

CENTRAL RAILWAY

HEADQUARTER OFFICE
ENGINEERING BRANCH
MUMBAI C.S.T.

NO. W.419.L.NOC (Genl) III

Date: 28/05/2014

Sr.DEN (Co) BB , BSL, NGP, PA & SUR

Sub: Issue of No Objection Certificate for the Proposed Construction of Residential/ Commercial buildings within 30 m. from Railway Boundary.

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Railways NOCs are required for construction of building within 30 m from railway boundary as per para 827 of IRWM and notifications issued by Govt. of Maharashtra. While scrutinising / processing proposals for NOC, provisions contained in para 827 of IRWM and instructions issued by Railway Board vide following letters should be followed:

- i) Letter No. 94/LML/14/22 dt. 29/8/95
- ii) Letter No. 2007/LML/19/4 dt. 16/5/2008
- iii) Letter No. 2007/LML/19/4 dt. 26/5/2008
- iv) Letter No. 2008/LML/19/17 dt. 16/2/2010

1. Clear title of land in favour of the applicant supported by all related documents shall be ensured.
2. Field officials should check and certify the width of railway land and distance of plot from Railway boundary. Rail level, ground level etc. shall be taken and necessary sketches should be prepared by field staff after verification of site. Minimum clearance of 3.00 m between Railway boundary and nearest edge of building shall be ensured. 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 / Roll diagram.
3. Original Paper Tracing (OPT) should clearly show the site plan with details, Location of plot, floor plans, drainage arrangements, directions, detailed sectional drawing of building indicating height and distance between Railway boundary and nearest edge of building in various stages.
4. The drawing should be signed by all branch officers and DRM. Construction organisation or respective PSU having planning of any work at that location should also be consulted whether the land is required in foreseeable future. Following certificates in this regard should be given in the plan itself:

"It is certified based on the sanctioned Plans / Works for new line and surveys available with the Division that the land is not required for Railways own development in the foreseeable future".

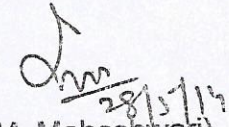
5. Structural stability certificate should be signed by Structural Engineer/ Architect and owner/ applicant.
6. Status of proposals should be updated in Railways website in the prescribed format. after receipt of application along with requisite fees from party at Divisional level as instructed vide letter No. W.419.L.NOC.Genl.Web Site.BB dt. 2/8/2013 and application should be processed on First come First serve basis.
7. Following Conditions are to be drawn in Original Paper Tracing (OPT) drawing while processing the case in the division and before submission to HQ for approval of NOC:

1.	The height of the proposed building structures varying in different stages with minimum different clear horizontal distances between <u>railway land boundary/ track boundary</u> to nearest edge of the proposed building structures as under as shown in the drawing bearing No. DRM/W/			
	Stages 1,2,3,4,5 ...	Maximum height of the proposed building from <u>Ground level</u> to top of :-	Maximum height of the proposed building from <u>Rail level</u> to top of :-	The minimum clear horizontal distance provided between <u>railway land boundary /track boundary</u> to nearest edge of the proposed building in m.
2.	The parameters/dimensions mentioned vide Sr. No. 1 above should be strictly followed/adhered at site.			
3.	No construction material is allowed to store/stack on the railway land by the builder during construction of buildings/structures.			
4.	In no case encroachment on railway land should be allowed during the construction of these proposed building/structure.			
5.	No access will be provided to the proposed building/structures from railway land or proposed building/structures to railway land.			
6.	Sewer and drain should be connected to the municipal sewer line and drain should not be directed towards railway track.			
7.	Drainage and storm water from railway land should not be obstructed. Proper drainage arrangement along with arrangement of discharge is shown in the drawing.			
8.	Responsibility for the safety of the proposed buildings will rest with the owner/developer.			
9.	The design and construction work of the proposed buildings should be followed as per relevant I.S. codes.			
10	No foundation of any structure, whatsoever, should come under the railway land and not affect track stability.			
11	Signal visibility to the train drivers is not obstructed due to construction of proposed buildings.			
12	Adequate precaution/safety should be taken for excavation work, so that it may not cause any damage to railway boundary wall and railway track.			
13	The excavation work should not be carried out in rainy/monsoon season.			
14	If buildings/structures are not constructed as per approved drawing by railway or detection of any deviations to drawing will lead to cancellation of NOC granted by railway and necessary action will be taken immediately.			
15	The applicant/Party will inform to concerned AEN of railways about commencement of work within 60 days, giving reference of NOC issued by Railways.			
16	Complete safety should strictly be ensured in respect of any crane working towards railway land involved during the construction work. The builder/owner will be fully responsible for any loss caused to the railway or any one during the course of constructions as well as after constructions.			
17	Railways has right to inspect the worksite during construction stage as well as during lifetime of building/structure to ensure safety of railway assets and train operation.			

18	NOC should be given to get necessary clearance from state Govt. /municipality etc. It is no way authorize the applicant, the ownership of said land .The Railway land boundary shown is for indicative purpose.
19	All the data/ documents related with ownership of land is rest with the Applicant to prove. Railway NOC does not mean the Ownership of land.
20	The Party will construct the common boundary wall at its own cost as per Drawing/ directions of railway wherever feasible restricting to the stretch of common boundary between railways and party. The Demarcation would be done by railways.
21	It is certified based on the sanctioned Plans / Works for new line and surveys available with the Division that the land is not required for Railways own development in the foreseeable future.
22	The Protection System- Phased Implementation of excavation should be ensured while excavation is being carried out for Basement, Deep foundation etc and proper protection for nallah should be ensured.

8. After receiving the approval of NOC from HQ, conditions mentioned in the letter and plan should be conveyed to all concerned field officials and concerned local bodies / revenue authorities to ensure compliance of the conditions at site by them.

This has the approval of PCE.


28/5/14
(S.M. Maheshwari)
Chief Engineer (General)

Copy to: DRM BB, BSL, NGP, PA & SUR for kind information please.

नगर परिषद, फाटोल.

संख्या ११३ दिनांक

Maharashtra Regional and Town Planning Act, 1966.

Direction under section 154 of the ...
Permitting construction of building
in proximity to Railway Track.

**GOVERNMENT OF MAHARASHTRA
URBAN DEVELOPMENT DEPARTMENT**

Mantralaya, Mumbai 400.032.

Dated the 23. May, 2003.

ORDER

No. TPD 4302/1318/CR-23/03/UD-11:

The permission for construction of building on land adjoining the railway track is invariably given by the Local Body concerned viz, Corporation, Municipal Council as the case may be. Any work being undertaken in the proximity of the railway track can have serious effect on the safety of the track, it is felt necessary that "No Objection Certificate" be obtained from the Railway Authority before the Local Authority grants permission to the construction of such building. In this regard, it is desirable that a vacant space of 30 mt. be kept between the Railway Boundary and the face of any construction.

Now therefore, I am directed to issue the suitable direction under section 154 of the said Planning Authorities to the effect that they invariably insist on "No Objection Certificate" from the concerned Railway before granting permission for the building plans.

DIRECTION

All the Planning Authorities are hereby directed to incorporate the following regulation in their building bye-laws by following the procedure laid under section 37 of the Maharashtra Regional and Town Planning Act -

"No objection Certificate" from the concerned railway shall be insisted before granting permission for the building plans between the Railway boundary and the distance 30 mt. from it.

Handwritten notes and signatures:
By order and in the name of the Governor of Maharashtra
5/16/03

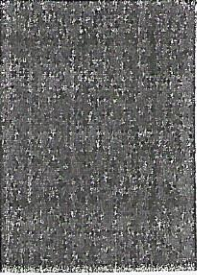
Signature of Abhinav Girkar
(Abhinav Girkar)

Under Secretary to Government.

Copy to -

- 1) All the Municipal Commissioners of Corporation.
- 2) All the Chief Officer, Municipal Councils.

Handwritten initials: ABC



Maharashtra Regional & Town Planning Act, 1966.
Sanction to modification under section 37(2) of the ...
Modifications to Regulation 29(8)(ii) of Development Control Regulation for Gr. Mumbai 1991.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
Date: 5th July, 2005.

NOTIFICATION

No. TPB 4302/1318/CR-23/03/UD-11.

Whereas, Government of Maharashtra vide Notification of Urban Development Department No. DCR 1090/RDP/UD-11, dated 20th February, 1991 has sanctioned the Development Control Regulations for Gr. Mumbai, 1991 (hereinafter referred to as "the said Regulations") under section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") which came into force with effect from 25th March, 1991;

And whereas, the permission for construction of building on land adjoining the railway track is invariably given by the Local Body concerned viz., Corporation, Municipal Council as the case may be. Any work being undertaken in the proximity of the railway track can have serious effect on the safety of the track, it is felt necessary that "No Objection Certificate" be obtained from the Railway Authority before the Local Authority grants permission to the construction of such building. In this regard, it is desirable that a vacant space of 30 mt. be kept between the Railway Boundary and the face of any construction.

And whereas, the Government of Maharashtra in Urban Development Department, vide order No. TPB 4302/1318/CR-23/2003/UD-11, dated 23/5/2003 has directed Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") to amend the relevant provisions in D.C. Regulations by following the procedure laid-down under section 37 of the said Act, so as to insist NOC from concerned Railway Authorities before granting permission for the buildings within a distance of 30 mt. from Railway boundary;

And whereas, the Government of Maharashtra has further directed under section 154 of the said Act to insist such NOC from Railway Authorities, pending modification to development control regulations;

And whereas, the said Corporation has been empowered to initiate the modification of any part of or any proposal made in the final Development Plan under the provisions of sub-section (1) of section 37 of the said Act and submit the same to the Govt. for final sanction;

And whereas, The said Corporation after completing the legal procedure laid under section 37 of the said Act has initiated modification proposal and accordingly submitted the modification proposal to the Govt. for final sanction vide its letter No. CHE/GEN-346/DPC/GEN dated 8th October, 2004;

And whereas, after consulting the Director of Town Planning, Maharashtra State, Pune, Govt. find it necessary to sanction the said modification proposal;

Now, therefore, in exercise of the powers vested under section 37(2) of the said Act Govt. hereby -

A) sanctions the modification proposal as described below:

Modification to Regulation No.29(8)(ii) - Building sites situated within 30 mt. from railway boundary :
No objection certificate from the concerned railway shall be insisted before granting permission for the building plans between the Railway boundary and the distance of 30 mt. from it. The development of such plot shall be carried out as per terms and conditions stipulated by the Railway Authority.

- B) fixes the date of publication of this notification in the official gazette as the date of coming into force of this proposal.
- C) Directs the said Corporation in the schedule of modification sanctioning the said modification appended to the said notification after the last entry, the above referred (A) shall be added.

By order and in the name of the Governor of Maharashtra,


(S.R. Kini)

Under Secretary to Government.

Note:- This notification is also available on Government web site www.urban.maharashtra.gov.in

Government of Maharashtra

No. TPB 4395/497/UD-11
Urban Development Department
Mantralaya, Bombay-400 032.

Dated 28 June, 1995.

To,
The Director (ES&P),
Municipal Corporation of Greater Bombay,
Bombay-400 001.

Sub: Redevelopment of property bearing C.S.No. 26,
27, 28 etc. of Sion Division

Ref: Your letter No. CHE/426/DPC dated 8.5.95

Sir,

Please refer to your letter mentioned above where advice of the Government under Development Control Regulation No. 62 (3) of the Development Control Rules of Greater Bombay, 1991 regarding whether distance to the left as per provisions of Regulation No. 29 (3)(ii) should be measured from the Railway track boundary or the Railway property boundary was sought for.

Development Control Regulation No. 29 (3)(ii) is reproduced herebelow.:-

29 (3)(ii) - Building sites abutting railway track boundary; Subject to the requirements of set backs from roads and side and rear marginal open spaces under the relevant Regulations, no new construction of a building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the railway track boundary, and in any case at least 3 mtr. away from such boundary.

From merely reading of the regulation, it is clear that the distance of the building shall be measured from the Railway track boundary and not from property boundaries of Railway.

-2-

Considering the opinion expressed above, I am directed to clarify under Development Control Regulation No. 62 (3) of Development Control Regulations of Greater Bombay, 1991 is as under.

Clarification - The marginal distance required to be left from the Railway track boundary as per the provisions of Regulation No. 29 (3) (ii) shall be measured from the Railway track boundary and not from the Railway property boundary.

Yours faithfully,

N. V. Kulkarni

(N. V. Kulkarni)

Under Secretary to Government

Copy to -
 Secretary, Public Works Department, Mantralaya, Bombay-400 052.
 Chief Engineer (Development Plan), Municipal Corporation
 of Greater Bombay, Bombay-400 001.
 Director of Town Planning, M.S., Pune.
 Deputy Director of Town Planning, Greater Bombay, EN3A Hutments,
 Azad Maidan, Bombay-400 001.
 PEATA, 306, Vikas, Bank Street, Bombay-400 023.
 M/s. Nadkarni & Company, 106, Gundecha Chambers, 18, Nagindas
 Master Road, Fort, Bombay-400 001.
 Select File.
 Maharashtra Chamber of Housing Industry, 514, Dalamal Tower,
 211, F.P.J. Marg, Nariman Point, Bombay-400 021.
 Chief Engineer (Construction), Central Railway, V.T.,
 Bombay-400 001.
 Chief Engineer (Construction), Western Railway, Churchgate,
 Bombay.
 Chief Architect, Public Works Department, Marzban, near V.T.
 Estate, Bombay.

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

No. 94/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.

2. 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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CENTRAL RAILWAY

4. In view of the above and the fact that the land in the urban conglomeration 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 scorching of the various 'easement rights' as mentioned in para-2 above.

Please acknowledge receipt.

(P.K. Wahi)
Executive Director Land Management

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Government of India
Ministry of Railways
(Railway Board)

No.2007/LML/19/4

New Delhi Dated: 16.5.2008

General Manager (Engg),
Western Railway, Churchgate, Mumbai

General Manager (Engg),
Central Railway
Mumbai.

Sub: Grant of 'No Objection Certificate' for construction of private buildings in private lands in vicinity of Railway Land in Mumbai Area.

Number of representations have been received by the Board due to denial of issue of 'No Objection Certificate' by the railways to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area including some of the cases where the nearest track is at a considerable distance from the proposed building.

2. It is observed that extant rules on the subject in Mumbai area are governed by provisions in regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' which provides that "...no new construction of any building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the Railway track boundary, and in any case at least 3m away from such boundary." Further a 'No objection Certificate' from the concerned railway is required to be submitted by the party to the local authorities for granting permission for the building plans if proposed structure lies between the railway boundary and the distance of 30 m from it.

3. Because the 'Railway Track Boundary' is not defined, problems are arising due to reckoning of horizontal clearance from railway boundary instead of 'Railway Track Boundary' as provided in the regulation No. 29(8)(ii) mentioned above.

4. Matter has been examined and it has been decided by the Board (ME) that for the purpose of regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' "Railway Track Boundary" be considered to be a horizontal distance of '6m plus height of railway embankment at the point of consideration' from the centre line of the railway track nearest to the proposed building or the actual railway land boundary from the centre line of the railway track nearest to the proposed building whichever is less.

Copy to be sent to PLE

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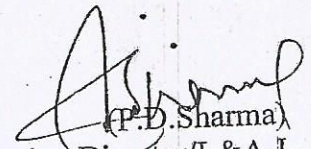
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4.1 The nearest track here will mean the existing track or the proposed track in future if contemplated to be constructed in the near future, nearest to the proposed building. While considering allowance for future track, the railway should not unduly keep such allowance for individual sites when future track is not feasible on that side in view of already existing buildings or structures on either side of the proposed site. Instructions issued under Railway Board letter No.94.LM(L)/14/22 dated 29.8.95 may also be referred to in this regard.

5. It is, therefore, advised that all such cases regarding issue of grant of 'No Objection Certificate' to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area may kindly be dealt with accordingly. While granting 'NOC' railway may ensure that the provisions of para 827(b) of IRWM-2000 are complied with.

6. This is for your kind information and further necessary action. Fresh remarks in the cases earlier referred by Board to railways for comments, may be advised to the Board in view of above directions for further disposal of the same at this end.


 (P.D. Sharma)
 Executive Director/L&A-I
 16.5.08

महाप्रबन्धक कार्यालय, मध्य रेल
 General Manager's Office, C. Rly.
 प्राप्त / RECEIVED
 दिनांक: 23 MAY 2008
 मुंबई सौ. वस. क्ष. ४४७ ४४३
 Central Rly. Mumbai E.S.T. 488 881

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Government of India
Ministry of Railways
(Railway Board)

No.2007/LML/19/4

New Delhi Dated: 26.5.2008

General Manager (Engg),
Western Railway, Churchgate, Mumbai

Sub: Grant of 'No Objection Certificate' for construction of private buildings in private lands in vicinity of Railway Land in Mumbai Area.

Ref: 1. Railway Board Letter No even dated 16.5.2008.

2. W. Railway letter No W 73/0 (Policy) (W5), dated 20.05.2008.

In reference to points raised for consideration of the railway vide its letter dated 20.05.2008 referred above, following clarifications are issued:

1. As the railway track boundary can not be considered to be existing beyond the physical railway land boundary, the provisions in para -4 of Railway Board letter dated 16.05.2008 providing as "Railway Track Boundary be considered to be a horizontal distance of '6m plus height of railway embankment at the point of consideration' from the centre line of the railway track nearest to the proposed building or the actual railway land boundary from the centre line of the railway track nearest to the proposed building whichever is less" are correct.
2. The directions issued under Railway Board letter dated 16-5-08 apply to all cases pending with the Railways on the subject whether received before issue of railway Board's letter dated 16.05.08 or after, to cases where parties have represented to Railway Board against the decision of the Railways and to all such past cases where NOC has been denied or granted as per then existing instructions but the applicant(s) requests for reconsideration of their proposals.

CEEG

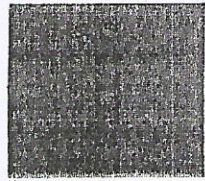
*By way of
Call
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*To be submitted
to all division, CPM
21/5/08*

Copy to: General Manager (Engg), Central Railway, Mumbai for information and similar action in respect of cases under Central Railway.

[Signature]
Executive Director (L & A)
26.5.08

10/20/2008
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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RB/L&A No. 091/2010

No. 2008/LML/19/17

New Delhi, dt.16.02.2010.

General Managers
Principal Chief Engineers
All Zonal Railways

Sub:- Issue of No Objection Certificate for construction / redevelopment of Government and Private building on land adjoining Railway boundary.

1. A number of representations have been received regarding granting of No Objection Certificate for undertaking construction/redevelopment of buildings in land adjoining Railway land.
2. Instructions have already been issued in this regard in the past vide Board's letter No. 94/LML/14/22 dated 29.08.1995; stating that as the land in urban area has become very valuable, Railways should adopt a pragmatic approach, examine building plans ensuring that layout of the building should not result into accrual of various easement rights.
3. The issue has again been examined in Board. The duties and role of Railway officials regarding dealing with utilization of land adjoining Railway land boundary have been clearly defined in Para 827 of IRWM 2000. Railways need to examine the proposal for construction/redevelopment of buildings/structures on adjoining land in an objective and pragmatic manner in terms of Railway rules/instructions accordingly. If after examining the proposal, Railway is of the opinion that the proposed structure will not lead to accrual of any easement rights, issuance of NOC can be considered. As regards compliance of provisions of development control regulations or other rules issued by State Govt./Local Authorities in this regard, it is for the State Govt./local Authority to examine and ensure compliance of the same.
4. In case of high rise buildings or buildings with basements or 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 consider stipulations of site supervision, inspection, etc., by Railway during construction stage as well as inspection, during lifetime of the building to ensure that building / basements do not affect Railway's train operations.

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Circulation to all divisions
24/2
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CC(LM) / Anil Mittal

For w/a. Pl. file.

Please acknowledge receipt.

(Signature)

(M. K. Panda)
Dy. Director (Land & Amenities)
Railway Board.

GM	अ म प्र
AG	मु प्र अ (नि)
DM	मु वा प्र
DM	मु प प्र
SO	मु सं अ
SE	प्र मु इ
SE	मु खि इ
SE	मु या इ
TE	मु नि मु इ
SS	म नि
CAO	नि स मु ले अ
O	मु का अ
ID	मु नि नि
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C	मु सु आ
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DM	स वि प्र
M	म इ प्र

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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2008/LML/19/13

New Delhi, dt. 06.06.2008

(36)

Under Secretary,
Urban Development Department
Mantralaya
Mumbai - 400032.

Sub:- NOC for slum rehabilitation scheme on bearing FP No.616(Pt.) of TPS -
IV Mahim division.

Ref:- i) Your letter No. TPB 4306/2230/CR-303/07/UD 11 dated 21.2.2008
addressed to PCE/Western Railway.

ii) Your letter No. TPB 4306/2230/CR-303/07/UD 11 dated 21.5.2008
addressed to PCE/WR and copy to Railway Board.

Reference above, it is advised that in view of representation from certain affected parties regarding non issue of 'No Objection Certificate' by Railways for construction of buildings in the vicinity of railway land in Mumbai area, guidelines have been issued to the Western and Central Railways clarifying as to what should be considered to be "Railway Track Boundary" in terms of regulation No.29 (8) (ii) of Government of Maharashtra. Urban Development Department, Development Control Regulation for Greater Bombay -1991. A copy of the guideline issued under Railway Board letter No. 2007/LML/19/4 dated 16.5.2008 is enclosed herewith for ready reference.

The above guidelines take care of the problem raised in your above referred letters. As regards, whether a margin of H/2 is required to be kept from railway track boundary, it is advised that the same is as per the rules laid down by the State Government.

(P. D. Sharma)
Executive Director/Land & Amenities
Railway Board.

Encl: As above.

Copy for information to:

- i. PCE/Churchgate, Mumbai/Western Railway
- ii. PCE/Central Railway/ Mumbai.

ADVEN/LM

OS(LM)

For W/C.P.

w/a p.

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