

## **BOMBAY HIGHWAYS RULES, 1958**

### CONTENTS

1. Short title.
2. Manner of publication of the notification under section 7(2).
3. Places where copies of map to be kept under section 8.
4. Form of application for permission under section 9.
5. Manner of publication of the notification under section 15.
6. Form of application for permission under section 21 to occupy highway land.
7. Conditions on which permission to be granted under section 21 to occupy highway land.
8. Rent to be charged for occupation of highway land.
9. Manner of reference under section 35 by the Highway Authority to the authorized officer.
10. Form of application under section 44 for the reference against order fixing betterment charges.
11. Manner of reference under section 44 by the officer authorised.
12. Date on which betterment charges shall be payable under section 47.
13. Payment of betterment charges by installments under proviso to section 47.
14. Relinquishment or exchange of land under section 48.
15. Prohibition or regulation of traffic when highway considered unsafe under section 50.
16. Prohibition or restriction of the use of heavy vehicles under Section 51.

### **SCHEDULE 1 :- SCHEDULE**

### **SCHEDULE 2 :- Particular of land**

### **SCHEDULE 3 :-Table showing the rents to be charged for temporary occupation of highway land.**

## **BOMBAY HIGHWAYS RULES, 1958**

### BOMBAY HIGHWAYS RULES, 1958

#### **1. Short title. :-**

These rules may be called the Bombay Highways Rules, 1958.

#### **2. Manner of publication of the notification under section 7(2). :-**

(1) Immediately after publication of the notification under subsection (2) of section 7, the Highway Authority shall display or cause to be displayed for a period of two months copies of the notification, on the notice boards at the following places:

(i) office of the Highway Authority,

(ii)

(a) village chawdi and If there be no village chawdi, village school or other

public place suitable for the purpose, and

(b) office of the Gram Panchayat, if any, in each of the villages within the revenue limits of which the lands between the highway boundaries and the control lines proposed to be fixed (in this rule referred to as the land in question) lie,

(iii) office of the Mamlatdar or Mahalkari of each of the talukas or mahals in which the lands in question lie,

(iv) office of each of the Public Works Department sub-divisions in charge of the highway in respect of which the highway boundaries, the building lines and the control lines are proposed to be fixed,

(v) office of the District Local Board of the district in which the lands in question lie,

(vi) office of the Municipality, or a Municipal Corporation, if any, of the lands lie within its jurisdiction.

(2) The Highway Authority shall send a copy of the notification to the Police Patil of each of the villages within the revenue limits of which the lands in question lie, and the Police Patil shall give publicity to it in the village by beat of drums.

### **3. Places where copies of map to be kept under section 8. :-**

(1) The Highway Authority shall arrange to keep for inspection a copy of the map referred to in section 8 at the following places besides its own office:-

(i) office of the Gram Panchayat, if any, in each of the villages within the revenue limits of which the lands between the highway boundaries and control lines marked on the map are situate;

(ii) office of the Mamlatdar or Mahalkari of each of the talukas or mahals in which the lands between the highway boundaries and the control lines marked on the map are situate.

(iii) office of each of the Public Works Department sub-divisions in charge of the highway marked on the map.

(iv) office of the District Local Board of the district in which the highway marked on the map is situate.

(v) office of the Municipality or Municipal Corporation, if any of the lands between the highway boundaries and the control lines marked on the map are situate within its jurisdiction.

(2) The Highway Authority shall inform the Police Patils of the villages concerned that copies of the map have been kept for inspection at the places specified in sub-rule (1) and the Police Patils thereupon shall give publicity to this information by beat of drums within their respective villages.

### **4. Form of application for permission under section 9. :-**

An application for permission falling under clause (a) or clause (b) of sub-

section (1) of section 9 shall be made in Form A in Schedule I and for permission falling section clause (e) of that sub-section shall be made in Form A-1 in Schedule 1.

**5. Manner of publication of the notification under section 15. :-**

(1) Immediately after publication of a notification under section 15, the Highway Authority shall display or cause to be displayed, for a period of two months, copies of the notification, on the notice boards at the following places:-

(i) office of the Highway Authority,

(ii)

(a) village chawdi and if there be no village chawdi, village school or other public place suitable for the purpose, and

(b) office of the Gram Panchayat, if any, in each of the villages within the revenue limits of which the land or any right or interest in any land to be acquired or extinguished (in this rule referred to as the land in question) lies,

(iii) office of the Mamlatdar or Mahalkari of each of the talukas or mahals in which the land in question lies,

(iv) office of each of the Public Works Department sub-divisions in charge of the highway in respect of which the land in question lies,

(v) office of the District Local Board of the district in which the land in question lies,

(vi) Office of the municipality or municipal corporation, if any, of the law in question lies within its jurisdiction.

(2) The Highway Authority shall send a copy of the notification to the Police Patil of each of the villages within the revenue limits of which the lands in question lie. and Police Patil shall give publicity to it in the village by beat of drums.

**6. Form of application for permission under section 21 to occupy highway land. :-**

An application for permission to occupy or encroach upon highway land within the highway boundaries under sub-section (1) of section 21 shall be made to the Highway Authority in Form B in Schedule 1.

**7. Conditions on which permission to be granted under section 21 to occupy highway land. :-**

Permission to occupy or encroach any highway within the highway boundaries shall be granted subject to the following conditions:-

(i) The structure to be erected or work to be carried out shall be so executed as not to interfere with traffic on the highway or the highway drainage.

(ii) The structure shall be erected in conformity with the plan approved by the

Highway Authority and shall not be altered or extended without the prior written permission of the Highway Authority. It shall not be used for any purpose other than the one for which permission is granted.

(iii) The structure shall be constructed and maintained to the satisfaction of the Highway Authority.

(iv) No trees on the Highway land shall be removed, cut or damaged or highway accessories or materials removed or damaged without the prior written permission of the Highway Authority and payment of compensation therefor, as determined by the Highway Authority.

(v) The applicant shall be solely liable for any loss or injury sustained by any person as a result of any carelessness, negligence, or misconduct of any of his employees in the erection, setting up, repair, or use of the structure on or overhanging the highway land.

(vi) The applicant shall pay rent for the occupation of or encroachment on a highway within the highway boundaries at the rates fixed under rule 8.

(vii) The applicant shall be liable to pay all taxes, rates or assessments payable to Government or any local authority in respect of the highway land occupied or structure constructed or projected thereon.

(viii) The applicant shall deposit by way of security with the Highway Authority such amount as may be fixed by the Highway Authority which will be liable to forfeiture in case of default in the payment of rent and other charges payable to Government or contravention of any of the conditions subject to which permission is granted.

(ix) On the expiry of the period for which permission is granted, the land shall be vacated and restored to its original condition and handed over to the Highway Authority.

(x) The permission shall not be transferred to any other person, without the prior written permission of the Highway Authority.

**8. Rent to be charged for occupation of highway land. :-**

The Highway Authority shall charge rent for occupation of or encroachment on a highway within the highway boundaries permitted under section 21 at the rates prescribed in Schedule II.

**9. Manner of reference under section 35 by the Highway Authority to the authorized officer. :-**

(1) In making the reference under section 35, the Highway Authority or the officer authorised making the award under section 28 shall state for the information of the Court, in writing under his hand-

(a) full particulars of the property or right or interest therein and the nature of damage, if any, thereto in respect of which compensation is awarded.

(b) the names of the persons whom he has reason to think interested in such compensation.

(2) To the said statement shall be attached-

(a) a copy of the award,

(b) a copy of the application requiring the reference to be made under section 35, and

(c) a schedule giving particulars of the notices served upon and of the statements in writing made or delivered by the parties interested respectively.

**10. Form of application under section 44 for the reference against order fixing betterment charges. :-**

An application under subsection (2) of section 44 for a reference against an order fixing the betterment charges under section 42 shall be made in Form C in Schedule 1.

**11. Manner of reference under section 44 by the officer authorised. :-**

(1) In making the reference the officer making the order under section 42 shall state for the information of the Court in writing under his hand.- (a) the situation and extent of the land with particulars of building if any thereon, (b) the names of the persons whom he has reason to think interested in such land and buildings.

(2) To the said statement shall be attached-

(a) a copy of the order fixing the betterment charges,

(b) a copy of the application requiring the reference to be made under section 44.

(c) a schedule giving the particulars of the notices served upon and of the statement in writing made or delivered by the parties inserted respectively,

(d) a copy of the plans showing the nature and location of the highway work concerned in relation to the lands assessed to betterment levy.

**12. Date on which betterment charges shall be payable under section 47. :-**

The betterment charges shall be payable within ninety days from the date of the communication of the order made under section 42 or the date of the decision of the Court under section 44, as the case may be.

**13. Payment of betterment charges by installments under proviso to section 47. :-**

(1) If the owner of land desires to pay the amount of betterment charges by annual installments as provided in section 47, he shall make an application to that effect in writing to the Officer making the order under section 42 within one month from the date of the communication of the order made under section 42 or the date of the decision of the Court under section 44, as the case may be. The owner shall state in the application the number of installments in which he desires to pay the charges. Such number shall not exceed ten.

(2) Interest at the rate of 5 percent per annum shall be charged on the amount of betterment charges leviable in respect, of any land.

(3) The installments shall be so fixed as to secure the full payment of the whole amount of betterment charges together with interest thereon as far as possible within the period specified by the owner in his application but in no case shall such period exceed ten years from the date on which such charges become leviable.

(4) On receipt of an application under sub-rule (1), the officer authorised shall fix the amount of each annual installment including the interest charges to be paid by the owner, the number of such installments and the date on which each installment shall be paid by the owner.

(5) The owner of the land shall thereon execute an agreement as required by the proviso to section 47. Such agreement shall be in Form L In Schedule 1.

**14. Relinquishment or exchange of land under section 48. :-**

(1) If the owner of land desires to relinquish the whole or any part of the land or to deliver it in exchange in favour of the State Government under section 48 he shall made an application to that effect in writing to the authorised officer within one month from the date on which betterment charges become leviable in respect of such land.

(2) The owner of the land shall state in the application-

(a) full particulars of the land and the amount to betterment charges fixed thereon,

(b) the area of the land proposed to be relinquished or given in exchange and the value thereof according to the owner,

(c) particulars of the encumbrances, if any, on the land,

(3) The authorized officer on receipt of the application shall assess the value of the land, proposed to be relinquished or exchanged and shall forward the application, along with his recommendations to the State Government, which may pass such orders thereon as it may deem fit under section 48.

**15. Prohibition or regulation of traffic when highway considered unsafe under section 50. :-**

Whenever the Highway Authority closes a highway or portion thereof or regulates the number or speed or weight of vehicles using the highway under section 50 it shall-

(i) publish a notification in the Official Gazette and also in at least one newspaper circulating in the locality, giving particulars of the restriction imposed,

(ii) put-up notice boards at suitable places along the highway, giving particulars of the restrictions imposed,

(iii) in cases of closure of the highway or portion thereof to all or any class of

traffic, put up barriers, as may be necessary, at suitable places with arrangements for display of red light at night.

**16. Prohibition or restriction of the use of heavy vehicles under Section 51. :-**

Whenever the Highway Authority prohibits or restricts the plying of heavy vehicles under section 51 it shall-

(i) publish a notification in the Official Gazette and also in at least one newspaper circulating the locality, giving particulars of the restrictions imposed,

(ii) put up notice boards at suitable places along the highway, giving particulars of the restrictions imposed.

**SCHEDULE 1**

**SCHEDULE**

**SCHEDULE 2**

**Particular of land**

Signed, sealed and delivered by- Shri..... of..... In the presence of- (1)..... (2)..... Signed and delivered by- Shri..... (1)..... (2)..... In the presence of-
---

**SCHEDULE 3**

Table showing the rents to be charged for temporary occupation of highway land.

Purpose for which highway \ Rent to be charged \land occupied \
---

1. \A temporaaiy encroachment An annual sum not exceeding of a building owned by 2 1/2 per cent. of the market the applicant or for a value of the land encroached temporary structure over upon or below the temporary hanging a highway \ structure subject to a minimum \ \ \ \ \ of Rs. 6 in municipal areas and \ \ \ \ \ Rs. 3 in other areas. 2. \Putting up temporary \ \ A daily sum not exceeding \awnings, tents, pandals, \ Rs. 1 per 100 square feet of \scaffoldings or other similar \ \land occupied In municipal \erections. \ \ \ \ \ areas and Rs. 0.50 per 100 \ \ \ \ \ square feet in other areas. 3. \Temporary stalls \ \ \ \ An annual sum not exceeding \ \ \ \ \ 10 per cent of the full \ \ \ \ \ market value of the land \ \ \ \ \ occupied. subject to a \ \ \ \ \ minimum of Rs. 12 in municipal \ \ \ \ \ areas and Rs. 6 in other \ \ \ \ \ areas. 4. \Depositing building \ \ A daily sum not exceeding \materials, goods for sale or \ Rs. 1 per 100 square feet of \other articles. \ \ \ \land occupied in municipal \ \ \ \ \ areas and Rs. 0.50 per 100 \ \ \ \ \ square feet in other areas. 5. \Making temporary excavations. \ Nil.
--