THE TAMIL NADU HIGHWAYS RULES, 2003.

(Issued in G.O. Ms.No.110, Highways (HN2) Dept, dated 5th June 2003.)

1. Short title and commencement.--- (1)These rules may be called the Tamil Nadu Highways Rules,2003.

(2)They shall come into force at once.

2. Definitions. --- In these rules, unless there is anything repugnant in the subject or context,---

(a) **"Act"** means the Tamil Nadu Highways Act,2001 (Tamil Nadu Act 34 of 2002);

(b) **"Form"** means a form appended to these rules;

(c) **"Schedule"** means the Schedule to these rules; and

(d) **"section"** means the section of the Act.

3. Notice period to be allowed under section 8(2)(b).---The period to make objections and suggestions by persons affected by notification under sub-section (1) of the section 8 shall be thirty days.

4. Preparation of map.--- The Highways Authority shall cause a map of that division to be prepared showing the highways boundaries, building line and control line of such highways and location of culverts, minor bridges, major bridges, drains, railways crossings, junctions of panchayat, panchayat union and Government roads. The map shall be prepared within ninety days of the publication of the notification under section 8(3)(ii);

5. Manner of publication of the public notice.--- Before publishing a notice under sub-section (1) of section 15, the Government or the Collector, as the case may be shall in addition to calling upon the owner and any other person having interest in the land to show cause as to why the land should not be acquired, shall also cause a public notice to that effect to be published in one English and in one Tamil newspapers having circulation in the locality. The said notice shall also be displayed in the offices of the,---

(i) Highways Authority of the division concerned;

(ii) Village Administrative Officer of the village concerned; and

(iii) Tahsildar of the taluk concerned.

(2) If any objection is received from a person interested in the land within the time prescribed in the public notice issued under sub-section 2 of section 15, the Government or the Collector, as the case may be, shall fix a date for hearing the objections and give notice thereof to the objector as well as to the Highways Department. Copies of the objection shall

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also be forwarded to the Highways Department. The Highways Department may file on or before the date fixed by the Government or the Collector as the case may be, a statement by way of answer to the objections and may also depute a representative to attend the enquiry;

(3) On the date fixed for enquiry or any other date to which the enquiry may be adjourned, the Government or the Collector, as the case may be, shall hear the objector or a person authorised by him in this behalf and the representatives, if any, of the Highways Department and record any evidence that may be produced in support of the objection and in support of the need for acquiring the land;

(4) Where the enquiry is conducted by the Collector, on completion of the enquiry, the Collector shall submit all the details of the enquiry to the Government to pass order under subsection(3) of the section 15;

(5) Where the enquiry is conducted by the Government , the Government will pass order under subsection(3) of section 15;

6. Permission to occupy highway land. --- Permission granted by the Highways Authority under sub-section (2) of section 26 shall be in Form 'A'.

7.Conditions subject to which permission may be granted under sub-section (2) of section 26.---- Permission under sub-section(2) of section 26 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 highways or the highway drainage;

(ii) The structure shall be erected in conformity with the plan approved by the Highways Authority and shall not be altered or extended without the prior written permission of the Highways 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 Highways Authority;

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

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

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

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(viii) The applicant shall deposit by way of security with the Highway Authority such amount as may be fixed by the Highways Authority which will be liable for 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 the permission is granted;

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

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

8. Rent to be charged for occupation of Highway land,--- The Highways Authority shall charge rent for occupation of or encroachment on a highway within the highway boundaries permitted under section 26 at the rates specified in the Table in the Schedule.

9. Recovery of cost of removal of encroachment,--- Where the cost of the removal of encroachment or the cost of any protective work carried out in respect of any encroachment is not paid, the cost shall be recovered by disposing of the materials seized, by public auction.

10.Right to amount for property affected,--- Any person who claims that his property is injuriously affected by virtue of anything done under the provisions of section 11 may prefer a claim for the purpose to the Highways Authority, furnishing details of property injuriously affected, amount of damage with supporting details. The claim shall be preferred within ninety days from the date on which the property was so affected.

11. Enquiry into claim by the Highways Authority,---(a) The Highways Authority may require the claimant to deliver to him such returns and assessments as he considers necessary;

(b) The Highways Authority shall issue a notice to the claimant and give him an opportunity to state his case; and

(c) The Highways Authority may also require and obtain views of other officers in department like revenue, registration, local authorities for the purpose of fair and equitable enquiry.

12. Appeal to State Highways Authority,--- An Appeal against any decision or order of the Highways Authority made under section 32 shall be preferred to the State Highways Authority within thirty days from the date of receipt of the decision or order.

13. Form of Application for reference against an order fixing betterment charges,--- An application under sub-section(1) of section 37 for reference against an order fixing the betterment charges under section 35 shall be made in Form 'B'.

14. Manner of reference to the Court.---(1) The Highways Authority shall make the reference to the Court by a statement in writing giving the following particulars, namely;---

(a) the situation and extent of the land with particulars of buildings, if any, thereon and

b) the names of the persons whom he has reason to think are interested in such land and building.

(2) The statement under sub-rule(1) shall be accompanied by,---

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

(b) a copy of the application requiring the reference to be made under section 37;

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

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

15. Period for payment of betterment charges by instalment,--- (1) The betterment charges levied shall be paid within thirty days from the date of receipt of order fixing the said charges.

(2) If the owner of any land desires to pay the amount of betterment charges by annual instalments, he shall make an application to that effect in writing to the officer fixing the said charges within one month from the date of receipt of the same or within one month from the date of decision of the Court under section 37, as the case may be. The owner shall state in the application the number of instalments in which he desires to pay said charges, which shall not exceed ten.

(3) Interest at the rate of 9 per cent per annum shall be charged on the amount of betterment charges permitted to be paid in instalments.

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

(5) The owner of the land shall thereupon execute an agreement in Form 'C'

16.Prohibition or regulation of traffic when highway considered unsafe,--- Whenever the Highways Authority closes any highway or portion thereof to all traffic or to any class of traffic or regulates the number and speed or weight of vehicles using such highway it shall,---

(i) put up notice boards at suitable places along the highway giving particulars of the restrictions imposed; and

(ii) in case 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.

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SCHEDULE

[See rule 7 and 8]

THE TABLE

S.No.	Purpose for which highway land occupied	Rent
(1)	(2)	(3)
(1)	Temporary encroachment in front of a building owned by the applicant or for a temporary structure overhanging a highway	An annual sum not exceeding 2 ½ percent of the market value of land encroached upon or below the temporary structure subject to a minimum of Rs.500 in municipal areas and Rs. 100 in other areas.
(2)	Putting up temporary awning tents, pandals, scaffoldings for other similar erections	A daily sum not exceeding Re.1 per square metre of land occupied in Municipal areas and 50 paise per square metre in other areas.
(3)	Temporary stalls	An annual sum not exceeding 10 percent of the full market value of the land occupied subject to a minimum of Rs. 1000 in municipal areas and Rs. 500 in other areas

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Form 'A'

[See rule 6]

FORM OF PERMISSION UNDER SECTION 26 OF

THE TAMIL NADU HIGHWAYS ACT, 2001 FOR TEMPORARY

OCCUPATION OF HIGHWAY(WITHIN HIGHWAY BOUNDARIES)

To

Thiru /Thirumathi /Thiruvalargal

Sir,

Sub: Highways …….. Division ,…….
Sub-Division-Permission for temporary occupation of highway land in Km ……of ……. road – Granted.
Ref: Your application dated……

Your above referred application for temporary occupation of highway land in Km……. of ……road and in Survey No……..of Village/Town has been examined with due regard to the safety, convenience of traffic and other factors.

Permission is granted for temporary occupation of highway land referred above subject to the following conditions.

(a) A rent of Rupees…… shall be paid in advance by way of a demand draft drawn in favour of the Divisional Engineer (Highways), …….. Division payable at ……

(b) The operation in the area of land to be occupied shall be carried out so as not to interfere with traffic on the highway or the highway drainage;

(c) 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;

(d) 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 one for which permission is granted;

(e) The structure shall be constructed and maintained to the satisfaction of the Highway Authority;

(f) 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 Highways Authority;

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(g) The permission holder shall be solely liable for any loss or injury sustained by any person or property as a result of any carelessness, ,negligence or misconduct of the permission holder or any of his employees in the erection, setting up, repair or use of the structure on or over hanging the highway land;

(h) The permission holder shall be liable to pay all taxes, levies or assessment payable to Government or any local authority in respect of the highway land occupied or structure constructed;

(i) The permission holder shall deposit an amount of Rupees ……. with the Highway Authority as security. This security is liable for 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 the permission is granted;

(j) The permission shall not be transferred to any other person without the prior written permission of the Highway Authority;

(k) The permission shall be valid up to ……..

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

(m) The Highway Authority reserves the rights to cancel, or modify the permission granted.

Divisional Engineer, Highways ……

and Highways Authority.

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Form 'B'

[See rule 13]

FORM OF APPLICATION UNDER SECTION 37 FOR REFERENCE TO COURT, AGAINST ORDER MADE UNDER SECTION 35 FIXING BETTERMENT CHARGES

1.	Name of the Applicant (in full)	:
2.	Occupation	:
3.	Age	:
4.	Address	:
5.	Number and date of order under Section 35 of the Act	:
6.	Date on which the order was Communicated to the applicant	:
7.	Particulars of land to which reference relates	:
	Survey No	:
	Village	:
	Taluk	:
	District	:
8.	Grounds on which objection is taken to the fixation of betterment charges	:

Date: Signature of the Applicant.

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Form 'C'

[See rule 15(5)]

AGREEMENT ENTERED INTO UNDER THE PROVISIO TO SECTION 40

This agreement made at ……the ……day of ……..two thousand …… between the Governor of Tamil Nadu (hereinafter referred to as "the Government") of the one part and ……..inhabitant of ……..(hereinafter referred to as "the owner" which expression shall unless excluded by or repugnant to the context include his heirs, executors and administrators) of the other part.

WHEREAS the owner is possessed of and otherwise sufficiently entitled free from encumbrances to the piece of land situated at more particularly described in the …… schedule hereto appended (hereinafter referred to as "the said land"):

AND WHEREAS it has been held by the order ……of the ……the decision …….. Authorised Officer ……..made under Section 35 ……Civil Judge ……Section 40 ……..of the Tamil Nadu Highways Act 2001, that betterment charges amounting to Rs. are leviable on the said land.

AND WHEREAS the owner desires to pay the said amount of betterment charges by annual instalments in the manner provided under the Tamil Nadu Highways Rules,2003, and has for the purpose agreed to enter into an agreement with the Government as required by the proviso to Section 40 of the said Act.

NOW THIS AGREEMENT WITNESSETH as follows:-

(1) The owner shall pay to the Government the said betterment charges of Rupees ……..with interest thereon at the rate of …….. ……per cent per annum with a period of ……years from this date by ……..equal yearly instalments of Rs ……each for principal, the first of such instalments to be paid on the day of ……two thousand …….. and the …….subsequent instalments to be paid on the day ……..of ……each subsequent year and that the owner shall in the meantime and so long as any part of the principal sum of Rs…….. shall remain owing, pay interest to the Government at the rate of ……..per cent per annum on all moneys whatsoever for the time being due and owing under these presents by yearly payments the first of which payments shall be made on the day of…….. and subsequent yearly payments shall be made on the day of ……..each subsequent year until the whole sum of Rupees …….. is paid off:

Provided always that if any such interest shall remain unpaid for one month after the date on which the same ought to be paid then, and in every such case, the interest so on arrears shall at the expiry of such month be capitalised and be added to the principal sum hereby secured and for the time being owing hereunder and shall thenceforth bear interest

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payable at the rate on the days aforesaid and all the rules of law and equity in relation to interest shall equally apply to interest on such arrears:

Provided further that the last proceeding proviso shall not permit the owner to allow any interest to fall into arrears .

(2) All sums due and payable by the owner under these presents shall subject to the prior payment of land revenue, be a first charge on the land, in respect of which such betterment charges are leviable as provided in section 39 of the Tamil Nadu Highways Act, 2001.

(3) The owner shall bear the stamp duty payable in respect of this agreement

In witness whereof the ……..of …….. has for and under the directions of the Governor of Tamil Nadu set his hand and seal and ……..the above named owner has set his hand hereto the day and year first above written.

Signed and delivered by:

……

Of……

In the presence of __

(1)……

(2)……..

Signed and delivered by:

……...

In the presence of __

(1)……

(2)……

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NAME OF THE DIVISIONS AND ITS AREA OF JURISDICTIONS
(Issued in G.O.Ms.No.110, Highways (HN2), dated 5th June 2003)

S.R.O. A-28(c-2)/2003, --- In exercise of the powers conferred by section 4 of the Tamil Nadu Highways Act, 2001(Tamil Nadu Act 34 of 2002), the Governor of Tamil Nadu hereby declares the following area to be a Division for the purpose of Highways in that area.

Sl.No.	Name of the Division	Area of Jurisdiction
1.	Chennai City Roads	Chennai District
2.	Thiruvallur	Thiruvallur District and Tambaram Taluk of Kanchhepuram District.
3.	Chengalpattu	Kancheepuram District excluding Tambaram Taluk.
4.	Vellore	Vellore District
5.	Thiruvannamalai	Thiruvannamalai District
6.	Villupuram	Part of Villupuram District comprising Villupuram, Gingee, Tindivanam and Vanur Taluks.
7.	Kallakurichi	Part of Villupuram District comprising Kallakurichi, Sankara-puram, Thirukolur and Ulundurpet Talukds.
8.	Cuddalore	Cuddalore District
9.	Ariyalur	Perambalur District
10.	Trichy	Trichy District
11.	Pudukottai	Pudukottai District
12.	Thanjavur	Thanjavur District
13.	Thiruvarur	Thiruvarur District
14.	Nagapattinam	Nagapattinam District
15.	Madurai	Madurai District
16.	Sivagangai	Sivagangai District
17.	Paramakudi	Ramanathapuram District
18.	Dindigul	Dindigul District
19.	Theni	Theni District
20.	Salem	Salem District
21.	Krishnagiri	Dharmapuri District
22.	Namakkal	Namakkal District
23.	Karur	Karur District
24.	Coimbatore	Part of Coimbatore District comprising Coimbatore (North), Coimbatore(South),Mettupalayam, Avinashi, Thiruppur and Palladam Taluks.
25.	Polllachi	Part of Coimbatore District comprising Pollachi, Udumalaipettai,Valparai and Palladam Taluks.
26.	Erode	Part of Erode District comprising Erode,Kangeyam and Dharapuram Taluks.
27.	Gopichettipalayam	Part of Erode District comprising Bhavani, Gopichettipalayam, Perundurai and Sathiyamanagalam Taluks.

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Sl.No.	Name of the Division	Area of Jurisdiction
28.	Uthagamandalam	Nilgiri District.
29.	Thirunelveli	Thirunelveli District
30.	Thoothukudi	Thoothukudi District.
31.	Virudhunagar	Virudhunagar District.
32.	Nagerkoil	Kanyakumari District.

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