

The Control of National Highways (Land and Traffic) Act, 2002

(ACT NO. 13 OF 2003)

[*As on the* 15*th July,* 2026]

LIST OF AMENDING ACTS

1. The Finance Act, 2017 (7 of 2017).
2. The Tribunals Reforms Act, 2021 (33 of 2021).
3. The *Jan Vishwas* (Amendment of Provisions) Act, 2026 (8 of 2026).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

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THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

ACT NO. 13 OF 2003

[14*th January*, 2003.]

An Act to provide for control of land within the National Highways, right of way and traffic moving on the National Highways and also for removal of unauthorised occupation thereon.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Control of National Highways (Land and Traffic) Act, 2002.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

[2]* * * * *

(*b*) "building" means any work of construction done in any manner by use of any material and includes a farm building for agricultural purposes, plinth, doorstep, wall, drain, advertisement board and other things fixed with such building;

(*c*) "construct", with its grammatical variations, in relation to a building, means to construct, reconstruct, erect, re-erect, extend or alter structurally a building;

(*d*) "cost of land" means the market value of the land as determined by the competent authority of the State Government or the Government of the Union territory appointed for such determination, as the case may be;

[3][(*da*) "Court" means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;]

(*e*) "Highway" means a National Highway declared as such under section 2 of the National Highways Act, 1956 (48 of 1956) and includes any Expressway or Express Highway vested in the Central Government, whether surfaced or unsurfaced, and also includes—

(*i*) all lands appurtenant to the Highway, whether demarcated or not, acquired for the purpose of the Highway or transferred for such purpose by the State Government to the Central Government;

(*ii*) all bridges, culverts, tunnels, causeways, carriageways and other structures constructed on or across such Highway; and

(*iii*) all trees, railings, fences, posts, paths, signs, signals, kilometre stone and other Highway accessories and materials on such Highways;

(*f*) "Highway Administration" means the Highway Administration established under section 3;

(*g*) "highway land" means the land of which the Central Government is, or is deemed to be, the owner under sub-section (*1*) of section 23;

(*h*) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

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1. 27th January, 2005, *vide* Notifn. No. S.O. 96(E), dated 27th January, 2005, *see* Gazette of India, Extraordinary, Part II sec. 3(*ii*).
2. Clause (*a*) omitted by Act 33 of 2021, s. 24 (w.e.f. 4-4-2021).
3. Ins. by s. 24, *ibid*. (w.e.f. 4-4-2021).

(*i*) "means of access" means any permanent means of access, whether private or public, for vehicles of any kind;

(*j*) "premises" means any land or building or part of a building and includes—

(*i*) the garden, grounds and outhouses, if any, appertaining to such building or part of a building; and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(*k*) "prescribed" means prescribed by rules made under this Act;

[1]* * * * *

(*m*) "unauthorised occupation" means any occupation of the highway land, without permission under this Act for such purpose, by a person who—

(*i*) is trespasser on the Highway; or

(*ii*) for the time being is paying or is liable to pay to other person rent or any portion of the rent of the premises on a Highway; or

(*iii*) lives in or otherwise uses any premises on a Highway; or

(*iv*) is a rent-free tenant of any premises on a Highway; or

(*v*) is a licensee of any premises on a Highway for its possession; or

(*vi*) is liable to pay damages to the owner of any premises on a Highway for the use or possession of such premises;

(*n*) "vehicle" means a barrow, sledge, plough, drag and any wheeled or tracked conveyance of any description capable of being used on a Highway.

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CHAPTER II

[2][HIGHWAYS ADMINISTRATION [3]***]

3. Establishment of Highway Administrations.—(*1*) The Central Government shall, by notification in the Official Gazette,—

(*a*) establish, for the purposes of this Act, a body or authority consisting of one or more officers of the Central Government or the State Government to be known as Highway Administration to exercise powers and discharge functions conferred on it under this Act; and

(*b*) define the limits of the Highway within which, or the length of Highway on which, a Highway Administration shall have jurisdiction:

Provided that the Central Government may, in the notification issued under this sub-section or by any general or special order, impose any condition or limitation subject to which a Highway Administration shall exercise powers and discharge functions conferred on it under this Act.

(*2*) The Central Government may establish one or more Highway Administrations for a State or Union territory or for a Highway under sub-section (*1*).

(*3*) Subject to the provisions of this Act, the Highway Administration shall exercise powers and discharge functions conferred on it under this Act in such manner as may be prescribed.

4. Powers and functions of Highway Administration.—A Highway Administration shall exercise powers and discharge functions throughout its jurisdiction specified under this Act subject to such conditions or limitations as may be imposed by the notification issued under sub-section (*1*) of section 3 and by any general or special order made in this behalf by the Central Government.

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1. Clause (*l*) omitted by Act 33 of 2021, s. 24 (w.e.f. 4-4-2021).
2. Subs. by Act 7 of 2017, s. 167, for the heading (w.e.f. 26-5-2017).
3. The words "AND TRIBUNALS, ETC." omitted by Act 33 of 2021, s. 24 (w.e.f. 4-4-2021).

5. [*Establishment of Tribunals*.] *Omitted by the Tribunals Reforms Act*, 2021 (33 *of* 2021), *s.* 24 (*w.e.f.* 4-4-2021).

6. [*Composition of Tribunal*.] *Omitted by the Finance Act*, 2017 (7 *of* 2017), *s.* 167 (*w.e.f.* 26-5-2017).

7. [*Qualifications for appointment as Presiding Officer*.] *Omitted by s.* 167, *ibid.* (*w.e.f.* 26-5-2017).

8. [*Term of office*.] *Omitted by s.* 167, *ibid.* (*w.e.f.* 26-5-2017).

9. [*Staff of Tribunal*.] *Omitted by s.* 167, *ibid.* (*w.e.f.* 26-5-2017).

10. [*Salary and allowances and other terms and conditions of service of Presiding Officer*.] *Omitted by s.* 167, *ibid.* (*w.e.f.* 26-5-2017).

11. [*Vacancies in Tribunal*.] *Omitted by s.* 167, *ibid.* (*w.e.f.* 26-5-2017).

12. [*Resignation and removal*.] *Omitted by s.* 167, *ibid.* (*w.e.f.* 26-5-2017).

13. [*Financial and administrative powers of Presiding Officer*.] *Omitted by s.* 167, *ibid.* (*w.e.f.* 26-5-2017).

[1]**[14. Appeal.—**An appeal from any order passed, or any action taken, excluding issuance or serving of notices, under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the Court.]

15. [*Bar of jurisdiction*.] *Omitted by the Tribunal Reforms Act*, 2021 (33 *of* 2021), *s.* 24 (*w.e.f.* 4-4-2021).

16. [Procedure and powers of Tribunal.] *Omitted by s*. 24, *ibid*., (*w.e.f.* 4-4-2021).

17. Conditions as to making of interim order.—Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceeding relating to, an application or appeal unless—

(*a*) copies of such application or appeal and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or appeal is preferred; and

(*b*) opportunity is given to such party to be heard in the matter:

Provided that the [2][Court] may dispense with the requirements of clauses (*a*) and (*b*) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant or the appellant, as the case may be; which cannot be adequately compensated in money; but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the [2][Court] has continued the operation of the interim order.

18. [*Execution of orders of Tribunal*.] *Omitted by Act the Tribunals Reforms Act*, 2021 (33 *of* 2021), *s*. 24 (*w.e.f.* 4-4-2021).

19. Limitation.—Every appeal to the [2][Court] under this Act shall be preferred within a period of sixty days from the date on which the order appealed against has been made:

Provided that an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the [2][Court] that he had sufficient cause for not preferring the appeal within the specified period.

1. Subs. by Act 33 of 2021, s. 24, for section 14 (w.e.f. 4-4-2021).
2. Subs. by s. 24, *ibid*., for "Tribunal" (w.e.f. 4-4-2021).

20. Appointment of officers to act on behalf of Highway Administration.—(*1*) The Highway Administration may, if it thinks fit after the approval of the Central Government, by notification in the Official Gazette, appoint such—

(*a*) gazetted officer of the Central Government; or

(*b*) gazetted officer of the State Government; or

(*c*) officer of the National Highways Authority of India constituted under section 3 of the National Highways Authority of India Act, 1988 (68 of 1988) or any other authority constituted under any other enactment, equivalent to a gazetted officer of the Central Government or the State Government,

to exercise such powers and discharge such functions of the Highway Administration as may be specified in the notification.

(*2*) The Highway Administration may specify in the notification under sub-section (*1*), the limits of the Highway within which or the length of the Highway on which an officer appointed under that sub-section shall exercise the powers and discharge the functions.

21. Delegation of powers.—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it (except the powers conferred by section 50) under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable by a State Government or any other authority or an officer of the State Government as may be specified in the notification.

22. Power to transfer jurisdiction.—The Central Government may, at any time, by notification in the Official Gazette, transfer the jurisdiction of a Highway Administration defined under clause (*b*) of sub-section (*1*) of section 3 to other Highway Administration, and on the transfer the Highway Administration shall cease to have and such other Highway Administration shall, subject to the conditions, if any, specified in the notification, have all the powers and authority exercisable by the Highway Administration before such transfer of jurisdiction.

CHAPTER III

PREVENTION OF UNAUTHORISED OCCUPATION OF HIGHWAY LAND AND THEIR REMOVAL

23. Highway land to be deemed as property of Central Government.—(*1*) All lands forming parts of a Highway which vest in the Central Government or which do not already vest in the Central Government but have been acquired for the purpose of Highway shall, for the purposes of this Act, and other Central Acts, be deemed to be the property of the Central Government as owner thereof.

(*2*) The Highway Administration shall cause to be maintained a record in the prescribed manner in which the particulars of the lands, relating to the Highway, of which the Central Government is the owner shall be entered and the entries of the particulars of such lands in any record maintained for such purpose before the commencement of this Act shall be deemed to be the entry of the particulars of such lands made in the first said record and accordingly the Central Government shall be deemed to be the owner of the lands regarding which the entries have been made in such records maintained before the commencement of this Act.

(*3*) Any person claiming against the ownership of the Central Government referred to in sub-section (*2*) shall make written complaint to the Highway Administration and prove his claim before it and the Highway Administration, after considering the evidence produced by such person, may correct such records or reject the claim.

24. Prevention of occupation of highway land.—(*1*) No person shall occupy any highway land or discharge any material through drain on such land without obtaining prior permission, for such purpose in writing, of the Highway Administration or any officer authorised by such Administration in this behalf.

(*2*) The Highway Administration or the officer authorised under sub-section (*1*) may, on an application made by a person in this behalf and having regard to the safety and convenience of traffic, grant permission to such person—

(*i*) to place a movable structure on the Highway in front of any building owned by him or to make a movable structure on support of such building and over the Highway, or

(*ii*) to put up a temporary lawning or tent or other similar construction or a temporary stall or scaffolding on the Highway, or

(*iii*) to deposit or cause to be deposited, building materials, goods, for sale or other articles on any Highway, or

(*iv*) to make a temporary excavation for carrying out any repairs or improvements to adjoining buildings,

and such permission shall be granted subject to the conditions and on payment of the rent and other charges by issuing permit in the form as may be prescribed:

Provided that no such permission shall be valid beyond a period of one month at a time from the date on which the permission has been granted unless it is renewed by the Highway Administration or such officer on an application made by such person for the renewal of the permission.

(*3*) The permission granted under sub-section (*2*) shall specify therein—

(*i*) the time up to which the permission is granted;

(*ii*) the purpose of such permission;

(*iii*) the portion of the Highway in respect of which the permission has been granted,

and shall be accompanied with a plan or sketch of such portion of Highway.

(*4*) The person, to whom the permit has been issued under sub-section (*2*), shall produce the permit for inspection whenever called upon to do so by any officer of the Highway Administration and shall, on the expiry of the permission granted under such permit, restore the portion of the Highway specified in the permit in such condition as it was immediately before the issuing of such permit and deliver the possession of such portion to the Highway Administration.

(*5*) The Highway Administration or the officer issuing the permit under sub-section (*2*) shall maintain a complete record of all such permits issued, and shall also ensure in every case at the expiration of the period up to which the permission under a permit is granted under that sub-section that the possession of the portion of the Highway in respect of which such permission was granted has been delivered to the Highway Administration.

25. Grant of lease or licence of highway land for temporary use.—The Highway Administration or the officer authorised by such Administration in this behalf may, having regard to the safety and convenience of traffic and subject to such conditions as may be prescribed and on payment of prescribed rent or other charges, grant lease or licence of highway land to a person for temporary use:

Provided that no such lease shall be valid for more than five years at a time from the date on which such lease has been granted unless renewed by the Highway Administration or such officer.

26. Removal of unauthorised occupation.—(*1*) Where the Highway Administration or the officer authorised by such Administration in this behalf is of the opinion that it is necessary in the interest of traffic safety or convenience to cancel any permit issued under sub-section (*2*) of section 24, it may, after recording the reasons in writing for doing so, cancel such permit and, thereupon, the person to whom the permission was granted shall, within the period specified by an order made by the Highway Administration or such officer restore the portion of the Highway specified in the permit in such condition as it was immediately before the issuing of such permit and deliver the possession of such portion to the Highway Administration and in case such person fails to deliver such possession within such period, he shall be deemed to be in unauthorised occupation of highway land for the purposes of this section and section 27.

(*2*) When, as a result of the periodical inspection of highway land or otherwise, the Highway Administration or the officer authorised by such Administration in this behalf is satisfied that any unauthorised occupation has taken place on highway land, the Highway Administration or the officer so

authorised shall serve a notice in a prescribed form on the person causing or responsible for such unauthorised occupation requiring him to remove such unauthorised occupation and to restore such highway land in its original condition as before the unauthorised occupation within the period specified in the notice.

(*3*) The notice under sub-section (*2*) shall specify therein the highway land in respect of which such notice is issued, the period within which the unauthorised occupation on such land is required to be removed, the place and time of hearing any representation, if any, which the person to whom the notice is addressed may make within the time specified in the notice and that failure to comply with such notice shall render the person specified in the notice liable to penalty, and summary eviction from the highway land in respect of which such notice is issued, under sub-section (*6*).

(*4*) The service of the notice under sub-section (*2*) shall be made by delivering a copy thereof to the person to whom such notice is addressed or to his agent or other person on his behalf or by registered post addressed to the person to whom such notice is addressed and an acknowledgment purporting to be signed by such person or his agent or other person on his behalf or an endorsement by a postal employee that such person or his agent or such other person on his behalf has refused to take delivery may be deemed to be *prima facie* proof of service.

(*5*) Where the service of the notice is not made in the manner provided under sub-section (*4*), the contents of the notice shall be advertised in a local newspaper for the knowledge of the person to whom the notice is addressed and such advertisement shall be deemed to be the service of such notice on such person.

(*6*) Where the service of notice under sub-section (*2*) has been made under sub-section (*4*) or sub-section (*5*) and the unauthorised occupation on the highway land in respect of which such notice is served has not been removed within the time specified in the notice for such purpose and no reasonable cause has been shown before the Highway Administration or the officer authorised by such Administration in this behalf for not so removing unauthorised occupation, the Highway Administration or such officer, as the case may be, shall cause such unauthorised occupation to be removed at the expenses of the Central Government or the State Government, as the case may be, and impose penalty on the person to whom the notice is addressed which shall be five hundred rupees per square metre of the land so unauthorisedly occupied and where the penalty so imposed is less than the cost of such land, the penalty may be extended equal to such cost.

(*7*) Notwithstanding anything contained in this section, the Highway Administration or the officer authorised by such Administration in this behalf shall have power without issuing any notice under this section to remove the unauthorised occupation on the highway land, if such unauthorised occupation is in the nature of—

(*a*) exposing any goods or article—

(*i*) in open air; or

(*ii*) through temporary stall, kiosk, booth or any other shop of temporary nature,

(*b*) construction or erection, whether temporary or permanent, or

(*c*) trespass or other unauthorised occupation which can be removed easily without use of any machine or other device,

and in removing such occupation, the Highway Administration or such officer may take assistance of the police, if necessary, to remove such occupation by use of the reasonable force necessary for such removal.

(*8*) Notwithstanding anything contained in this section, if the Highway Administration or the officer authorised by such Administration in this behalf is of the opinion that any unauthorised occupation on the highway land is of such a nature that the immediate removal of which is necessary in the interest of—

(*a*) the safety of traffic on the Highway; or

(*b*) the safety of any structure forming part of the Highway,

and no notice can be served on the person responsible for such unauthorised occupation under this section without undue delay owing to his absence or for any other reason, the Highway Administration or the officer authorised by such Administration may make such construction including alteration of any construction as may be feasible at the prescribed cost necessary for the safety referred to in clause (*a*) or clause (*b*) or have such unauthorised occupation removed in the manner specified in sub-section (*7*).

(*9*) The Highway Administration or an officer authorised by such Administration in this behalf shall, for the purposes of this section or section 27, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents;

(*c*) issuing commissions for the examination of witnesses; and

(*d*) any other matter which may be prescribed,

and any proceeding before such Administration or officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860) and the Administration or the officer shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

27. Recovery of cost of removal of unauthorised occupation and fine imposed.—(*1*) Where a Highway Administration or the officer authorised by such Administration in this behalf has removed any unauthorised occupation or made any construction including alteration of construction in respect of any unauthorised occupation or repaired any damage under sub-section (*2*) of section 36, the expenditure incurred in such removal or repair together with fifteen per cent. of additional charges or any [1][penalty] imposed under this Act shall be recoverable in the manner hereinafter provided in this section.

(*2*) The Highway Administration or the officer authorised in this behalf by such Administration shall serve a copy of the bill in the prescribed form indicating therein the expenditure, additional charges or [1][penalty] recoverable under sub-section (*1*) on the person from whom such expenditure, additional charges or [1][penalty] is recoverable and the provisions of section 26 relating to the service of notice shall apply for the service of copy of the bill under this sub-section as if for the word "notice" the word "bill" has been substituted in that section.

(*3*) A copy of the bill referred to in sub-section (*2*) shall be accompanied with a certificate issued by the Highway Administration or the officer authorised by such Administration in this behalf and the amount indicated in the bill shall be the conclusive proof that such amount is the expenditure actually incurred for all or any of the purposes referred to in sub-section (*1*) as indicated in the bill.

(*4*) Where a Highway Administration or the officer authorised in this behalf by such Administration has removed any unauthorised occupation or made any construction including alteration of construction in respect of any unauthorised occupation or repaired any damage under sub-section (*2*) of section 36, the material, if any, recovered as a result of such removal, construction, alteration or repair shall be retained in possession of the Highway Administration or such officer till the payment of the bill in respect thereof served under sub-section (*2*) and on payment of such bill such material shall be returned to the person entitled for the material, but in case of the failure of such payment within the time specified for the payment in the bill, the material may be sold by auction by the Highway Administration or such officer and after deduction of the amount payable under the bill from the proceeds of the auction, the balance, if any, shall be returned to the person entitled therefor.

(*5*) In case where the proceeds of the auction under sub-section (*4*) is less than the amount recoverable under the bill referred to in that sub-section, the difference between such proceeds and the amount so recoverable or where no such auction has been made, the amount recoverable under the bill shall, in case of failure of the payment within the time specified in the bill, be recoverable as the arrears of land revenue.

1. Subs. by Act 8 of 2026, s. 2 and Sch., for "fine" (w.e.f. 15-7-2026).

CHAPTER IV

CONTROL OF ACCESS TO THE NATIONAL HIGHWAYS

28. Right of access.—(*1*) No person shall have right of access to a Highway either through any vehicle or on foot by a group of five or more persons except permitted by the Highway Administration either generally or specifically in the manner specified in section 29.

(*2*) The access to a Highway under sub-section (*1*) shall be subject to the guidelines and instructions issued by the Central Government from time to time.

(*3*) The Highway Administration may, by notification in the Official Gazette, declare a Highway or any portion thereof to be limited for access in the manner as specified in such notification and may also impose any restriction or control on such access to, from or across such Highway as specified in that notification.

29. Procedure for permission to access to Highway.—(*1*) The general permission under sub-section (*1*) of section 28 shall be given by issuing notification in the Official Gazette for such purpose and specific permission under that sub-section shall be given in the manner specified hereinafter under this section.

(*2*) Any person desirous of obtaining specific permission referred to in sub-section (*1*) may make an application in the prescribed form to the Highway Administration specifying therein the means of access to which such permission relates and shall also be accompanied with such fees as may be prescribed and the Highway Administration shall, after considering the application either give the permission with or without the terms and conditions as may be prescribed or reject the application as it may deem fit.

(*3*) In case, where the permission has been given in respect of the application made under sub-section (*2*), the person to whom such permission has been given shall obtain the licence from the Highway Administration in the prescribed form enumerating therein the terms and conditions, if any, subject to which such permission has been given, and such permission shall be renewed after such period and in such manner as may be prescribed.

(*4*) If any person contravenes the provisions of sub-section (*1*) of section 28 or violates any terms and conditions subject to which permission has been given under sub-section (*2*) including non-renewal of licence obtained under sub-section (*3*), his access to Highway under the permission under sub-section (*1*) or sub-section (*3*), as the case may be, shall be deemed to be unauthorised access and the Highway Administration or the officer authorised by such Administration shall have the power to remove such access and where necessary, the Highway Administration or such officer may use the necessary force with the assistance of the police to remove such access.

30. Regulation or diversion of access, etc.—(*1*) Notwithstanding any permission given under sub-section (*1*) or sub-section (*2*) of section 29, the Highway Administration shall have the power in the interest of the safety and convenience of the traffic to refuse, regulate or divert any proposed or existing access to the Highway.

(*2*) Where an existing access is diverted, the alternative access given *in lieu* thereof shall not be unreasonably distant from the existing access.

CHAPTER V

REGULATION OF DIFFERENT TYPES OF TRAFFIC ON NATIONAL HIGHWAYS

31. Highway Administration to regulate traffic when Highway deemed unsafe.—(*1*) Notwithstanding anything contained in this Act, the Highway Administration shall have the power to regulate and control the plying of vehicles on the Highway for the proper management thereof.

(*2*) If at any time the Highway Administration is satisfied on the information received by it or otherwise that any Highway within its jurisdiction or any part thereof is or has become congested or unsafe for vehicular or pedestrian traffic by reason of damage or otherwise, it may, either close the Highway or such part thereof to all traffic or to any class of traffic, or regulate the number and speed of

vehicles to be used on the Highway or such part thereof, as the case may be, in the manner as it may deem fit.

32. Prohibition of use of heavy vehicles on certain Highways.—Where the Highway Administration is satisfied that the surface of a Highway or any part thereof, or any bridge, culvert or causeway built on or across the Highway is not designed to carry vehicles of which the laden weight exceeds a prescribed limit, it may, subject to such rules as may be made in this behalf, prohibit or restrict the plying of such vehicles on or over such Highway or part thereof or such bridge, culvert or causeway, as the case may be.

33. Temporary closure of traffic on Highway.—Where, in exercise of the powers under section 31 or section 32, the Highway Administration considers it proper for the purposes of that section to temporarily close a Highway or part thereof or to restrict or regulate traffic on such Highway or part thereof, it may do so in the manner as it may deem fit.

34. Permanent closure of Highway.—(*1*) Where, in exercise of the powers under section 31, the Highway Administration deems it necessary in the interest of the safety of the Highway to close a Highway or part thereof, it may, by notification in the Official Gazette, give notice of its intention to the public to do so specifying therein the time within which the objections and suggestions received shall be considered under sub-section (*3*) and in addition to such notice, it shall also notify the contents of such notice in at least two newspapers, one of which shall be in the local language of the area through which such Highway passes and another shall be the newspaper being circulated in such area.

(*2*) The notice under sub-section (*1*) shall indicate the alternative route proposed to be provided *in lieu* of the Highway or part thereof intended to be closed specifying therein as to whether such alternative route shall be an already existing Highway or shall be newly constructed and shall also invite objections and suggestions from the persons affected on such proposal within the time and to be addressed to the officer as specified in such notice.

(*3*) The Highway Administration shall, after considering the objections and suggestions, if any, received within the time specified in such notice, take decision on the proposal for closure under the notice and shall act in accordance with such decision.

35. Power to restrict the use of vehicles.—If the Highway Administration is satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge so to do, it may, by notification in the Official Gazette, prohibit or restrict, subject to such exceptions or conditions as may be specified in the notification, the use of any Highway or part thereof by a class or classes of traffic either generally or on specified occasion or time as specified in the notification and when such prohibition or restriction is imposed, the Highway Administration shall cause such traffic signs to be placed or erected at suitable places for the convenience of the traffic as may be prescribed:

Provided that where any prohibition or restriction under this section is to be remained for a period of one month or less, such prohibition or restriction may be imposed without issuing notification in the Official Gazette:

Provided further that the prohibition or restriction imposed under the first proviso shall be published widely for the knowledge of the users by other possible means.

36. Prevention and repair of damage to Highway.—(*1*) No person who is in charge of, or in possession of, any vehicle or animal shall, wilfully or negligently, cause, or allow such vehicle or animal to cause, any damage to any Highway.

(*2*) Where, in contravention of sub-section (*1*), any damage has been caused to any Highway, the Highway Administration shall have such damage repaired at its own expenses and such expenses together with fifteen per cent. thereof as additional charges shall, without prejudice to any other action which may be taken against the person who has so contravened sub-section (*1*), be recovered from him in accordance with the provisions contained in section 27 as if such expenses and additional charges were the expenses and additional charges recoverable under that section.

37. Prohibition to leave vehicles or animals in dangerous position.—(*1*) No person in charge of, or in possession of, any vehicle or animal shall allow such vehicle or animal to stand or proceed on a Highway unless the same is under such safety control as may be prescribed.

(*2*) Where, in contravention of sub-section (*1*), any obstruction on the Highway is caused, the vehicle or animal causing such obstruction shall be caused to be towed away by the Highway Administration to remove such obstruction on the Highway and the vehicle or animal so towed away shall be taken into possession by the Highway Administration and shall be handed over to the owner thereof in the manner, by payment to the Highway Administration, the expenses incurred in such removal, as may be prescribed.

(*3*) In case where the expenses in respect of the vehicle or animal taken into possession under sub-section (*2*) have not been paid in the manner prescribed under that sub-section, the Highway Administration shall sell such vehicle or animal by auction and the proceeds of the auction shall be the property of the Central Government.

(*4*) Any person who has unauthorised occupation on a highway land shall be summarily evicted by the Highway Administration in the manner specified in section 26 for removal of unauthorised occupation and shall be liable to [1][penalty imposed by the Highway Administration which shall not be less than two thousand rupees] per square metre of the unauthorisedly occupied land by him but which may be extended to the cost of such land.

CHAPTER VI

REGULATION OF CONSTRUCTION ON HIGHWAY LAND FOR PUBLIC UTILITIES, DRAINS, ETC.

38. Construction on highway land.—(*1*) Notwithstanding anything contained in any other law for the time being in force, no person other than a Highway Administration or a person authorised by such Administration in this behalf shall construct, install, shift, repair, alter or carry any poles, pillars, advertisement towers, transformers, cable wire, pipe, drain, sewer, canal, railway line, tramway, telephone boxes, repeater station, street, path or passage of any kind on highway land or across, under or over any Highway except with the prior permission in writing of the Highway Administration for such purpose.

(*2*) Any person who intends to obtain the permission under sub-section (*1*) shall make an application in the prescribed form to the Highway Administration containing therein the purpose and period of occupancy of Highway, location and part of the Highway to be occupied, method of execution of work, period of construction and method of restoration of such part of the Highway.

(*3*) The Highway Administration shall consider the application made under sub-section (*1*) and if it is satisfied that there is no alternative other than the Highway in respect of which the permission is sought under the application where the land can be found to locate the public utility, it may give permission in writing as sought in the application:

Provided that while giving such permission, the Highway Administration may impose such conditions as it may deem fit to protect—

(*i*) the Highway from damage; and

(*ii*) the traffic on the Highway from obstruction,

and may also impose such fees and other charges as may be prescribed on the person to whom such permission is given in respect of any land forming part of the Highway, occupied or applied to the proposed work or construction under permission and also impose on such person the expenditure, if any, incurred by the Highway Administration for repairing any damage caused to the Highway by laying or shifting of any structure, article or equipment under the permission.

(*4*) If any person, in contravention of sub-section (*1*), makes any construction or carries out any other work, the Highway Administration may, at its own expenses, cause such construction or other work to be removed from the Highway and restore the Highway in the condition as it was immediately before giving permission for such construction or other work under sub-section (*3*) and such expenses together with

1. Subs. by Act 8 of 2026, s. 2 and Sch., for certain words (w.e.f. 15-7-2026).

fifteen per cent. thereof as additional charges and [1][penalty] imposed by the Highway Administration taking into account the nature of the damages caused by such construction or other work, which shall not be less than five hundred rupees per square metre of land used for such construction or other work, but shall not exceed the cost of such land, shall be recovered from such person in accordance with the provisions contained in section 27 as if such expenses, additional charges and [1][penalty] were the expenses, additional charges and [1][penalty] recoverable under that section.

CHAPTER VII

OFFENCE AND PENALTY

39. Offence and penalty.—(*1***)** If any person, who has been evicted from any unauthorised occupation on a highway land under this Act, again occupies any highway land without permission for such occupation under this Act, he [2][shall be liable to penalty imposed by the Highway Administration which shall not be less than five thousand rupees per square metre of the land unauthorisedly occupied by him but which may extend to the cost of such land].

(*2*) [3][The Highway Administration, imposing liability on a person] under sub-section (*1*), may make an order for evicting that person from such occupied highway land summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him.

[4]* * * * *

CHAPTER VIII

MISCELLANEOUS

40. [*Right of appellant to take assistance of legal practitioner*.]—*Omitted by Act the Tribunals Reforms Act,* 2021 (33 *of* 2021), *s.* 24 (*w.e.f.* 4-4-2021).

41. Finality of orders.—Save as otherwise expressly provided in this Act, every order made or any action taken by the Highway Administration or the officer authorised in this behalf by such Administration [5]*** shall be final and shall not be called in question in any original suit, application or execution proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act to the Highway Administration [6]***.

42. Duty of village officials.—Wherever any village headman, village accountant, village watchman or other village official, by whatever name called, becomes aware of any offence involving unauthorised occupation, damage or destruction of the highway land, he shall forthwith inform the nearest police station or the nearest Highway Administration or any officer authorised in this behalf by such Administration, the commission of such offence and shall also be duty-bound to assist the Highway Administration and its officers in prosecuting the offender of the offence.

43. Conduct of inquiry.—The Highway Administration or the officer authorised in this behalf by such Administration shall, if he desires to make any inquiry for the purposes of this Act, make a summary inquiry in such manner as may be prescribed.

[7][**44**. **Officers of Highways Administration to be public servant**.—The officer or officers constituting the Highways Administration and any other officer authorised by such Administration under this Act, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).]

1. Subs. by Act 8 of 2026, s. 2 and Sch., for "fine" (w.e.f. 15-7-2026).
2. Subs. by s. 2 and Sch. *ibid*., for certain words (w.e.f. 15-7-2026).
3. Subs. by s. 2 and Sch. *ibid*., for "Any court, convicting a person" (w.e.f. 15-7-2026).
4. Sub-section (*3*) omitted by s. 2 and Sch. *ibid*., (w.e.f. 15-7-2026).
5. The words "or every order passed or decision made on appeal under this Act by the Tribunal" omitted by Act 33 of 2021, s. 24 (w.e.f. 4-4-2021).
6. The words "or Tribunal" omitted by s. 24, *ibid*. (w.e.f. 4-4-2021).
7. Subs. by Act 7 of 2017, s. 167 for section 44 (w.e.f. 26-5-2017).

45. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Central Government or [1][any other officer of the Central Government] or the officer or officers constituting the Highway Administration or any other officer authorised by such Administration under this Act or any other person, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

46. Offences by companies.—(*1*) Where an offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

47. Procedure for service of notices, etc.—Save as otherwise provided in this Act, every notice or bill issued or prepared under this Act may be served or presented in such manner as may be prescribed.

48. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

49. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

50. Power to make rules.—(*1*) The Central Government may, after previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of exercising powers and discharge functions under sub-section (*3*) of section 3;

[2]* * * *

[3]* * * *

1. Subs by Act 7 of 2017, s. 167, for certain words (w.e.f. 26-5-2017).
2. Clauses (*b*), (*c*), (*d*) and (*e*) omitted by, s. 167 (w.e.f. 26-5-2017).
3. Clause (*f*) omitted by Act 33 of 2021, s. 24 (w.e.f. 4-4-2021).

(*g*) the manner for maintaining the records of the Highway Administration in which the lands are shown and the manner of proving claim for correction of such records under sub-section (*2*) of section 23;

(*h*) the conditions subject to which, the rent and other charges on payment of which and the form in which permit may be issued for grant of permission under sub-section (*2*) of section 24;

(*i*) the conditions, payment of rent and other charges for grant of lease or licence of highway land under section 25;

(*j*) the form of notice under sub-section (*2*) of section 26;

(*k*) the feasible cost for making construction including alteration of any construction under sub-section (*8*) of section 26;

(*l*) the additional matter in respect of which the Highway Administration or an officer authorised by such Administration in this behalf may exercise the powers of a civil court under clause (*d*) of sub-section (*9*) of section 26;

(*m*) the form of the bill under sub-section (*2*) of section 27;

(*n*) the form of application, the fees to be accompanied therewith and the terms and conditions for permission under sub-section (*2*) of section 29;

(*o*) the form of licence, the period and the manner of renewal of such licence under sub-section (*3*) of section 29;

(*p*) the limit of laden weight and the provisions subject to which the plying of vehicles may be prohibited or restricted under section 32;

(*q*) the traffic signs to be placed or erected under section 35;

(*r*) the safety and control for allowing any vehicle or animal to stand or proceed on a Highway under sub-section (*1*) of section 37;

(*s*) the manner of handing over the vehicle or animal to the owner and payment of expenses incurred in the removal of such vehicle or animal under sub-section (*2*) of section 37;

(*t*) the form of application under sub-section (*2*) of section 38;

(*u*) the fees and other charges to be imposed under sub-section (*3*) of section 38;

(*v*) the manner of summary inquiry under section 43;

(*w*) the manner of service or presentation of notice or bill under section 47; and

(*x*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made or every notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

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