary or the Railway property boundary was sought for.

Development Control Regulation No. 29 (3)(ii) is reproduced herebelow:-

29 (3)(ii) - Building sites abutting railway track boundary; Subject to the requirements of set backs from roads and side and rear marginal open spaces under the relevant Regulations, no new construction of a building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the railway track boundary, and in any case at least 3 mtr. away from such boundary.

From merely reading of the regulation, it is clear that the distance of the building shall be measured from the Railway track boundary and not from property boundaries of Railway.

-2-

Considering the opinion expressed above, I am directed to clarify under Development Control Regulation No. 62 (3) of Development Control Regulations of Greater Bombay, 1991 is as under.

Clarification - The marginal distance required to be left from the Railway track boundary as per the provisions of Regulation No. 29 (3) (ii) shall be measured from the Railway track boundary and not from the Railway property boundary.

Yours faithfully,

N. V. Kulkarni

(N. V. Kulkarni)

Under Secretary to Government

Copy to -
 Secretary, Public Works Department, Mantralaya, Bombay-400 052.
 Chief Engineer (Development Plan), Municipal Corporation
 of Greater Bombay, Bombay-400 001.
 Director of Town Planning, M.S., Pune.
 Deputy Director of Town Planning, Greater Bombay, ENBA Hutments,
 Azad Maidan, Bombay-400 001.
 PEATA, 306, Vikas, Bank Street, Bombay-400 023.
 M/s. Nadkarni & Company, 106, Gundecha Chambers, 18, Nagindas
 Master Road, Fort, Bombay-400 001.
 Select File.
 Maharashtra Chamber of Housing Industry, 514, Dalamal Tower,
 211, F.P.J. Marg, Nariman Point, Bombay-400 021.
 Chief Engineer (Construction), Central Railway, V.T..
 Bombay-400 001.
 Chief Engineer (Construction), Western Railway, Churchgate,
 Bombay.
 Chief Architect, Public Works Department, Marzban, near V.T.
 Estate, Bombay.