

(3) If a birth or death occurs in the hospital, none of the persons mentioned in sub-section (1), or as the case may be, in sub-section (2) shall be bound to give information required by that sub-section, but it shall be the duty of the medical officer-in-charge of the hospital within twenty-four hours after the birth or death, to send to the Medical Officer of Health a notice containing such particulars as may be required by bye-laws made in this behalf.

PART VI

CHAPTER XXVI

Land, Buildings and Streets

Development
Schemes.

322. **Development Schemes.**—Where the Commissioner upon information in his possession is satisfied in respect of any area—

- (a) that the buildings in that area are by reason of disrepair or sanitary defect unfit for human habitation or are by reason of their bad arrangements or the narrowness or bad arrangement of the streets or the want of light, air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of the area ; and
- (b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and re-construction of the streets and buildings in the area in accordance with development schemes ;

he may frame development schemes in respect of the area in accordance with the bye-laws made in this behalf.

Matters to be provided for in a development scheme.

323. (1) A development scheme may provide for all or any of the following matters, namely—

- (a) the acquisition under the Land Requisition and Acquisition Act, 1948, by agreement or otherwise of any property necessary for or affected by the execution of the scheme ;
- (b) the relaying out of any land comprised in the scheme ;
- (c) the redistribution of sites belonging to owners of property comprised in the scheme ;
- (d) the closure or demolition of buildings or portions of buildings unfit for human habitation ;
- (e) the demolition of obstructive buildings or portions thereof ;
- (f) the construction and reconstruction of buildings ;
- (g) the construction and alteration of streets ;
- (h) the water supply, street lighting, drainage and other conveniences ;
- (i) the provision of open spaces ;
- (j) the sanitary arrangements required for the area comprised in the scheme ;
- (k) the provision of accommodation for any class of the inhabitants ;
- (l) the provisions of facilities for communication ;

(m) the sale, letting or exchange of any property comprised in the scheme ; and

(n) any other matter for which, in the opinion of the Commissioner it is expedient to make provision with a view to the development of the area to which the same relates.

(2) Whenever any land is designated in a development scheme as subject to acquisition or is required by the scheme to be kept as an open space, then, if at the expiration of ten years, the land is not acquired by the Commissioner, the owner of the land may serve on the Commissioner a notice requiring his interest in the land to be so acquired.

(3) If the Commissioner fails to have the land acquired within a period of six months from the receipt of the notice, the development scheme shall have effect after the expiration of the said six months as if the land were not designated as subject to acquisition by the Commissioner or were not required to be kept as an open space.

Submission of development schemes to the Corporation for approval. 324. Every development scheme shall, as soon as may be after it has been framed, be submitted by the Commissioner for approval to the Corporation and the Corporation may either approve the scheme without modification or with such modifications as it may consider necessary or reject the scheme and require the Commissioner to have a fresh scheme framed according to such directions as the Corporation may give.

Development scheme to comply with the Master Plan and Zonal Development Plan. 325. No development scheme framed under this part shall be valid unless such scheme is in conformity with the provision of the Master Plan and Zonal Development Plan for the city, and has been approved by the State Government.

Power of Government to require Corporation to make scheme. 326. Notwithstanding anything to the contrary contained in Sections 323 to 325 the Corporation may and if so required by the Government shall direct the Commissioner to prepare a Development Scheme in respect of any area of the city.

Building Control

Prohibition of erection or re-erection of buildings without permission.

327. No person shall—

- (i) erect or re-erect any building ; or
- (ii) commence to erect or re-erect any building, or
- (iii) make any material external alteration to any existing buildings ;
- (iv) construct or re-construct any projecting portion of a building which the Commissioner is empowered to require to be set back or is empowered to give permission to construct or re-construct—
 - (a) unless the Commissioner or the Engineer so empowered has either by an order in writing granted permission or has failed to intimate within the prescribed period his refusal to grant such permission ; or
 - (b) after the expiry of one year from the date of the said permission or such longer period as the Commissioner may allow :

Provided that nothing in this section shall apply to any work, addition or alteration which the Corporation may by bye-law declare to be exempted.

Notice of buildings. 328. (1) Every person who intends to erect or re-erect a building shall submit to the Corporation—

- (a) an application in writing for approval of the site, together with a site plan of the land, and documents of title and, in the case of land which is the property of the Government or of the Corporation a certified copy of the documents authorising him to occupy the land, and if so required by the Commissioner, the original document or documents ; and
- (b) an application in writing for permission to execute the work together with a ground plan, elevations and sections of the building and a specification of the work.

(2) Every plan of any building to be constructed wholly or partly of masonry submitted under sub-section (1), shall, in token of its having been prepared by him or under his supervision, bear the signature of a surveyor, licensed or duly approved by the Corporation.

(3) Every document submitted under sub-section (1) shall be prepared in such manner and shall contain such particulars as may be required by bye-laws made in this behalf.

(4) Nothing herein contained shall require a person to comply with the provisions of clause (b) of sub-section (1) of this section until such time as the site has been approved by the Commissioner or such person as he may direct :

Provided that an application shall be disposed of within 60 days from the date of receipt.

329. The Commissioner on the advice of the Engineer shall refuse to sanction the erection or re-erection of any building which is in contravention of any rule or bye-law made under the provisions of this Act.

330. The Commissioner on the advice of the Engineer may refuse to approve of the site on which it is intended to erect or re-erect any building on all or any of the following grounds—

(a) that the erection or re-erection of the proposed building on such site would be in contravention of a development scheme under Section 322 or of any other provision of this Act or of any other enactment for the time being in force ; or

(b) that the site is in a portion of the city in which the position and direction, of the streets have not been determined, and that the building which it is proposed to erect on such site will, in the opinion of the Commissioner obstruct or interfere with the construction in future of suitable streets in such portion of the city or the drainage, water-supply or ventilation thereof :

Provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by a written notice to the Commissioner, require that the position and direction of the future street in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within one year from the date thereof, may, subject to

all other provisions of this Act applicable thereto, proceed with the erection of his building; or

- (c) that the site has been reclaimed or used as a place for depositing sewage, offensive matter or rubbish or the carcasses of dead animals or is otherwise insanitary or dangerous to health; or
- (d) when the site is in a portion of the city for which a development scheme has not been sanctioned by the Corporation and that the building which it is proposed to erect or re-erect on such site will, in the opinion of the Commissioner be likely to conflict, in a manner to be communicated in writing to the applicant, with the contemplated development scheme:

Provided that any person to whom permission to erect or re-erect a building on such a site has been refused may by written notice to the Commissioner, require that the preparation of a development scheme for the portion of the city in which the said site is situated be proceeded with as early as circumstances may permit; and if the applicant is not informed in writing within twelve months of the date of the requisition that the Corporation has sanctioned the said scheme, he may, subject to all the other provisions of this Act applicable thereto, proceed with the erection or re-erection of the building in respect of which the application was made.

Ground on which permission to erect or re-erect building may be refused.

331. (1) The Commissioner shall not grant permission to erect or re-erect any building unless and until the Engineer has approved of the site thereof on an application under section 328.

(2) The Commissioner may refuse permission to erect or re-erect any building—

- (a) if the plan and specifications submitted with the application show that such building is not in accordance with a development scheme sanctioned under section 324 or with any provision of this Act, or any rule or bye-law made thereunder or any provision of any law for the time being in force; or
- (b) if in his opinion the erection or re-erection of such building would be a nuisance or injurious to the inhabitants of the neighbourhood or to the public; or

- (c) unless and until any plans, specification or particulars called for by him are supplied; or
- (d) if the proposed building would be an encroachment upon Government or municipal land; or
- (e) if the site of such building does not abut on a street or a projected street or if there is no access to such building from any such street by a passage or pathway appertaining to such site.

Power of Commissioner to direct modification of sanctioned plan of building before its completion.

332. If at any time before the completion of a building of which the erection has been sanctioned under section 327 the Commissioner finds that any modification of sanctioned plan is necessary, the Commissioner may, subject to payment of compensation as may be assessed by the Commissioner for any loss to which the owner may be put, direct that the building be modified accordingly.

Lapse of sanction.

333. Every sanction for the erection or re-erection of any building shall remain in force for one year only from the date of such sanction, or for such longer period as the Commissioner may have allowed when conveying sanction under section 327. Should the erection or re-erection of the building not have been commenced within one year and completed within two years or such longer period as may have been allowed by the Commissioner the sanction shall be deemed to have lapsed, but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of the Act.

Intimation of completion of building.

334. Every person who erects or re-erects any building shall within one month of the completion of the work deliver to the Commissioner at his office a notice in writing of such completion and shall give him all necessary facilities for the inspection of such work.

Erection and use of temporary building to be approved by Commissioner.

335. (1) No building shall be erected for a temporary purpose without the sanction of the Commissioner, or otherwise than in accordance with any bye-laws made in this behalf under this Act.

(2) If any building erected for a temporary purpose is not used strictly for such purpose and in accordance with any bye-laws made under this Act or is erected without the sanction of the Commissioner, the building may be demolished by the Commissioner at the expense of the owner thereof whether he is prosecuted under this Act or not.

on pena- 336. (1) No compensation shall be claimable by
tion. an owner for any damage which he may sustain in
consequence of the prohibition of unauthorised
erection or re-erection of any building.

(2) The Corporation shall make reasonable compensation which shall be assessed by the Commissioner, to the owner for any damage or loss which he may sustain in consequence of the prohibition of the authorised erection or re-erection of any building or part of a building except in so far as the prohibition is necessary under any rule or bye-law.

Power to re- 337.(1) If any building is erected or re-erected in
quire remo- contravention of any development scheme mentioned
val or altera- under section 322 or any building bye-laws made
tion of work under section 416(1)D, or without plans having been
not in con- deposited, or notwithstanding the rejection of plans, or
formity with otherwise than in accordance with any requirements
bye-laws or subject to which the Commissioner passed the plans,
executed not the Commissioner may, without prejudice to his right
withstanding of taking proceedings in a court of law for such contra-
rejection of vention, by notice to the owner either require him to
plans, etc. pull down or remove the work or if he so elects, to
effect such alteration therein as may be necessary to
make it comply with the said scheme or bye-laws or
other requirements specified in the notice.

(2) If any case in which the erection or re-erection of any building has been commenced or is being carried on unlawfully as mentioned in sub-section (1), the Commissioner may, by a written notice, require the building operation to be discontinued from the date of service of the notice.

(3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiry of thirty days, the Commissioner may pull down or remove the work in question, or effect such alteration therein as he deems necessary, and may recover from him the expenses reasonably incurred by the Commissioner in so doing, and such dues shall be recoverable as arrears of municipal tax.

(4) Where plans were approved, it shall not be open to the Commissioner to give such a notice on the ground that the building contravenes any scheme or bye-laws, as the case may be, or does not comply with his requirements under this Part.

Power of Commissioner to cancel permission on grounds of materials mis-representation by applicant. 338. If at any time after permission to proceed with any building or work has been given, the Commissioner is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under section 328, or in further information, if any, furnished, he may cancel such permission, and any work done thereunder shall be deemed to have been done without his permission.

Restriction on use of buildings. 339. No person shall, without the written permission of the Commissioner, or otherwise than in conformity with the conditions, if any, of such permission—

- (a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and of the by-laws made thereunder ;
- (b) change or allow the change of the use of any land or building ; and
- (c) convert or allow the conversion of one kind of tenement into another kind.

Prohibition against use of inflammable material for building, etc. permission. 340. No external roof, verandah or wall of a building and no shed or fence shall be constructed or re-constructed of cloth, grass, leaves, mats or other inflammable materials except with the permission of the Commissioner, nor shall any such roof, verandah, wall, shed or fence constructed or reconstructed in any year be retained in a subsequent year except with such permission.

Bar of jurisdiction. 341. Save as otherwise expressly provided, no civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this part required to be settled, decided or dealt with by the Commissioner.

Dangerous and Insanitary Buildings

Provisions
regarding
buildings
unfit for
human
habitation

342. (1) If after obtaining the opinion of the Engineer, it appears to the Commissioner that any building or part of a building intended or used for human habitation or human occupation for any purpose whatsoever is unfit for such habitation or occupation, he shall give to the occupier and in case the building is not occupied, to the owner notice in writing stating such reasons and signifying his intention to prohibit the further use of such building or part of a building for such purpose, and calling upon the owner or occupier to state in writing his objection, if any, to such prohibition within seven days after the receipt of notice. If no objection is raised by such owner or occupier within the prescribed period, or if the grounds of such objection appear to the Commissioner to be insufficient or not well founded, he may prohibit by an order in writing the further use of such building or part of building for human habitation or occupation:

Provided that, before such order is given, the owner or occupier of the building shall be given an opportunity of appearing before the Standing Committee in person or by agent in support of his objection.

(2) Notice of such prohibition shall be served upon the owner of any building or part of a building affected thereby and also upon every occupier or user thereof stating the fact of such prohibition specifying a period not being less than fourteen days after the date of such notice within which every such person shall remove himself and his movable property from the said building or part thereof, and if on the day so appointed any such person has failed to remove himself and his movable property from the said building or part thereof, the Commissioner may cause him and his property to be removed and may recover from him the cost of such removal.

(3) When a building or part of building has been vacated under sub-section (2), the Commissioner shall affix a notice thereto in the prescribed manner and no person, except with the permission in writing of the Commissioner and in accordance with the terms and conditions of such permission, shall without sufficient cause enter into or remain in such building or part of a building.

(4) At any time after a building or part of a building has been vacated under sub-section (2), if the Commissioner considers that it can be rendered fit for human habitation by structural alterations and repairs, he may by notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs, as he deems necessary and if at the expiration of the aforesaid period such alterations or repairs have not been executed to his satisfaction, he shall issue to the said owner a notice in writing ordering the demolition of such building or part thereof within a period of thirty days from the date of the receipt of such notice or such longer period as the Commissioner may specify.

(5) If the Commissioner is of the opinion that the building is not capable of being rendered fit for human habitation, he may by notice in writing call upon the owner to demolish it within a period of thirty days from the receipt of such notice or such longer period as the Commissioner may specify.

(6) If at the expiration of the said period an order to demolish a building or part of a building issued under sub-section (4) or sub-section (5) has not been complied with, the Commissioner may direct, by an order in writing, the demolition thereof by any municipal employee or contractor. The materials of the building or part of the building so destroyed shall thereupon be sold by public auction and the proceeds of the sale shall be made over to the owner after deducting the cost of such destruction and sale. If the amount realised is not sufficient to cover the cost of such demolition and sale, the balance, if any, shall be recovered from the owner as arrear of municipal tax:

Provided that, before such order is given the owner of the building shall be given an opportunity of appearing before the Commissioner in person or by an agent and of showing cause why such order should not be given.

(7) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease, such lease shall be voidable at the option of the lessee with effect from the date on which the said lessee has to vacate the premises.

Removal of buildings in dangerous state. 343. (1) If in the opinion of the Commissioner any building, wall, structure or anything affixed thereto is in dangerous state, the Commissioner may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made thereto as he considers necessary for the public safety; and if the danger appears to him to be imminent, he may forthwith take such steps as may be required to avert such danger, including the forcible removal without notice from such building of all the occupiers thereof and their property.

(2) Any expenses incurred by the Commissioner under sub-section (1) shall be paid by the owner concerned.

(3) Except with the permission in writing of the Commissioner no person shall without sufficient cause enter into or remain in any building from which the occupier has been removed under sub-section (1).

Abandoned or unoccupied premises. 344. If it appears to the Commissioner that any building or structure is abandoned or unoccupied or has become a resort of disorderly person or is by reason of its conditions seriously detrimental to the interest of the neighbourhood, the Commissioner may give written notice to the owner of such building or structure if he be known and resident within the city, or to any person who is known or believed to claim to be the owner, if such person is resident within the city, and shall also affix a copy of the said notice on some conspicuous part of the said building or structure requiring all persons having any right or interest therein to take such order regarding the said building or structure as may, in the opinion of the Commissioner, be necessary to prevent the same from being resorted to as aforesaid or from being seriously detrimental to the amenities of the neighbourhood.

Reclamation of low-lying sites. 345. (1) If for any reason it appears to the Commissioner that the level of the site on which it is proposed to erect or re-erect a building is so low that such building is likely to become insanitary or likely to be a source of nuisance, he shall give to the owner of the building proposed to be erected a notice as to why the said site should not be reclaimed with such materials and raised to such height and within such period not being less than six months from the date of the notice as he shall think fit and the said notice shall specify the cost at which, if so desired by the owner the required work can be performed by municipal agency.

(2) If no objection is raised within such period as aforesaid, or if any objection which is raised appears to the Commissioner to be invalid or insufficient, he may by notice in writing direct such owner or occupier—

- (a) to carry out such reclamation and raising of the height within the period specified ; or
- (b) within thirty days after the receipt of the said notice to pay to the Commissioner, the estimated cost of performing the work by municipal agency.

(3) In any case in which the estimated cost of the reclamation has not been paid to the Commissioner, and the owner fails to carry out the work of reclamation within the period specified in the notice under sub-section (2), the Commissioner may recover from him the estimated cost of the work as stated in the notice issued under sub-section (1) or so much thereof as he may consider necessary to complete the work, and shall carry out and complete the work:

Provided that in case of hardship the Commissioner may realise the amount in instalments after completion of the work.

Removal of building materials from any premises may be required.

346. If it appears to the Commissioner that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or is otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may by written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order regarding the same as may, in the opinion of the Commissioner, be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

Cleansing of filthy building.

347. Should the owner, part-owner, or occupier of any building suffer the same to be in a filthy or unwholesome state, the Commissioner may by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appears to be necessary for sanitary purposes to do so may, at any time by notice, direct the occupier of any building to white wash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the notice.

Public Streets

Closing of public streets. 348. (1) The Corporation may, subject to approval of the Government, permanently close the whole or any part of public street:

Provided that no such street or part thereof be closed unless for one month at least before the meeting of the Corporation at which the matter is decided, a notice has been posted in the street, or part thereof which it is proposed to be closed informing the residents of the said proposal, and until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting have been received and considered by the Corporation.

(2) When any public street or part thereof is permanently closed under sub-section (1), the site of such street or the part thereof which has been closed, may be disposed of as land belonging to the Corporation.

Encroachments on Street

Prohibition of projections upon street, etc. 349. (1) No person shall erect, set up, add to, or place against or in front of any premises any structure or fixture which will—

- (a) overhang or project into, or in any way encroach upon, and obstruct in any way the safe or convenient passage of the public along any street, or
- (b) project into or encroach upon any drain or open channel in any street so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection of cleansing thereof.

(2) The Commissioner by a notice require the encroacher or owner or occupier of any premises to remove, or to take such other action as he may direct in relation to any structure or fixture which has been erected, set up, added to, or placed against, or in front of the said premises in contravention of this section.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit into account with the owner of the premises for all reasonable expenses incurred by him in complying with the notice. In case the owner or occupier fails to comply with such notice, the Commissioner will remove or alter any such structure or fixture as contained in the notice or take such steps to remove such encroachments as he may deem fit.

Restriction
of powers of
municipal
authorities.

350. (1) The Corporation or the Commissioner shall not in respect of any street vested in the Government, grant permission to do any act the doing of which without the permission of the Corporation or the Commissioner is punishable under this Act or the rules or bye-laws made thereunder except with the sanction of the Government which may be given in respect of a class of cases generally or in respect of a particular case.

(2) The Corporation or the Commissioner shall, if so required by the Government, exercise in respect of such streets, all or any of the powers conferred by the Act upon the Corporation or the Commissioner, as the case may be.

Footings of
buildings
not to esta-
blish title to
land belong-
ing to Gov-
ernment or
vesting in
Corporation.

351. No title to any land belonging to or vested in the Government or the Corporation shall be deemed to have been acquired by a person or persons by reason only that the footing of the foundations of any buildings, wall or other structure project or have projected below the surface of such land.

Prohibition
of deposit,
etc., of
things in
streets.

352. (1) No person shall, except with the permission of the Commissioner, and on payment of such fee as he in each case thinks fit, place or deposit upon any street, or upon any open channel, drain or well in any street, or upon any public place, any stall, chair, bench, box, ladder, bale or other things whatsoever so as to form an obstruction thereto or encroachment thereon.

(2) Nothing in sub-section (1) applies to building materials.

Power to re-
move any-
thing depo-
sited or ex-
posed for
sale in con-
travention of
this Act.

353. The Commissioner may, without notice, cause to be removed:—

- (a) any stall, chair, bench, box, ladder, bale, or other thing whatsoever, placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act; and
- (b) any article whatsoever hawked or exposed for sale on any public street or in any other public place in contravention of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Streets not
to be opened
or broken
up and
building ma-
terials not
to be depo-
sited thereon
without per-
mission.

354. (1) No person other than the Commissioner or a duly authorised municipal employee shall—

- (a) open, breakup, displace, take up or make any alteration in, or cause any injury to the soil or pavement or any wall, fence, posts, chain or other materials, or thing forming part of any street; or
- (b) deposit any building materials in any street; or

- (c) set up in any street any scaffold or any temporary erection for the purpose of any work whatsoever or any posts, bars, rails, boards or other thing by way of an enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) of sub-section (1) shall be terminable at the discretion of the Commissioner on his giving not less than twenty-four hours notice of such termination to the person to whom such permission was granted.

(3) The Commissioner may, without notice cause to be removed any of the things referred to in clause (b) or clause (c) of sub-section (1) which has been deposited or set up in any street without the permission specified in that sub-section or which having been deposited or set up with such permission has not been removed within the period specified in the notice issued under sub-section (2):

Provided that nothing in this sub-section shall apply to cases under clause (b) or clause (c) of sub-section (1) in which an application for permission has been made with such fee as may be specified by the Commissioner in this behalf but no reply has been sent to the applicant within seven days from the date of the application.

Ground floor, doors, etc., not to open outwards on streets, 355. The Commissioner may at any time by notice require the owner of any premises on the ground floor of which any door, gate, bar or window opens outwards upon a street or upon any land required for the improvement of a street in such manner, as to obstruct, in the opinion of the Commissioner, the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition of tethering of animals and milking of cattle, 356. (1) No person shall tether any animal or cause or permit the same to be tethered in any public street.

(2) No person shall milk or cause or permit to be milked any cow or buffalo or goat in any street.

(3) Any animal tethered or any cow or buffalo or goat found being milked as aforesaid in any street may be removed by the Commissioner or any municipal employee and be impounded and dealt with under the provision of the Indian Cattle Trespass Act, 1871.

Function of
Commissioner
in respect
of public
street.

357. The Commissioner shall, from time to time, cause all public streets vested in the Corporation to be gravelled, metalled or paved, channelled, altered or repaired, and may widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered or may place and keep in repair fences and posts for the safety of foot passengers:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be under taken by the Commissioner except with the previous sanction of the Corporation.

Power to
make new
public street.

358. The Commissioner may at any time with the previous sanction of the Corporation—

- (a) lay out and make new public streets;
- (b) construct bridges, culverts and sub-ways;
- (c) turn or divert any existing public street; and
- (d) lay down and determine the position and direction of a street or streets in any part of the city notwithstanding that no proposal for the erection of any building in the vicinity has been received.

Minimum
width of
new public
street.

359. The Commissioner shall, from time to time with the sanction of the Standing Committee, specify the minimum width of different classes of new public streets according to the nature of the traffic likely to be carried thereon, and the streets with which they join at one or both ends, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations.

Power to
prohibit use
of public
street for
certain kinds
of traffic.

360. (1) The Commissioner with the previous sanction of the Corporation may:—

- (a) prohibit vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality; and
- (b) prohibit in respect of all public streets, or any particular public street, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be likely to cause injury to the roadways or any construction thereon except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants and other general precautions and upon the payment of such charges as may be specified by the Commissioner generally in such case.

(2) Notices of such prohibition as are imposed under sub-section (1) shall be posted in conspicuous places at or near both ends of public streets or portions thereof to which they relate, unless such prohibition applies generally to all public streets.

Power to acquire lands and buildings for public street and for parking place. 361. Subject to the provisions contained in this Act, the Commissioner may—

- (a) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or making any new public street and any building standing upon such land ;
- (b) acquire in relation to any such land or building all such land with buildings, if any, thereon as the Corporation may think expedient to acquire outside of the regular line, or of the intended regular line, of such street ; and
- (c) acquire any land for the purpose of laying out or making a public parking place.

Defining the regular line of streets. 362. (1) The Commissioner may define a line on one or both sides of any public street in accordance with the bye-laws made in this behalf and may, with the previous sanction of the Corporation, redefine at any time any such regular line :

Provided that, before according sanction the Corporation shall by public notice afford reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the proposed redefined line of the street and shall consider all such suggestions or objections which may be made within one month from the date of the publication of the said notice :

Provided further that the regular line of any public street operative under any law in force in any part of the city immediately before the commencement of this Act shall be deemed to be a line defined by the Commissioner under this sub-section.

(2) The line for the time being defined or redefined shall be called the regular line of street.

(3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall or other structure whatsoever within the regular line of a street.

(4) The Commissioner shall maintain a register containing such particulars as may be specified by him in this behalf with plans attached thereto showing all public streets in respect of which the regular line of the street has been defined or redefined and containing any other particulars which the Commissioner may deem necessary.

(5) All such registers shall remain open for inspection by any person on payment of such fee as may be specified by the Commissioner with the sanction of the Standing Committee.

Setting back building to regular line of street.

363. (1) If any part of a building abutting on a public street is within the regular line of that street, the Commissioner may, whenever it is proposed—

- (a) to repair, rebuild or construct such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic meter, or
- (b) to repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building which is within the regular line of the street ;

by an order which he issues concerning the additions to, rebuilding, construction, repair or alterations of such building, require such building to be set back to the regular line of the street.

(2) When any building or any part thereof within the regular line of a public street falls down, or is whether by the order of the Commissioner otherwise taken down, the Commissioner may forthwith take possession on behalf of the Corporation of the portion of the land within the regular line of the street theretofore occupied by the said building and, if necessary, clean the same.

(3) Land acquired under this section shall be deemed to be a part of the public street and shall vest in the Corporation.

Compulsory setting back of building to regular line of street.

364. (1) Where any building or any part thereof is within the regular line of a public street and in the opinion of the Commissioner it is necessary to set back the building or part thereof to the regular line of the street he may by notice serve on the owner in accordance with the provisions of this Act, require him to show cause within the period as may be specified in the notice as to why such building or part thereof along with the land which is within the regular line of the street should not be acquired by the Commissioner on behalf of the Corporation.

(2) If such owner fails to show cause as required by sub-section (1), the Commissioner may proceed to acquire the property on behalf of the Corporation for the purpose.

(3) Nothing in this section shall apply to building vesting in the Government.

Acquisition of open land and land occupied by platforms, etc., within the regular line of streets.

365. (1) If any land, whether open or enclosed, not vesting in the Corporation and not occupied by any building is within the regular line of a public street or if a platform, verandah, step, compound wall, hedge or fence or some other structure external or a building abutting on a public street or a portion of such platform, verandah, step, compound wall, hedge, fence or other structure is within the regular line of such street, the Commissioner may, after giving to the owner of the land or building a notice of intention so to do, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge, fence or other structure or of any portion thereof which is within the regular line of the public street after acquisition and, if necessary, clear the same and the land so acquired shall thereupon be deemed to be part of the public street and shall vest in the Corporation.

(2) Notwithstanding anything contained in this Act the Commissioner may proceed to acquire the said land on behalf of the Corporation.

Acquisition of remaining part of building and land after inclusion of the portion within a regular line of street have been acquired.

366. (1) Where a land or building is partly within the regular line of a public street and the Commissioner is satisfied that the land remaining after the inclusion of the portion within the said line will not be suitable or fit for any beneficial use, he may at the request of the owner, acquire such land in addition to the land within the said line and such surplus land shall be deemed to be a part of the public street and shall vest in the Corporation.

(2) Such surplus land may thereafter be utilised for the purpose of setting forward a building under Section 367.

Setting forward of building to the regular line of street.

367. The Commissioner may, upon such terms as may be determined by the Corporation allow any building to be set forward for the purpose of improving the regular line of a public street and may, with the sanction of the Standing Committee, by notice require any building to be so set forward in the case of re-construction thereof or of a new construction.

Explanation:—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the regular line of a street if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line.

368. (1) Compensation as assessed by the Commissioner shall be paid by the Commissioner with the approval of the Standing Committee to the owner of any building or land acquired for a public street under the provisions of Sections 363, 364 and 365 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of any order made by the Commissioner:

Provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part, likely to accrue from the setting back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation.

(2) If in consequence of any order to set forward a building made by the Commissioner, the owner of such building sustains any loss or damage, compensation as assessed by the Commissioner shall be paid to him by the Commissioner with the approval of the Standing Committee for such loss or damage after taking into account any increase in value likely to accrue from the setting forward.

(3) If the additional land which will be included in the premises of any person required or permitted under sub-section (2) to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land, and the price to be paid to the Corporation by the owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the order or permission.

Private Streets

369. If the owner of any land utilises, sells leases out or otherwise disposes of such land for the construction of buildings thereon, he shall lay down and make street or streets of such width as may be prescribed giving access to the plots into which the land may be divided and connecting with an existing public or private street.

Lay-out
plans.

370. (1) Before utilising, selling or otherwise dealing with any land under section 369, the owner thereof shall send to the Commissioner a written application with a lay-out plan of the land showing the following particulars, namely—

- (a) the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used ;
- (b) the reservation or allotment of any site for any street, open space, park, recreation ground, market or any other public purpose ;
- (c) the intended level, direction and width of street or streets ;
- (d) the regular line of street or streets ; and
- (e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sweeing, draining, conserving and lighting street or streets.

(2) The provisions of this Act and the bye-laws made thereunder as to the width of the public streets and the height of building abutting thereon, shall apply in the case of streets referred to in sub-section (1) and all the particulars referred to in the sub-section shall be subject to the sanction of the Standing Committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the Standing Committee shall either accord sanction to the lay-out plan on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(4) Such sanction shall be refused, if—

- (a) the particulars shown in the lay-out plan would conflict with any arrangements which have been made or which are in the opinion of the Standing Committee likely to be made for carrying out any general scheme of development of the city whether contained in the Master Plan or a Zonal Development Plan prepared for the city or not ; or

- (b) the said lay-out plan does not conform to the provision of this Act and bye-laws made thereunder, or
- (c) any street proposed in the plan is not designed so as to connect at one end with a street which is already open.

(5) No person shall utilise, sell or otherwise deal with any land or lay-out or make any new street without or otherwise than in conformity with the orders of the Standing Committee and if further information is asked for, no step shall be taken to utilise, sell or otherwise deal with the land or to lay-out or make the street until orders have been passed upon receipt of such information :

Provided that the passing of such orders shall not be in any case delayed for more than sixty days after the Standing Committee has received the information which it considers necessary to enable it to deal with the said application.

(6) The lay-out plan referred to earlier in this section shall, if so required by the Standing Committee, be prepared by a licensed Town Planner at the cost of the beneficiary.

Alteration or demolition of street made in breach of section 370. 371. (1) If any person lays out or makes any street referred to in section 370, without or otherwise than in conformity with the orders of the Standing Committee, the Commissioner may, whether or not the offender be prosecuted under this Act, by notice require,—

- (a) the offender to show cause by a written statement signed by him and sent to the Commissioner on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Corporation and if such alteration be impracticable why such street should not be demolished, or
- (b) the offender to appear before the Commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street with the approval of the Standing Committee.

Power of Commissioner to order work to be carried out or carry it out himself in default.

372. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewerred, drained, conserved or lighted to the satisfaction of the Commissioner, he may by notice require the owner of such street or part and the owners of the lands and buildings fronting or abutting on such street or part to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportion as may be determined by the Commissioner and shall be recoverable from them as an arrear tax under this Act.

(3) If any street has been levelled, paved, metalled, flagged, channelled, sewerred, drained, conserved and lighted under the provisions of sub-sections (1) and (2), the Commissioner may, with the approval of the Standing Committee and on the requisition of a majority of the owners referred to in sub-section (1), shall declare such a street to be a public street and thereupon the street shall vest in the Corporation.

Precautions during repair of street

373. (1) The Commissioner shall, so far as practicable during the construction or repair of any public street, or any municipal drain or any premises vested in the Corporation—

- (a) cause the same to be fenced and guarded,
- (b) take proper precautions against accident by shoring up and protecting the adjoining buildings, and
- (c) cause such bars, chains or posts to be fixed across or in any street in which any such work of construction or repair is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Commissioner shall cause such street, drain or premises to be sufficiently lighted or guarded during night while under construction or repair.

(3) The Commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the said street, drain or premises to be repaired and the rubbish occasioned thereby to be removed.

(4) No person shall, without the permission of the Commissioner or other lawful authority, remove any bar, chain, post or shoring, timber, or remove or extinguish any light set up under this section.

Naming and
numbering
of streets.

374. (1) The Commissioner may--

- (a) with the sanction of the Corporation determine the name or number by which any street or public place vested in the Corporation shall be known ;
- (b) cause to be put up or painted at a conspicuous part of any building, wall or place, at or near each end, corner or entrance of such street or on some convenient part of such street, the name or number by which it is to be known ;
- (c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Corporation ; and
- (d) determine the number or sub-number by which any premises or part of such premises shall be known and cause such number or sub-number to be fixed to the side or outer door of such premises or to some place at the entrance of the enclosure thereof.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or sub-number put up or painted by order of the Commissioner.

Measures for
lighting. 375. The Commissioner shall--

- (a) take measures for lighting in a suitable manner all such public streets and public place as may be specified by the Standing Committee ;

- (b) procure, erect and maintain such number of lamps, lamp posts and other appurtenances as may be necessary for the said purpose; and
- (c) cause such lamps to be lighted by means of oil, electricity or such other light as the Standing Committee may determine.

Provision for lighting of private street by Corporation on application of owners. 376. The Commissioner, on the application of the owners of a private street, may enter into arrangements for the lighting of such street on such terms as may be agreed upon between him and such owners and shall thereafter in respect of such street have all the powers conferred by section 375.

Prohibition removal, etc., of lamps. 377. (1) No person shall, without lawful authority, take away or wilfully or negligently break or throw down or damage—

- (a) any lamp or any appurtenance of any lamp or lamp post or lamp iron set up in any public street or any public place,
- (b) any electric wire for lighting such lamp; and
- (c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks, or causes any damage to, any of the things described in sub-section (1), he shall in addition to any penalty to which he may be subjected under this Act, pay expenses of repairing the damage so done by him.