

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

No. 84/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.

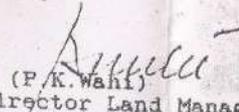
The construction of private buildings near the Railway land is governed by Para 3728 of the Indian Railway Way & Works Manual. The basic intention behind the stipulations of the Para is to safeguard Railway's interests in such a manner that no future encroachments take place, and there is no accrual 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.

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4. In view of the above and the fact that the land in the urban conglomerates has become very valuable, Board desire that the Railways should adopt a pragmatic approach and insist on only the barest possible distance between the Railway boundary and the edge of the proposed building. This minimum required distance can be ascertained by examining the building plans and ensuring that the layout of the building is of a type which will not result into accrual of the various 'easement rights' as mentioned in para-2 above.

Please acknowledge receipt.

  
(P.K. Wahi)  
Executive Director Land Management