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CCE

No. 2015/LML-I/19/2

New Delhi, dated, 25.06 2015

General Manager  
All Zonal Railways

As Land  
BSEI Land

Principal Chief Engineer  
All Zonal Railways.

21/07/15

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 is 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

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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.