

No. NHI-47 (1)/69

Dated the 12th May, 1969

To

The Secretary to the Govt. of Uttar Pradesh, Public Works (Electric) Department, Lucknow

Subject : Removal of unauthorised occupation on National Highways

I am directed to refer to your letter No. 50 GIE/XXIII-PWE-121 N/68, dated the 25th February, 1969 (enclosed) and to say that for the purposes of payment of court fee in all cases of unauthorised encroachments on National Highway land, full value of the land and the period of encroachment should be shown. The expenditure by way of stamp fee etc. may be incurred out of the Maintenance and Repairs grant for National Highways.

Enclosure to letter No. NHI-47 (1)/69 dt. 12.5.69

*LETTER NO. 50 GIE/XXIII-PWD-121 N/68, DATED THE 25TH FEBRUARY, 1969, FROM THE DEPUTY SECRETARY UTTAR PRADESH GOVERNMENT. PUBLIC WORKS (E) DEPARTMENT, LUCKNOW ADDRESSED TO THE SECRETARY TO THE GOVERNMENT OF INDIA. MINISTRY OF TRANSPORT AND SHIPPING (ROADS WING).*

Subject : Removal of unauthorised occupation on National Highways

With reference to the Government of India's letter No. NHI-47 (1)/67, dated the February 4, 1969 on the subject mentioned above, I am directed to say that large numbers of encroachments exist on National Highways in Uttar Pradesh. It is proposed to file suits to remove them from the National Highway land. The State Chief Engineer, Public Works Department has stated that several Executive Engineers, have reported that the stamp fee alone is as high as about Rs. 800/- per suit specially for encroachments in urban areas and big towns where the cost of land is very high. The value of suits for the purpose of calculating court fee is taken on the following items :

- (a) Cost of land at present market rate excluding cost of structures;
- (b) Pending and future damages tentatively fixed; and
- (c) Rent or damages from the date of occupation to the date of suit.

Besides some District Government Counsels (Civil) have also included relief of mandatory injunction and court fee to be paid on it. The State Chief Engineer is therefore of the opinion that the suits may be filed with nominal court fee and that the remaining fee may be paid in future when sufficient funds are made available or when asked by the courts.

In regard to the above, the State Government is of the opinion that as the land on which encroachments exist is vested in the Union Government, it will not be desirable on their part to conceal the facts by reducing the cost of land and claiming less rent by reducing the period of rent. I am accordingly to request that the Government of India may kindly be moved to consider the matter and communicate their decision. In case the Government of India decide that it is not necessary to reduce the value of land or the period of occupation, sufficient funds to cover the expenditure may also kindly be made available for the purpose. I am also to request that the Government of India's decision in the matter may kindly be communicated to the State Government at early date.