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GOVERNMENT OF KERALA Public Works (D) Department

NOTIFICATION

No. 2703/D2/2000/PWD

Dated, Thiruvananthapuram 15th March 2000

SRO No. 264/2000.-In exercise of powers conferred by section 36 of the Kerala Highway Protection Act, 1999 (6 of 2000), Government of Kerala hereby make the following rules, namely:-

RULES

1. *Short title and Commencement.*-(1) These rules may be called the Kerala Highway (control of access and restriction on use of land) Rules, 2000.

(2) They shall come into force at once.

2. *Definitions.*-(1) In these rules unless the context otherwise requires,-

(a) 'bellmouth' means an area with an increasing width on a circular shape on both sides of the approach.

(b) 'carriage way' means the portion of the road including tarred/metalled width and beams or shoulders on either side.

(c) 'form' means the form appended to those Rules.

(2) The words and expressions used but not defined in these Rules, but defined in the Kerala Highway Protection Act, 1999, shall have the meanings, respectively assigned to them in the said Act.

3. *Permission for approach roads.*-(1) Where any person desirous of constructing an approach road as a means of access to or from a highway shall submit an application in writing to the highway authority in whose jurisdiction the property is situated along with a non-refundable fee of Rs. 100 ((Rupees one hundred only) .

(2) The application submitted under sub rule (i) shall be accompanied by, a check list in Form No.I duly filled up and signed by the applicant, and a dimensioned drawing to a scale of 1 in 100 showing the property, the approach requested, the portion of the highway from which access is required specifying the location with respect to the kilometerage of the highway, and centre line section to an enlarged scale of the approach, the road portion and cross drainage works proposed so as not to interfere with the flow of water on either side of the approach. Five copies of the above documents shall be furnished along with the application.

(3) The highway authority on receipt of an application under sub rule (1) shall verify it for its correctness and issue a permission in writing to the applicant together with a copy of the approved drawing within two months from the date of receipt of application, subject to the following conditions,-

(i) A motorable approach should have a minimum width of 3.50 m and a gradient not exceeding 10%.

(ii) The portion of the approach road joining with the highway shall have a bellmouth opening with a minimum of 11.0 m radius for the curves on either side of the bellmouth. [The highest level at any point on the approach shall not be raised above the lowest level of the carriageway].

(iii) A concrete or rubble masonry drain shall be constructed across the approach at the extreme end of the highway land and shall have a minimum opening of 60 cm x 60 cm and the drain shall be covered by a reinforced concrete slab of 18 cm minimum thickness or as may be necessary. Alternatively the drain may be constructed using non-pressure concrete pipes of 75 cm or more internal diameter.

(iv) The levels of the approach road shall be reasonably compatible with the shoulder or footpath, which it crosses.

(v) The applicant shall, within three months from date of receipt of the permission, but without interfering in any way with the road traffic, complete the construction of the approach road and shall make provision for drainage to the full satisfaction of the Highway Authority in-charge of the Highway, according to the approved drawings and specifications. The said approach road shall not be brought into use after its completion unless the Highway Authority gives a completion certificate after being satisfied that it has been completed according to the sanctioned drawings and specifications.

(vi) On the completion of the said work, that part of the approach road, which lies within the limits of the highway land together with any culvert or drain therein constructed shall become the absolute property of the Government, subject to the rights of the applicant to use the same for access and egress.

(vii) The applicant shall at his own cost keep the said culvert or drain therein, in proper repair and condition to the satisfaction of the Highway Authority.

(viii) Within six months of a notice duly given to the applicant in this behalf, the applicant shall at his own cost remove the said approach road or any drainage work constructed in connection therewith and restore the land to its original condition, when required to do so by the highway authority or by any person duly authorised on its behalf. The applicant shall not be entitled to any compensation on account of such removal and restoration.

(ix) The approach road within the boundary of the highway shall not be used for any purpose other than that of access to and egress from the premises of the applicant on to the highway.

(x) The applicant shall not, without the previous permission in writing of the highway authority in any way extend or alter the said approach road or any culvert or drainage therein.

(xi) The applicant shall at all times permit any duly authorised officer or servant of the Government to inspect the said approach road including any culvert or drainage therein.

(xii) The applicant shall be liable for any loss or damage caused to the Government by drainage obstruction or any other like cause due to the said approach road or the drainage work.

(xiii) The permission granted shall not in any way be deemed to convey to the applicant any right into or over, or any interest in highway land other than that herein expressly granted.

(xiv) In case the said approach road is destroyed the applicant shall be entitled to construct another approach road in lieu of that so destroyed.

(xv) During the existence of the permission, the said approach road including the road drainage shall be deemed to have been constructed and continued only by the consent and permission of the highway authority so that the right of the applicant to use the same shall not become absolute and indefinable by lapse of time.

(xvi) If the applicant fails to execute any work he has agreed to be executed to the full satisfaction of the highway authority the work shall be executed by the highway authority at the cost of applicant and the expenditure incurred shall be recoverable from applicant as an arrear of land revenue without prejudice to any other remedies which may be open to highway authority in this behalf.

(xvii) If and when parallel service roads are constructed the access to the premises shall be from the service road alone as determined by the highway authority and no claim for compensation shall be entertained on that account.

(xviii) The permission shall remain in force in perpetuity.

(xix) The permission granted shall only be transferable to successor owner of the said property.

4. *Construction of approach road.*-(1) On receipt of permission as provided under rule 3 the applicant shall construct the approach strictly in accordance with the conditions specified therein and in accordance with the drawings approved by the highway authority with modifications, if any, considered necessary by the highway authority for preventing damage to the highway ensuring safety of traffic (pedestrian and vehicular) along the highway and any other relevant factors.

(2) The construction of the approach road shall be carried out by the applicant under intimation to the highway authority giving 48 hours notice and the work shall be completed in all respects within the time stipulated in the permission issued by the highway authority.

(3) If the work could not be completed within the time specified in the permission under sub-rule(2), the highway authority may, on receipt of a written

application from the party giving valid reasons thereof, extend the time for a period not exceeding one month from the date of expiry of the permission granted. The applicant shall complete the work in all respect within the extended time.

(4). If the work is not completed within the extended time also, the applicant shall make a fresh application and all the procedures thereto shall have to be followed.

(5) If, for a valid reason, the highway authority decides that the permission cannot be granted, the reasons thereof shall be recorded and communicated to the applicant within two months from the date of receipt of application.

(6) If the highway authority rejects permission under sub-rule (5), the applicant may prefer an appeal before the appellate authority within thirty days of the date of receipt of the decision from the highway authority.

(7) The appellate authority, shall take a decision on the appeal application and communicate the decision to the applicant, in writing, within one month of the date of receipt of the appeal.

(8) If the appellate authority rejects the appeal, the applicant may prefer a revision before the Government, within thirty days from the date of receipt of the order from the appellate authority.

(9) The highway authority shall maintain a register in Form No. II showing particulars of all permissions granted or refused under these rules.

5. *Permission for altering the level of land adjacent to a highway.*-(1) Any person desirous of altering the level by lowering, raising, digging or filling up of any land owned by him or in his possession and lying between the boundary of any highway and control line thereof shall apply in writing in the Form No. III to the highway authority under whose jurisdiction the said highway falls, together with a non-refundable fee Rs.250/- (Rupees two hundred and fifty only)

(2) The application shall be accompanied by (i) a dimensioned plan of the land, the level of which is proposed to be altered, drawn to a scale of 1 in 100, showing (a) the location of the land with respect to the highway, (b) boundary of the highway (c) building line fixed for the highway (d) existing level of the land at 3.0 m or lesser intervals both longitudinally and transversely (along and across the land), (e) proposed levels at the respective points and (f) levels of adjacent highway land at its boundary and middle of the highway, (ii) a minimum of three representative cross sections (at no greater interval than 10 m) of the land and the highway at equal intervals drawn to a scale of 1 in 50 showing clearly (a) the existing level and proposed level of the land and (b) existing level of the highway land to their full widths.

(3) On receipt of the application the highway authority shall arrange for an inspection of the details furnished in the application. The highway authority after satisfying as to the correctness of the details issue a permission in writing to the applicant within two months from the date of submission of the application for the alteration of the level of land, subject to any conditions prescribed under sub-rule (7).

(4) If the highway authority is not satisfied with the accuracy of the details furnished in the application or if the conditions given hereunder are not satisfied the authority may refuse to grant the permission in writing stating the reasons thereof.

(5) The highway authority shall keep a register in Form No. V of all such permissions granted or refused.

(6) Any interested person can obtain an attested extract of the relevant portion of the register on payment of a fee of Rs. 25/- per each page required.

(7) Conditions for granting permission,-

(a) The highest level of land proposed in the alteration shall be at least 50 cm lower than the lowest level of the highway land adjoining the land level of which is to be altered.

(b) The alteration shall not disturb, divert, choke or interfere with the flow in any natural watercourse along, across, leading to or away from the highway land.

(8) The above rules except clause (b) of sub-rule (7) shall not be applicable for digging or deepening of wells or ponds in the land adjacent to the highway land.

Form No. I
 [See rule 3(2)]
Check List for Approaches

Division :
 Sub Division :
 Section :
 1 Name and Location of highway :
 2 Name and address of the applicant :
 applying for permission
 3 Nature of permission required :
 4 Amount of fee remitted :
 5 Details of Approaches :
 6 Details of drain proposed :
 7 Existing land width :
 8 Distance of approach drain from
 centre line of carriageway :
 9 Whether 5 copies of the plan
 (including cost sections) have
 been submitted

For Office use

10 Whether the permission may be :
 granted or not
 (a) If yes, modification if any, upon :
 which condition permission is
 accorded
 (b) If not reasons for refusal :
 :

Form No. II
 [See rule 4 (9)]

Register for permission for approaches

No	Name and address of applicants	Date of receipt of application	Name and location of highway	Date of disposal	Nature of disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM No. III
[See rule 5 (1)]

Form of application for altering the level of land adjoining a highway

1 Name of applicant :
2 Address of applicant :
3 Details of land, level of which is to be altered :
 (a) Area :
 (b) Survey No., Village and Taluk :
 (c) Maximum height / depth of land from the adjoining highway :
 (d) Name and location of the adjoining highway :
 (e) Height of filling/depth of cutting proposed :
 (f) Maximum height/depth from the adjoining highway after the proposed alteration.
4 (a) Whether there is a natural water course within the land :
 (b) whether there is a drain along or across the highway adjacent to the land :
 (c) whether there is any channel leading to or from the to the highway in or near the land.
5. If the answer to 4 (a), (b) or (c) is yes, whether the proposed alteration will block, choke up, alter the course, restrict or divert the flow of water in the water course, drain or leading channel.
6 Amount of fee remitted :

DECLARATION

I hereby declare that the details furnished above are true to the best of my knowledge and belief.

Signature of applicant

FORM No. IV

[See rule 5 (5)]

Register of permission for altering level of land adjacent to a highway

Sl No .	Name and address of applicant	Date of receipt of application	Name and location of highway	Sy. No. of the land, Name of Village	Date of disposal	Nature of disposal	Remarks

By order of the Governor
BABU JACOB
Principal Secretary to Government

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose).

Section 36 of the Kerala Highway Protection Act, 1999, empowers the Government to make rules providing the standards or that have be followed in granting permission for access to highways. The Government intend to provide rules for the highway boundary and building line and other related matters.

This notification is intended to achieve the above object.