

MoRTH/HighwayAdministration/WP(Civil)No.1272/2019
Government of India
Ministry of Road Transport & Highways
(Highway Administration Cell)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

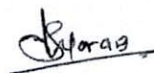
Dated: 24th November 2024

OFFICE MEMORANDUM

Subject : Scheme for inspection, monitoring and removal of unauthorized occupations on National Highways: **Regarding submission of comments on the Draft Circular**

Please find attached draft circular on Scheme for inspection, monitoring and removal of unauthorized occupations on National Highways.

2. All Technical Officers of Ministry, NHAI and NHIDCL are requested to submit their comments (If any) on the attached draft circular within 15 days for further needful action in this matter.



(Ganesh Shelar)
Executive Engineer (BP&SP and
Highway Administration Cell)

To:

All Technical Officer of Ministry, NHAI and NHIDCL ;

Copy to:

- | | |
|--|---|
| i. The Chairman, NHAI; | } for onward circulation to Technical Officers. |
| ii. Managing Director- NHIDCL | |
| iii. JS (Highways); | |
| iv. Director (NIC): for uploading on Ministry's Website and in notice board of e-office. | |

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Dated : November 2024

To,

1. The Chief Secretaries of all the State Governments/UTs
2. The Director General (RD) and Special Secretary , Government of India,
3. The Principal Secretaries / Secretaries of all states /UTs Public Works Department
4. All the Engineering Chief and Chief Engineer of Public Works Department of state/UTs dealing with the National Highways and other centrally sponsored schemes
5. The Director General (Border Roads), Seema Sadak Bhawan, New Delhi.
6. The Chairman, National Highway Authority of India
7. The Managing Director, NHIDCL
8. All CE-ROs, ROs and ELOs of Ministry.

DRAFT CIRCULAR

Sub: Scheme for inspection, monitoring and removal of unauthorized occupations on National Highways.

Sir/Madam,

All Project Directors of NHAI, General Managers/Deputy General Managers of NHIDCL and Executive Engineers of the State PWDs in charge of the National Highways have been conferred with the powers and functions of Highway Administrations under various Sections, including 26 and 27 of the Control of National Highways (Land and Traffic) Act, 2002 in their respective territorial jurisdictions by Notification S.O.No.3293 (E) dated 16.9.2019.

2. In order to ensure that National Highways remain free from unauthorized occupation, it has been decided that it shall be obligatory on the part of inspecting authorities of the Ministry and its implementing agencies to ascertain unauthorized occupation during inspection of National Highways and bring out the fact and extent of unauthorized occupation in the Inspection Note, directing the designated Highway Administrations to remove the unauthorized occupation under Sections 26 and 27 of the Control of National Highways (Land and Traffic) Act, 2002, read with relevant provisions of the Highways Administration Rules, 2004 (Annexures I and II).

3. The Apex Body of the Highway Administration shall also conduct a periodic review regarding status of the encroachments/ unauthorized occupation along National Highways. Regional Officers of MoRTH/NHAI/NHIDCL shall review the status of encroachments/ unauthorized occupations on bi-monthly basis.

4. In modification of all extant circulars regarding inspection, monitoring and removal of unauthorized occupations/ encroachments on National Highways, it is directed that all the Highway Administrations shall conduct inspections for the purpose of ascertainment of unauthorised

occupation/encroachment on National Highways as per the following table:

A. At Regional Office level of MoRTH /NHAI/NHIDCL

SI No.	Office Name	Designation	Frequency of Inspection
1	Regional Office of MoRTH	Chief Engineer/Superintending Engineer-cum- Regional Officer/ ELO	Once in month;
2		Executive Engineer/ Asst. Executive Engineer	Once in month;
3	Regional Office of NHAI	Chief General Manager /General Manager-cum- Regional Officer	Once in month;
4		Dy. General Manager / Manager/ Dy. Manager	Once in month;
5	Regional Office of NHIDCL	Executive Director	Once in month;
6		General Manager / Dy. General Manager /Manager	Once in month;

B. At PIU/NH Division Level

SI No.	Office Name	Designation	Frequency of Inspection
1	PIUs of Ministry/NH Division of state PWD/BRO	Executive Engineer / Asstt. Executive Engineer / Dy. Executive Engineer/ Divisional Engineer or equivalent	Twice in month
2	PIUs of NHAI/NHIDCL	Project Director (General Manager / Dy. General Manager /Manager)	Twice in month

The above designated Officers may combine an inspection under this circular with field visits/ inspections to be conducted for other purposes.

5. Apart from the inspection and subsequent follow-up action to be taken up by Highway Administrations and other authorities of all the agencies of the Ministry shall ensure that Contractors/ Concessionaires maintains round the clock vigil over their project lengths and remove unauthorised occupation or encroachment on National Highways as per the provisions of the relevant agreement cited below. Similarly, all Authority Engineers/Independent Engineers /Supervision Consultants shall ensure that such unauthorised occupation/encroachments are reported to the Highway Administrations as per the provisions of the relevant contracts cited below.

SI No.	Contract Type	Relevant Articles		Obligation regarding unauthorized occupation/ encroachment
		During the Construction	During the maintenance period/ O&M Period	
1	Engineering Procurement and Construction (EPC)	Article 8.5	Article 14.1(ii) (e) and Schedule E	Prevention, reporting and removal
2	Hybrid Annuity Mode (HAM)	Article 6.2.3 & 10.3.3	Article 10.5 and 17.1	

3	Built Operate and Transfer (BOT)	Article 10.3.3	Article 10.5	
4	Supervision Contract	Authority Engineer (AE)	Section 6 of TOR	Section 6 of TOR Reporting unauthorized occupation in the Monthly Progress Report and Monthly Maintenance Report based on the same notices are to be issued by the concerned Project Director of NHAI and General Manager or Deputy General Manager of NHIDCL and Executive Engineer of NH Wing of the State PWD.
5	Performance Based Maintenance Contract (PBMC)	Not applicable	Article 2.1.1, 3.1, 4.1.2, 4.1.9 and Annexure-E	Prevention, reporting and removal
6	Short Term Maintenance Contract (STMC)		Section-7	Prevention and reporting

6. This issues with the approval of the Competent Authority and shall come into force immediately.

Yours faithfully,

(Vinay Kumar)
Joint Secretary (Highways)

Encl:

Annexure-I: Format of notice

Annexure-II: Format of bill

Annexure-III: Format of certificate of expenditure

Copy To:

- i. CE (S&R):with request to compile the scheme in compendium
- ii. All CE-ROs, ROs and ELOs of Ministry/NHAI/NHIDCL
- iii. Director(NIC): for uploading on Ministry's website.

Annexure-I

Court of Highway Administration

Notice for Removal of Unauthorised Occupation

(Under sub-section (2) of section 26 of the Control of National Highways

(Land and Traffic) Act, 2002)

Whereas I on periodical inspection of the highway land on the information received by me, am satisfied that an unauthorized occupation has taken place on the Highway comprised of area (specify area) situated at K.M. of N.H. No..... (indicate location sufficient to identify area) and such unauthorized occupation has been caused by you/you are responsible for such unauthorized occupation;

Therefore, you (Name and address of person to whom notice is to be issued) take notice that you are hereby required to remove such unauthorized occupation within **seven days** from the date on which this notice is served on you. You may make representation within **three days** from the date on which this notice is served on you to (indicate the designation and address of the officer to whom representation is to be made) and such representation, if made, shall be heard on(indicate the date and place of hearing) at and be aware of the notice that failure to comply with this notice shall render you liable to penalty and summary eviction from the aforementioned highway land under sub-section (6) of section 26 and sub-section (1) of section 27 of the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003).

Issued under my hand and seat at onday of20.....

Signature of Highway Administration
or Officer Authorized
Seal

Place.....

State/Union Territory of

Annexure-II**BILL FOR RECOVERY OF COST OF REMOVAL OF
UNAUTHORISED OCCUPATION AND FINE IMPOSED**

(Under sub-section (1) of section 27 of the Control of
National Highways (Land and Traffic) Act, 2002)

State/Union Territory of

1. Name of the person to whom
the Bill is to be
served.:

2. Father's Name :

3. Address :
(with telephone no.)

4. Location of unauthorized occupation with
N.H. No. and Chainage:

5. Expenditure incurred (in rupees):

S No.	Details	Amount (in Rs.)
(a)	in removing Unauthorized occupation	
(b)	in making Construction including alteration of Construction/in repairing damage	
(c)	Additional Charge@15% of (b)	
(d)	Fine imposed*	
	Total	

6. Last Date for payment of bill: {7 days from date of
issuance of bill}

*(Fine to be calculated @five hundred rupees per square metre of the
land so unauthorisedly occupied and where the penalty so imposed is
less than the cost of such land, the penalty may be extended equal to
such cost)

Signature of

the Officer

Issuing the bill
Seal

Place:
D a t e :

State/Union Territory of

Annexure-III

**CERTIFICATE FOR EXPENDITURE OF REMOVAL OF
UNAUTHORISED OCCUPATION AND REPAIR OF HIGHWAY**

(Under sub-section (3) of section 27 of the Control of
National Highways (Land and Traffic) Act, 2002)

State/Union Territory of

This is to certify that the amount of Rs. has been spent in removing Unauthorized occupation from area of {specify area in sqm} situated at K.M. of N.H. No..... {indicate location sufficient to identify area} and Rs. has been spend in alteration/repair of N.H. No..... at Chainage..... and is payable by (Name & address of person)

the Officer

Signature of

Issuing the Certificate
Seal

Place:
D a t e :

State/Union Territory of