

**Note
on
The boundaries of the Railway Nagor-Rajasima.**

The Krisdika has been submitted the question to know which are the actual boundaries of the Railway-Line from Krungdeb to Nagor-Rajasima, in order to prevent frequent disputes which arise between the Department of Railways and land-owners having immovable property along the railroad.

The Proclamation for the construction of the line Krungdeb-Nagor Rajasima (R.S.109) empowers the land Acquisition Commissioner to acquire the land necessary for the said construction. Rules are given for the acquisition and contingent compensation to the owners. But nothing has been fixed for the area to be acquired on both sides of the railroad.¹ It means that, when a survey of the land intended for the construction of the railway has been made, either the question of the side-areas was not considered at all, or no special measures have been taken to reserve and expropriate land

for such side-areas. In fact, "the land Acquisition Commissioner, in conjunction with the Government Section Engineer" (Sect.2) seem to have been granted full power to acquire land deemed necessary by them, without being bound by any general rule or limitation of area. This policy is confirmed by the fact that owners were allowed to occupy land and even to be delivered titled-deeds therefore although such land was deemed necessary by the Cabinet Council R.S. 126 for side-areas, as long as such land were not actually wanted. This policy has been rather improvident, and no wonder that there are disputes with the land-owners. No remedy can be hoped from the meeting of the Cabinet council R.S. 126 because the decision mentioned in the minuted has not been substantial zed in an official enactment and remains consequently a mere opinion.

It seems that there is no other remedy than to replace by a clear and legal position, a position which is neither clear nor legal. The area which is necessary for the Railway Nagor-Rajasima should be fixed. Preservation or expropriation of land and other immovable property situated in the said area ought to be made in the usual form of so many present Decrees concerning reservation and expropriation of land.

Does the fact that the Proclamation for the construction of the said railway relates back to the year R.S. 109 prevent rules for reservation and expropriation of land to be issued now, that is to say a long time after the construction of the railway-line? It does not seem so. Of course the law B.E.2464 cannot apply us in the case of a new railway-line to be constructed, not only because such law has no retrospective effect, but also because the circumstances of the case are unavoidably different. But reservation or expropriation of land along, and for the public service of,

¹ Under the law on Organization of Railways and Highways B.E.2464, this area appears necessarily in the special Decree which specifies which land or other immovable property is subject to expropriation for the construction of the line; a map or plan showing the boundaries of the land required is annexed to the decree (Sect.22).

and railway-line can be made at any time, and even if the railroad and own accessories are constructed already. It is consequently suggested that the Department of Railways should proceed as in any case where reservation or expropriation of immovable property is required, that is to say should make first a Survey of the land required for the railway and fix its boundaries in order to obtain afterwards a law of reservation and expropriation of the land and other immovable property claimed by them. Finally, the above policy comes to a matter of expropriations for public utility, in order to regularize the respective positions of the Department of Railways and the land-owners.

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