

**GOVERNMENT OF INDIA  
MINISTRY OF ROAD TRANSPORT & HIGHWAYS  
(NHDP-IVA Cell)**

141.13

**Transport Bhawan,  
1, Parliament Street,  
New Delhi-110 001**

**No. RW/NH-37014/2/2012-NHDP-IVA**

**Dated 23<sup>rd</sup> July, 2013**

**Subject:** Procedure for possession/transfer of State Govt. land for the development of NHs

Please find enclosed the record of discussion held during the meeting taken by Secretary (RT&H) on 8<sup>th</sup> July, 2013 in Transport Bhawan, New Delhi to streamline the procedure for possession/transfer of State Govt. land for the development of NHs for compliance and further action in the matter.

**Encl.: As above**

*Rohin*  
23/7/13  
**(Rohin Kumar Gupta)**  
Executive Engineer (NHDP-IVA)  
For DG (RD) & SS

1. Chairman [Kind Attn: Shri Sudhir Kumar, Member (PPP)], NHAI, New Delhi
2. Joint Secretary (LA&P), MoRT&H with a request that an O.M. communicating the procedure for government land may be issued by LA&C division for having a uniform approach in all wings of NH development i.e., PWD, Ministry and NHAI.
3. CE (NHDP-IVA), MoRT&H.
4. Director (Finance), MoRT&H.
5. DS (LA&C), MoRT&H.

Copy alongwith enclosure to:

1. PPS to Secretary (RT&H).
2. PPS to DG (RD) & SS.
3. PPS to ADG-I.

**Record of Discussion held during the meeting taken by Secretary (RT&H) on 8<sup>th</sup> July, 2013 in Transport Bhawan, New Delhi to streamline the procedure for possession/transfer of State Govt. land for the development of NHs**

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Secretary (RT&H) held a meeting on 8<sup>th</sup> July, 2013 in Transport Bhawan, New Delhi to streamline the procedure for possession/transfer of State Govt. land for the development of NHs. The list of participants is annexed.

2. Following was discussed and decided during the meeting:

2.1 CE (NHDP-IVA) informed that different States are insisting on including the Govt. land in the notification for land acquisition under section 3(A) stating that there is no separate provision in the National Highway Act, 1956 to transfer the Govt. land without publication of notification. CE (NHDP-IVA) further informed that different procedures are being followed in NHAI and Ministry i.e.,

(i) in EAP zone of Ministry the Govt. land is being included under 3(A) and 3(D) notifications and complete procedure of acquisition under NH Act is being followed except the cost of land to be zero in award under section 3(G); however

(ii) in NHDP-IVA zone of the Ministry, the Govt. land is not being included under 3(A) notifications on the premise that NH Act is for acquisition of private land and Govt. land which is already acquired and is under possession of some section of Govt., may be transferred for Highway projects through a simple request and mutual agreements.

CE (NHDP-IVA) mentioned that there is a need for streamlining the procedure for possession/transfer of Govt. land and to bring about uniformity in procedure for Highway development projects.

2.2 CGM, NHAI mentioned that in some cases in NHAI, the Govt. land is also being included in the notifications published under section 3(A) and 3(D) if desired/recommended by the designated CALAs. However, while determining the award under section 3(G), the cost is being kept zero. He further remarked that it is not happening in all cases.

2.3 SE (NHDP-IVA) mentioned that the Land Acquisition Act, 1894, the pre-runner Act of NH Act is meant for acquisition of private land. The Govt. land already in possession of Govt., may not be put to re-acquisition and do not need procedures like filing of objections u/s 3(A), hearing u/s 3(C) and vesting u/s 3(D). Such land, therefore, needs to be transferred to the Govt. of India under the provisions of the Rules 278, 279 of General Financial Rules, 2005.

2.4 JS (LA&P) mentioned that the standard format for notifications under section 3(A) and 3(D) of NH Act has already been vetted and approved by the Ministry of Law which includes the mention of type of land namely private or Govt. and therefore, the Govt. land

shall be included and mentioned in the notifications under section 3(A) and 3(D) as per approved format.

**2.5** ADG-I mentioned that notification under section 3(A) declares the intention of Central Government to acquire land for public purpose for the building, maintenance, management or operation of a National Highway and nothing prohibits inclusion of Govt. land in the 3(A) notification under NH Act. He further mentioned that as per the legal position of LA Act 1894, the NH Act may also be referred for acquisition of private land, many a times the land originally considered/assumed to be Govt. land due to incorrect land records gets revealed as private land at a later date and may pose problem, particularly delays, in its acquisition and affect the project completion. Therefore, inclusion of Govt. land at 3(A) stage may not be harmful and allow the stakeholders to get the records corrected.

**2.6** Secretary (RT&H) stated that it has come to his notice in some projects that CALAs are proposing land of running Highways/NHs as private land and putting it to acquisition with cost under NH Act. He stated that if a road/highway is already in operation/functional and even if the land has not been mutated in the name of Govt. due to some reasons, it should be treated as given by private party free of cost and no cost to be paid now. He stated that the issue of acquisition of Govt. land under NH Act be dealt carefully.

**2.7** CE (NHDP-IVA) and CGM (NHAI) requested that in view of practical issues of clarity of title of land and as per clarifications of JS (LA&C) on standard formats i.e., mention of type of land as private or Govt., the Govt. land may be allowed to be acquired under NH Act with no cost under 3(G). Secretary (RT&H) agreed to the recommendation of CE (NHDP-IVA), CGM and JS (LA&C) to acquire the Govt. land under NH Act with no cost.

**3.** The meeting ended with a vote of thanks to the Chair.

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**List of Participants in the meeting taken by Secretary (RT&H) on 8<sup>th</sup> July, 2013 in Transport Bhawan, New Delhi to streamline the procedure for possession/transfer of State Govt. land for the development of NHs**

**Ministry of Road Transport & Highways**

1. Shri Vijay Chibber, Secretary (RT&H) – in Chair
2. Shri C. Kandasamy, DG (RD) & SS
3. Shri V.L. Patankar, ADG-I
4. Shri A.K. Nagpal, CE (NHDP-IV)
5. Ms. Abha Shukla, JS (LA&P)
6. Shri Atul Kumar, SE (NHDP-IV)
7. Shri Rohit Kumar, Director (Finance)
8. Ms. Maya Prakash, Deputy Secretary (LA&P)
9. Shri Rohin Kumar Gupta, EE (NHDP-IVA)

**National Highways Authority of India**

1. Shri Sudhir Kumar, Member (PPP)
2. Shri V.K. Sharma, CGM (LA&EC)