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Government of India
Ministry of Road Transport & Highways

Transport Bhavan
No.1, Parliament Street,
New Delhi – 110 001

No.RW/NH-12017/1049/2011/PB-NH-I

Dated : 14th February, 2014

To

The Chairman
NHAI
New Delhi

[Kind Atten : Member (Administration)]

Subject: Grant of access permission for approach road to Private properties/Retail outlets/rest area complexes/such other facilities along National Highway.

Sir,

This is with reference to the matter of COCP No. 143 of 2010 – Vikram Sharda V/s Krishan Mohan & others in the Hon'ble High Court of Punjab & Haryana at Chandigarh in which NHAI & this Ministry along with others are Respondents .


2. During the course of argument in the Hon'ble High Court issue of access permission to Private Properties/ Retail Outlets from the service road outside ROW of NH and appointment of independent Consultants came up. The related issues in this regard have been examined in the Ministry with following outcome:-

2.1 It is a matter of fact that service roads constructed within NH land are mainly meant for the movement of local traffic only and Ministry/NHAI are therefore already constructing service roads wherever it is warranted and as such access to service roads within NH land cannot be denied. If service roads are to be constructed outside the NH land, it would entail formulating such policy involving the local bodies of the State Government including Town Planning department, and would certainly take time. Moreover, any activity outside the NH land boundary is beyond the ambit of Highways Administration. The proposals of access permission cannot be kept pending till finalization of such a policy.

2.2 Regarding finalization of panel of Consultants the same has been finalized by the Ministry and the list of panel of Consultants is likely to be circulated. It is to be clarified that only this list shall be applicable in all the cases for the grant of Access permission on NHs including Highways being managed by implementing agencies of this Ministry such as NHAI, respective State PWDs & BRO.

3. Regarding channel of submission of the proposal , following procedure should be followed.
 - a) In respect of National Highways under NHDP entrusted to NHAI the applicant shall submit the proposal to the respective Project Director. The Project Director after scrutiny shall forward the same to the RO (NHAI). The RO(NHAI) shall further recommend the proposal to RO (MoRT&H) for approval.
 - b) In respect of National Highways entrusted to State PWD/ BRO, the applicant shall submit the proposal to the respective Executive Engineers (EEs)/ Officers Commanding (OCs). The EEs/ OCs who are already declared as Highway Administrator for the NHs under their jurisdiction shall process and approve the proposals at their end. However, EEs/ OCs who are not yet declared Highway Administrator shall process the proposal and shall forward to the RO (MoRT&H) for approval.
4. Next date of hearing on this PIL in Hon'ble High Court is 21.02.2014. Accordingly NHAI should file affidavit in the light of the position brought out in the above paragraphs to keep the Hon'ble court apprised about the decision of this Ministry.
5. This issues with the approval of Secretary(RT&H).

Yours faithfully


14/02/2014
(O.P. Shrivastava)

Superintending Engineer

For Director General (Road Development)&Special Secretary

Copy to:

1. Chief Engineer, SR&T(Road), M/o Road Transport & Highways , New Delhi-1
 2. Superintending Engineer, Ministry of Road Transport & Highways,
Kendriya Sadan, 6th floor, Sector-9A
Chandigarh
- It is requested to file the affidavit based on above.