

Dt. 24.08.2017.

From:
M. A. Lateef
Advocate,
5-4-187/3 &4, II Floor,
Soham Mansion, M. G. Road,
Secunderabad – 500 003.
Mobile No. 9985338487

To
The Senior Divisional Personnel Officer,
Sanchalan Bhavan,
Secunderabad Division,
South Central Railway,
Secunderabad – 500 071
Telangana,

Dear Sir,

Sub: Request to furnish information under RTI Act

Please furnish the information about any further new circulars or any amendments that are taken place with reference to Letter no. W.274/BW/SC/W/17 dated 11/2/2009 and the letter dated 26.09.2007 which was circulated by General Manager, S. C. Railway in respect of Railway NOCs for construction of buildings by private parties in their lands which are situated adjacent to Railway tack.

Please provide me xerox copies if any further new circulars or any amendment issued in connection of above said circulars/letters.

I have enclosed herewith postal order for Rs. 10/- infavour of Senior Divisional Finance Manager, Secunderabad Division, S. C. Railway, Secunderabad towards fees under RTI Act information. I shall pay additional xerox copying charges if any required.

Thank you,

Yours faithfully,



(M. A. Lateef)

Encl: Rs. 10/- Indian Postal Order.



RN067110657IN IVR:8278067110657
RP SECUNDERABAD H.O <500003>
Counter No:3,24/08/2017,16:20
To:SENIOR DIVISI.,.
FIN:500003, Secunderabad H.O
From:M A LATEEF ,.
Wt:25gms
Amt:30.00(Cash)

अधपत्रा COUNTERFOIL

इसे फाड़कर प्रेषक अपने पास रख ले।
To be detached and kept
by the Sender.

पोस्टल आर्डर

₹ 10

POSTAL ORDER

किसे अदा करना
To whom payable S.D.F.M

Secy. Secy

किस डाकघर में
At what Office _____

क्या इसे क्रॉस किया है
Whether crossed _____

भेजने की तारीख
Date sent _____

39F 536616



Office of the
Divisional Railway Manager (Works Branch)
2nd Floor Sanchalan Bhavan
Secunderabad- 500 071
CW/277/Land Cell/RTIA/Co-ord/6653/Coord

मंडलरेलप्रबंधक (कार्यशाखा)
दूसरीमंजिल, संचलनभवन
सिकंदराबाद-500071

Date: 31.08.2017

Sri M.A. Lateef,
Advocate
H.No.5-4-187/3 & 4,
2nd floor, Soham Mansion
M.G. Road
Secunderabad -500003.

Ry Aug 30 2017
ACK NY

Sub:-RTIA Act 2005- Your application dated 24.08.2017.

Ref - Sr.DPO & APIO letter No.SCR/P-SC/745/RTIA/6653 dt 29.08.2017.

* * *

Your application dated 24.08.2017 received from Sr DPO/SC & APIO on 31.08.2017 seeking information under RTIA 2005 to submit copy of new circulars and any amendment issued in connection with NOC for construction of buildings by private parties in their land which are situated adjacent to the Railway track is examined.

As requested a copy of latest Railway Board's circular no.2015/LML-1/19/2 dated 25.06.2015 procedure for issue of No Object Certificate for construction/re-development of Government and private buildings on the land adjoin the Railway boundary is enclosed herewith.

In case if you are not satisfied with the above reply you may prefer an appeal under section 19(3), of RTI Act 2005 before the ADRM/T/SC & Appellate Authority, 1ST floor, Sanchalan Bhavan, S.C.Railway Secunderabad-500071.

Sr DEN/Co-ord/SC
& APIO.

Copy to Sr DPO & PIO/SC for information w.r.t. Lr No. SCR/P-SC/745/3/RTIA/6653 dtd 29.08.2017

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

Date: 23.06.2015
Office of the General Manager

New Delhi,

dated 23.06.2015

No. 2015/LML/19/2

General Manager
All Zonal Railways.

Principal Chief Engineer
All Zonal Railways.

AXEM/LM
SSE/SLM
P. Circulate to
all Division
Const. Deptt
Date 10/7/15
PCE
C.E.

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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procedures. 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

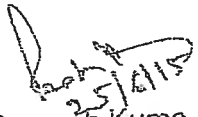
availability etc. Disposal of wastes such as sewage & Sullage water and disposal from septic tank should be away from the railway land.

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)
25/11/15
Director (Land & Amenities)
Railway Board