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NOTIFICATION

No. H. 11018/1/2005-PW/Pt, the 17th October, 2007. In exercise of the powers conferred by Sub-section (1) of Section 62 of the Mizoram Highway Act, 2002, the Governor of Mizoram hereby makes the following Rules, namely :-

PART-I PRELIMINARY

**Short title,
extent and
Commence-
ment.**

1. (1) These Rules may be called the 'Mizoram Highway Rules 2007'.
- (2) It shall have the like extent as the Principal Act.
- (3) They shall come into force on the date of their publication in official Gazette.

Definition.

2. In these Rules, unless the context otherwise requires,
 - (a) "Act" means the Mizoram Highway Act, 2002.
 - (b) "Section" means a section of the Act.
 - (c) "Officer" in respect of a Highway Administration means the officer referred to in Rule 3.
 - (d) "Permit" means a permit issued under Section 8 for granting permission under that Sub-section.
 - (e) "Schedule" means a Schedule annexed to these Rules.

- (f) Words and expressions used in these Rules, which are not defined have the respective meanings.

PART-II HIGHWAY AUTHORITY

- Power and Function of Highway Authority.**
3. Subject to the provisions of the Act the Highway Authority shall exercise the powers and discharge the functions of Highway Administration under the Act and these Rules by himself or such powers shall be exercised and discharged by the subordinate officers under his supervision to the extent as is authorised by him to the subordinate officer from time to time.
 4. For better and smooth running of Highway Administration the Highway Authority may, subject to approval of State Government, divide the entire area of Mizoram State into a number of Zones, and delegate powers and responsibility in respect of Highway Administration to concerned Chief Engineer, Public Works Department.
 5. Roads to be declared as a scheduled road shall be identified by PWD and shall be jointly demarcated by PWD and Land Revenue & Settlement Department.

PART-III HIGHWAY LAND REGISTER

- Maintenance of Highway Land Register.**
6. (1) There shall be maintained at the Head office of every Highway Administration a register to be called the Highway Land Register in the form specified in the Schedule-I in which the particulars of the land situated within the jurisdiction of the Highway Authority of which State Government is the owner under section 25 of the Act shall be entered.
 - (2) Every page of the Highway Land Register shall be consecutively numbered and on the first page of the Register, the officer concerned or the Senior officer of Public Works Department, as the case may be, shall authenticate the number of pages which the Register contains and he shall, from time to time, inspect the Register and ensure that the entries made therein are correct.

PART-IV CORRECTION OF LAND RECORD

- Claim for correction of Land Record.**
7. (1) Any person claiming the ownership of Government land referred to in section 25 of the Act and desirous of getting a correction carried out in the Highway Land Register, shall make written complaint to the concerned officer and prove his

claim before him by such officer may after considering the evidence adduced by such person to correct the concerned entry in the Register or object the claim.

(2) Any claim and objections by road-side land holders shall be settled jointly by PWD and Land Revenue & Settlement Department provided that if any compensation is involved the same shall be settled under the Land Acquisition Act, 1894.

(3) Where the officer orders to correct any entry in the Highway Register such correction shall be made in that Register without delay by the concerned officer of the Highway Administration and it shall be also be signed by such official and countersigned in red ink by the concerned officer.

Provided that correction in the entry in the Highway Land Register should not be made without prior approval of the Land Revenue & Settlement Department.

PART-V

PERMISSION TO OCCUPY HIGHWAY LAND AND RENT

**Condition
and grant
of Permis-
sion**

8. A permit to occupy Highway Land shall contain any one or more of the following conditions which the Highway Authority or any officer authorised under the Act, deems fit having regard to the safety and convenience of traffic and nature of the permission, namely :-

(1) that the person to whom the permission is granted shall not do or cause to be done any act in pursuance of the permission which causes damage to Highway and highwayland or inconvenience to the traffic on the Highway.

(2) that such person shall not do or cause to be done any Act in pursuance of the permission which may cause any damage to the highway Land which cannot be restored immediately on the expiry of the permission granted.

(3) that such person shall not do or cause to be done on the Highway occupied in pursuance of the permission which may cause air pollution or noise pollution on the Highway.

Provided that such extent or reasonable pollution which the State Government may from time to time by Notification in the Official Gazette, specify, shall be permission under this clause.

(4) that such person shall not make or cause to be made any Structure of such nature which cannot be removed easily on the expiry of the permission granted.

(5) that any breach of the conditions so imposed shall be ground to cancel the permit.

Provided that permit/permission granted under this rule shall be deemed to have been suspended for a period so specified by the Highway Authority for reasons of safety of VVIP or for any other security reasons.

**Rent &
other
charges**

9. (1) A permit may be issued to a person on payment of rent to the Highway Authority at the rate to be assessed on fixes by the concerned Highway Authority.

(2) Where the permission granted by issuing the permit is renewed, the renewal of the permission shall be made on payment of tent at the rate specified in sub-rule (1) and the additional charge amounting to rupees five hundred where the land occupied under the permit is up to twenty five square meters and when it exceeds twenty five meters such additional charge shall increase further at the rate of five hundred rupees per twenty five square meters or part thereof.

PART-VI

FORMS FOR PERMIT, NOTICE & BILL

- Form of permit** 10. Every permit granted under Section 26 shall be issued in the form specified in Schedule II.
- Form of Notice** 11. Every notice to be issued under Sub-section (1) of Section 28 of the Act shall be in the Form as specified in Schedule III.
- Form of Bill** 12. (1) Every bill to be served under Section 29 of Act they shall in the Form as specified in Schedule IV.

(2) The bill referred to in Sub-rule (1) shall be accompanied by a certificate duly issued by the Highway Authority or the officer authorised by such administration in this behalf and also with a brief description of authorised occupation, construction including alteration of construction in respect of any authorised construction or repairing of any damage as the case may be, to which the bill belongs.

PART-VII

PROTECTION OF HIGHWAY LAND

- Encroachment.** 13. (1) No person shall encroach on any part of a road by cultivating any kind of crops thereon.

(2) Without the written permission of the Executive Engineer or Sub-Divisional Officer of Public Works Department in charge of the road, person shall, any road by means of any building (whether on or overhanging the road), any wall, rail, post, fence, pit, embankment or ditch, or any other obstruction, or by means of any cut, drain or water course intended for the purpose of drainage or irrigation or by exposing thereon any goods for sale, or by placing thereon any substance or material

- (a) make or cause any encroachment, or
- (b) obstruct traffic, or
- (c) cause any inconvenience to passenger or
- (d) hinder or impede the flow of water, or
- (e) construct any structure for the purpose of public function, or
- (f) obstruct the clear view of traffic.

(3) No person shall make any causeway, culvert or over bridge over any barrow, pits or drain of any road in order to make passage from his land, premises or shop for any purpose, without the previous permission of Highway Authority or the Officer so authorised in this behalf, as the case may be.

14. No person shall allow the rainwater from the roof of any building owned or occupied by him to be discharged upon any road except by means of a spout or other continuance intended for the conveyance of water, and he shall erect caws, gutters and down pipe to convey rain water from the roof of any building owned by him away from the public road, if called upon to do so in writing by the Executive Engineer, Public Works Department or his Subordinate Officer and otherwise in this behalf

Flow of filth 15. (1) No person shall cause the water of any privy or any matter offensive or deleterious to health, to flow or to be placed on road.

(2) No pit latrine shall be constructed within 40 feet or a public road without a proper screen, and no night soil shall be deposited, loaded or unloaded on or within 40 feet of road. NB. The distance is to be reckoned from the edge or base of

Removal of trees or erection. 16. Any person, owing or prossessing a tree, a house, or part of which has fallen, on to a road shall immediately remove such tree, house wall erection or part thereof,

Slaughter of Animal 17. No person shall slaughter any animal on or within 20 feet of the road.

Care of animal 18. (1) No person in charge, or having control over any animal used for riding or driving shall allow such animal to stand or wander on any road without a rider or driver.

*inconvenience (2) No person in charge of or, having control over any or danger to any cattle shall allow such cattle to stay or lie on any road so traveling on the as to cause. road, or to any other traffic.

Care of vehicle on the road. 19. (3) No person shall tether any cattle on, or within reach of a road, or shall cattle or allow cattle to graze on a road.
(1) No person in charge of or having control over any driven or local made vehicle shall allow it to stand unattended on any road.

(2) No person in charge of a vehicle, whether it be occupied or unoccupied, shall allow it to stand on a road in such a way as to cause obstruction to traffic.

Transport of heavy load over-bridge 20. No person shall take a load over any bridges in excess of the maximum load, which may be indicated by a notice on or near the bridge by the concerned authority.

Care of tree 21. No person shall commit a nuisance on any road.
22. No person shall destroy or damage

(1) Any tree planted on any road by or under the charge of the PWD including the standing trees on the road prior to the declaration of such roads as 'Mizoram Highway' without permission of Environment & Forest Department, Mizoram.
(2) Any other defensive enclosure erected on a road for the protection of such trees.

23. No person shall remove fruits or edible leave from any trees planted along the road by or under the charge of public Works Department without permission of the Public Works Department Authority.

Light of fire on or near a road 24. No person shall light a fire on or near any road in such manner as may lead to setting fire to roadside jungle.

Penalties 25. Whoever commits or beach any of the Rules mentioned in Rules 13-25 shall be punishable with fine which may extend to Rs. 500/-

PART-VIII MISCELLANEOUS

Interpretation 26. If any question arises relating to the interpretation of these Rules, it shall be referred to the Government whose decision thereon shall be final.

Power to Relax 27. Where the Governor is the opinion that its necessary or expedient to do so by order and for reasons to be recorded in writing relax any of the provision of these Rules.

Repeal and
saving

28. On and from the commencement of these Rules, all Rules pertaining to these Rules were in force are hereby stand repealed.

Provided that any order made or anything done or any action taken under the Rules so repealed or under any general orders ancillary thereto, shall be made done or taken under the corresponding provision of these Rules.

By order and in the name of
Governor of Mizoram

Liansanga,
Secretary to the Govt. of Mizoram,
Public Works Department.

SCHEDULE I (See Rule 6)

Mizoram Highway No. ———

Km No. ———

Sl.No.	Name of District	Sub-Division	Name of Village	Plot No	Area of the land in bigha
1	2	3	4	5	6

Note : Information is to be maintained Kilometers-wise in this register.

SCHEDULE II (See Rule 10)

PERMIT FOR OCCUPATION OF HIGHWAY LAND
(Under sub-section (2) of Section 26 of the Mizoram Highway Act, 2002)

1. Name of Permit holder
2. Father's Name
3. Profession/Occupation
4. Permanent Address
5. Address of communication (with Tel. No.)
6. Area of the Highway land in Sq. M to be occupied in pursuance of the Permit.
7. Location of such area (including Highway No. and its Kilometer)
8. Purpose for which the permission is granted under the permit.
9. Conditions to which permission is granted under the permit.

10. Period with dates for which permission is granted From ———— to ————
 11. Rent paid

Place : Signature and seal of the Officer of Highway authority granting the permit.

Date :

Note : Entries regarding renewal including the time period for which renewal is made, rent and additional charges paid thereafter shall be made and enclosed on the back of this permit with seal by the Officer renewing permission.

SCHEDULE III (See Rule 11)

NOTICE FOR REMOVAL OF UNAUTHORISED OCCUPATION (Under Sub-section (1) of Section 28 of the Mizoram Highway Act, 2002)

Whereas I ———— on periodical inspection of highway land/on receipt of information from a reliable source, am satisfied that you have caused on unauthorised occupation on the highway No. ———— at KM ———— comprising an area ———— Sq.M.

Therefore, you ———— (Name and address of person to whom notice is served) take notice that you are hereby required to remove such unauthorised occupation within fifteen days from the date of receipt of this notice. You may make representation within seven days from the date on which this notice is served on you to ———— (indicate the designation and address of the officer to whom representation is to be made) and such representation if made, shall be heard on ———— (indicate the date and place of hearing) at ———— and be aware of the notice that failure to comply with this notice shall render you liable to force eviction from the aforementioned highway land under the aforesaid section of law and to penalty under section 46/47 of the Mizoram Highway Act, 2002.

Issued under my hand and seal at ———— on ———— day of ———— 200—.

Place :

Signature of Highway Authority or
Officer authorised with seal.

SCHEDULE IV
(See Rule 12)

**BILL FOR RECOVERY OF COST OF REMOVAL OF UNAUTHORISED
OCCUPATION AND FINE IMPOSED**

(To be served under Section 29 of the Mizoram Highway Act, 2002)

1. Name of person to whom the Bill is to be served.
2. Fathers' Name
3. Address with Telephone No.
4. Location of Unauthorised occupation with Highway No. and Kilometer.
5. Expenditure incurred (in rupees) in removing unauthorised occupation/in repairing damaged.
6. Additional charge, if any
7. Fine imposed.

Total _____

Place :
Date :

Signature of the Officer
issuing the Bill & Seal.