



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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NHAI/Policy Guidelines/Land Acquisition/2019

No.7.1.57 dated the 11th June, 2019

[Decision taken on file No. NHAI/LA/Structures/2019]

Sub: Declaration of Award under Section. 3G of NH Act, 1956, for Structures falling within the RoW of road projects.

It is stated that once the MoRT&H has notified any land for acquisition for a road project or associated facilities, the CALA is duty-bound under law to determine the compensation for the subject land and the assets attached thereto or standing thereon as on the date of issue of Section 3-A Notification. These assets may be in the form of built-up structures, fruit trees, normal tree or any other such asset. Generally, CALA is required to get the valuation of such assets carried out from the respective competent authorities e.g. from the PWD or approved valuers in respect of structures, from an Horticulture Officer in respect of fruit trees, from the Forest Officer in respect of general trees etc. In case valuation is done through the private certified approved agency, the same is required to be vetted by the appropriate State Govt. agency.

2. Section 3D of the NH Act, 1956 provides declaration of acquisition and as per sub-section (2) of Section 3D, on the publication of the declaration under Section 3D, the land shall vest absolutely in the Central Govt. free from all encumbrances.

3. Section 3E of the NH Act, 1956 further provides power to take possession of the land. As per sub-section (1) of Section 3E where any land has vested in the Central Govt. under sub-section (2) of Section 3D, and the amount determined by the CALA under Section 3G with respect to such land has been deposited by the Central Govt., the CALA may direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof. As such, as per statutory provisions, power to take possession emanates once award under Section 3G is declared and payment is deposited with CALA.

4. It has, however, come to notice that award in respect of land and assets attached to land under acquisition are being separately declared by CALAs and in most of the cases, supplementary awards are declared by CALA in respect of assets. This is distinct from the legal leeway available for declaration of awards in part. This has been viewed seriously as this practice not only weakens the statutory right to take possession of the land under Section 3E but also shall be not legally tenable in case of disputes in any court of law.

5. Keeping above in view, all PDs are hereby directed to pursue valuation of assets attached to land under acquisition on priority so that CALA can issue a consolidated Award under Section 3G, for both land and assets thereon. All ROs

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while giving approval may ensure the compliance of above directions, in all cases, even when the award is declared in parts in respect of a single notification.

6. This issues with the approval of the Competent Authority.

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11/06

(V.K. Sharma)
CGM (Coord & Parl.)

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- (i) All Officers and employee of HQ/ROs/PIU/CMUs/ Site offices.
- (ii) Hindi Officer for translation in Hindi.
- (iii) Library- for hosting the circular library site.
- (iv) CGM (IT) for making necessary changes in online bidding portal.

Copy to:

- (i) PPS to Chairman
- (ii) PPS to all Members/CVO