

CHAPTER XIV STREETS

Construction, Maintenance and Improvement of Streets.

Vesting of public streets in Corporation

202. Vesting of public streets in Corporation.

All streets within the City being, or which at any time become, public streets, except streets which on the appointed day vested in the ¹[Government] or which after the said day may be constructed and maintained by an authority other than the Corporation, and the payments, stones and other materials thereof shall vest in the Corporation and be under the control of the Commissioner.

Power of Commissioner in respect of public streets

203. Power of Commissioner in respect of public streets.

(1) The Commissioner shall from time to time cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require, and may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of pedestrians : Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees or such higher amount as the Corporation may from time to time fix, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the Corporation.

(2) With the sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street vested in the Corporation :

Provided that such sanction of the Corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor 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.

Disposal of and forming site of closed streets

204. Disposal of and forming site of closed streets.

Whenever any public street, or part of a public street, is permanently closed under section 203, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the Corporation, subject to the previous sanction of the ²[State] Government.

Power to make new public streets.

205. Power to make new public streets.

The Commissioner, when authorised by the Corporation in this behalf, may at any time-

- (a) lay out and make a new public street;
- (b) agree with any person for the making of a street for public through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expenses of the Corporation, and that such street shall become, on

¹ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

- completion, public street, which shall vest in the Corporation;
- Minimum width of new public streets**
- (c) construct bridges and sub-ways;
- (d) divert or turn an existing public street vested in the Corporation or a portion thereof.
- 206. Minimum width of new public streets.**
- (1) The Corporation shall from time to time with the sanction of the ³[State] Government specify the minimum width for different classes of public streets according to the nature of the traffic likely to be carried thereon, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations.
- (2) The width of a new public street made under section 205 shall not be less than that prescribed under sub-section (1) for the class to which it belongs, and no steps and, except with the written permission of the Commissioner under section 227, no other projections shall extend on to any such street.
- 207. Power to adopt, construct or alter any sub-way, bridge, etc.**
- The Commissioner when authorised by the Corporation in this behalf, may agree with any person-
- (a) to adopt and maintain any existing or projected sub-way, bridge, via-duct or arch, and the approaches thereto, and may accordingly adopt and maintain such sub-way, bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the Corporation, or
- (b) for the construction or alteration of any such sub-way, bridge, via duct or arch or for the purchase or acquisition of any adjoining land required, for the foundations & support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation.
- 208. Power to prohibit use of public streets for certain kinds of traffic.**
- (1) It shall be lawful for the Commissioner with the sanction of the Corporation to-
- (a) prohibit vehicular traffic in any particular public street vesting in the Corporation so as to prevent danger, obstruction or inconvenience to the public by fixing up posts at both ends of such street or portion of such street;
- (b) prohibit in respect of all public streets, or particular public streets, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be deemed likely to cause injury to the roadways or any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over such street or streets, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions and the payment of special charges as may be specified by the Commissioner generally or specially in each case.
- (2) Notices of such prohibitions as are imposed under sub-section (1)
- Power to adopt, construct or alter any sub-way, bridge, etc.**
- Power to prohibit use of public streets for certain kinds of traffic.**

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Power to acquire premises for improvement of public streets

shall be posted up in conspicuous places at or near both ends of the public streets or portions thereof to which they relate, unless such prohibitions apply generally to all public streets.

209. Power to acquire premises for improvement of public streets.

(1) The Commissioner may, subject to the provisions of sections 77, 78 and 79-

(a) acquire any land required for the purpose of opening, widening, extending, diverting or otherwise improving any public street, bridge or sub-way or of making any new public street, bridge or sub-way and the buildings, if any, standing upon such land;

(b) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the Corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(c) lease, sell or otherwise dispose of any land or building purchased under clause (b).

(2) The acquisition of land for providing, extending or improving a place for the parking of vehicles shall be deemed to be acquisition of land for the purpose of providing, extending or improving a public street.

(3) Any conveyance of land or of a building under clause (c) of subsection (1) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Power to prescribe street lines**210. Power to prescribe street lines.**

(1) The Commissioner may,

(a) prescribe a line on one or both sides of any public street :
Provided that every regular line of a public street operative under any law for the time being in force in any part of the City on the day immediately preceding the appointed day shall be deemed to be a street line for the purposes of this Act until a street line is prescribed by the Commissioner under this clause;

(b) from time to time, but subject in each case to the previous approval of the Standing Committee, prescribe a fresh line in substitution for any line so prescribed or for any part thereof :
Provided that such approval shall not be accorded unless, atleast one month before the meeting of the Standing Committee at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed and until the Standing Committee has considered all objections to the said proposal made in writing and delivered at the office of the Municipal Secretary not less than three clear days before the day of such meeting.

(2) The line for the time being prescribed shall be called "the regular line of the street".

(3) A register with plans attached shall be kept by the Commissioner

showing all public streets in respect of which a regular line of the street has been prescribed and such register shall contain such particulars as to the Commissioner may appear to be necessary and shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Standing Committee.

(4) (a) Subject to the provisions of sub-section (5) no person shall construct or reconstruct any portion of any building on land within the regular line of the street except with the written permission of the Commissioner and in accordance with the conditions imposed therein and the Commissioner shall in every case in which he gives such permission, at the same time, report his reasons in writing to the Standing Committee.

(b) No person shall construct or reconstruct any boundary wall or a portion of a boundary wall within the regular line of the street except with the written permission of the Commissioner :

Provided that if, within sixty days after the receipt of an application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to acquire the land within the regular line of the street under section 213 the said person may, subject to any other provisions of this Act or the rules or by-laws, proceed with the work of construction or reconstruction of such boundary wall or a portion thereof, as the case may be.

(5) (a) When the Commissioner grants permission under clause (a) of sub-section (4) for the construction or reconstruction of any building on land within the regular line of the street he may require the owner of the building to execute an agreement binding himself and his successors in title not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission or any portion thereof and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner.

(b) The Commissioner may before granting such permission require the owner to deposit in the municipal office an amount sufficient in his opinion to cover the cost of removal and such compensation, if any, as may be payable to any successor in title or transferee of such building.

211. Setting back buildings to the regular line of the street.

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

(a) to rebuild 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 feet; or

(b) to remove, reconstruct or make any addition to or structural alteration in any portion of such building which is within the regular line of the street, in any order which he issues concerning the rebuilding, alteration or repair 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

**Setting back
buildings to the
regular line of the
street**

the street falls down or is burnt down or is taken down, whether under the provisions of this Act or otherwise, the Commissioner may at once take possession on behalf of the Corporation of the portion of land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

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

Additional power of Commissioner to order setting back of buildings to regular line of street.

212. Additional power of Commissioner to order setting back of buildings to regular line of street.

(1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of street he may, if the provisions of section 211 do not apply, by written notice-

(a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorized by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid the Commissioner may, with the approval of Standing Committee, require the owner by a written notice to pull down the building or the part thereof which is within the regular line of the street ⁴[and where a part of building is required to be pulled down, to also enclose the remaining part by putting up a protecting frontage wall] within such period as is prescribed in the notice.

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same ⁵[and where a part of a building is pulled down may also enclose, the remaining part by putting up a protecting frontage wall] and all the expenses incurred in so doing shall be paid by the owner.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the said line theretofore occupied by the said building, and such land shall thenceforward be deemed a part of the public street and shall vest as such in the Corporation.

⁴ These words were inserted by Guj. 19 of 1964, s. (i).

⁵ These words were inserted by Guj. 19 of 1964, s. 9 (a).

Acquisition of open land or of land occupied by platforms, etc. within regular line of street.

(5) Nothing in this section shall be deemed to apply to buildings vesting in the ⁶[Government].

213. Acquisition of open land or of land occupied by platforms, etc. within regular line of street.

If any land not vesting in the Corporation, whether open or enclosed, lies within the regular line of a public street and is not occupied by a building, or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building, abutting on a public street or a portion of a platform, verandah, step, compound wall, hedge or fence or other such structure, is within the regular line of such street, Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention to do so, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid or of the portion of the said platform, verandah, step or other such structure aforesaid, which is within the regular line of the street and, if necessary clear the same and the land so acquired, shall thenceforward be deemed a part of the public street:

Provided that when the land or building is vested in the ⁷[Government] possession shall not be taken as aforesaid, without the previous sanction of the Government concerned and, when the land or building is vested in any Corporation constituted by any law for the time being in force, possession shall not be taken as aforesaid, without the previous sanction of the ⁸[State] Government.

Acquisition of the remaining part of building and land after their portions within a regular line of the street are acquired.

214. Acquisition of the remaining part of building and land after their portions within a regular line of the street are acquired.

(1) If a building or land is partly within the regular line of a public street and if the Commissioner is satisfied that the land remaining after the excision 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 vesting in the Corporation.

(2) Such surplus land may thereafter be utilised for the purpose of setting forward of buildings under section 215.

215. Setting forward of buildings to the line of the street.

Setting forward of buildings to the line of the street

(1) If any building which abuts on a public street is in rear of the regular line of such street, the Commissioner, may whenever it is proposed-

- (a) to rebuild such building, or
- (b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street to an extent exceeding one-half of such building or portion thereof above the ground level, such half to be measured in cubic feet, in any order which he issues concerning the rebuilding, alteration or repair of such building, permit or, with the

⁶ This word was substituted for the word "Crown" by the Adaptation of Laws order, 1950

⁷ This word was substituted for the word "Crown" by the Adaptation of Laws order, 1950.

⁸ This word was substituted for the word "Provincial", *ibid*

approval of the Standing Committee, require such building to be set forward to the regular line of the street.

(2) 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 to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner, is erected along the said line.

216. Compensation to be paid & betterment charges to be levied.

Compensation to be paid & betterment charges to be levied

(1) Compensation shall be paid by the Commissioner to the owner of any building or land required for a public street under section 211, 212, 213 or 214 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 the order made by the Commissioner :

Provided that-

- (i) 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 set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation;
- (ii) if any such increase in value exceeds the amount of loss sustained or expenses incurred by the said owner, the Commissioner may recover from such owner half the amount of such excess as a betterment charge.

(2) If, in consequence of an order to set forward a building made by the Commissioner under section 215, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the set forward.

(3) If the additional land which will be included in the premises of any person required or permitted under section 215 to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be sufficient conveyance to the said owner of the said land; and the price to be paid to the Corporation by the said owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or any of the other terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Judge.

Notice to be given to Commissioner of intention to lay out lands for building and for private streets

Provisions regarding Private Streets

217. Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

Every person who intends—

- (a) to sell or let on lease any land subject to a covenant or agreement

on the part of a purchaser or lessee to erect buildings thereon,
 (b) to divide land (whether unbuilt or partly built) into building plots,
 (c) to use any land or a portion thereof or permit the same to be used for building purposes, or
 (d) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give on the part of a purchaser or lessee to erect buildings thereon,
 (b) to divide land (whether unbuilt or partly built) into building plots,
 (c) to use any land or a portion thereof or permit the same to be used for building purposes, or
 (d) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice of his intention to the Commissioner and shall, alongwith such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other lands of such person of which such building land or site forms a part and the intended development, laying out and plotting of such building land including the dimensions and area of each building plot and also the intended level, direction, width, means of drainage, paving, metalling and lighting of such private street, the provisions for planting and repairing of trees besides such private street, and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and if any building when erected will not about on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building and the manner of paving, metalling, draining and lighting of such means of access.

Commissioner may call for further particulars

218. Commissioner may call for further particulars.

If any notice under section 217 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case or if any such notice given for any of, or all the purposes mentioned in clause (a), (b) or (c) of the said section does not contain any proposal or intention to make or lay out a private street, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice-

(a) to furnish the required information together with all or any of the documents specified in the rules, or
 (b) to revise any or all the schemes submitted under the said clause (a), (b) or (c) so as to provide for the making or laying out of a private street or private streets of such width or widths as he may specify, in addition to or in substitution of any means of access proposed to be provided in such scheme or schemes and to furnish such further information and documents relating to the revised scheme or schemes as he may specify.

Commissioner may require plans to be prepared by licensed surveyor

219. Commissioner may require plans to be prepared by licensed surveyor.

The Commissioner may decline to accept any plan, section or

Laying out of land, dimensions and area of each building plot laying out of private streets and buildings and heights of buildings to be determined by Commissioner

description as sufficient for the purposes of section 217 or 218 which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

220. Laying out of land, dimensions and area of each building plot laying out of private streets and buildings and heights of buildings to be determined by Commissioner.

(1) The laying out of land for building, the dimensions and area of each building plot, the level, direction, width and means of drainage of every private street, the kind and number of streets to be planted and reared beside such streets and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or on either side of such street shall be fixed and determined by the Commissioner subject to such street shall be fixed and determined by the Commissioner subject to such general directions as the Standing committee may give in this behalf from time to time with the general object of securing sanitary conditions, amenity and convenience in connection with the laying out and use of the land and of any neighbouring lands, and also with the object that the proposed private street may not conflict with any arrangements which have been made or which are, in the opinion of the Commissioner, likely to be made for carrying out any general scheme of new streets or of improvements of existing streets in the locality :

Provided that if, within sixty days after the receipt by the Commissioner of any notice under section 217 or of the plans, sections, descriptions, scheme or further information, if any, called for under section 218, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice has not been communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.

(2) When the Commissioner signifies in writing to the said person his approval of the said work under certain conditions or without any conditions, or when the said work is deemed to have been approved by the Commissioner as aforesaid, the said person may at any time within one year from the date of the delivery of the notice under section 217 to the Commissioner, proceed with the said work in accordance with the intention as described in the notice or in any of the documents aforesaid and in accordance with the conditions, if any, prescribed by the Commissioner, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

221. Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

(1) No person shall sell, let, use or permit the use of any land whether undeveloped or partly developed for building or divide any such land into building plots, or make or lay out any private street -

(a) unless such person, has given previous written notice of his intention as provided in section 217 nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined

- under sub-section (1) of section 220;
- (b) after the expiry of the period of one year specified in sub-section (2) of section 220;
- (c) unless such person gives written notice to the City Engineer of the date on which he proposes to proceed with any work which he is entitled to carry out and commences such work within seven days of the date mentioned in the notice.
- (2) If any act be done or permitted in contravention of this section, the Commissioner may be written notice require any person doing or permitting such act-
- (a) to show cause on or before such day as shall be specified in such notice by statement in writing subscribed by him in that behalf and addressed to the Commissioner, why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or
- (b) to attend personally or by an agent duly authorised by him in that behalf on such day and at such time and place as shall be specified in such notice and show cause as aforesaid.
- (3) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.

Renewal of notice of intention to carry out works not executed in pursuance of approval given under section 220

222. Renewal of notice of intention to carry out works not executed in pursuance of approval given under section 220.

If a person who is entitled to proceed with any work under section 220 fails so to do within the period of one year specified therein he may at any time give fresh notice of his intention to execute such work and such notice shall be treated as a new notice under section 217.

Levelling & draining of private streets and means of access.

223. Levelling & draining of private streets and means of access.

If any private street or any other means of access to a building be not levelled, metalled, flagged or paved, sewerred, drained, channelled, lighted or provided with trees for shade to the satisfaction of the Commissioner, he may, with the sanction of the Standing Committee, by written notice, require the owner or owners of the several premises fronting or adjoining the said street or other means of access or abutting thereon or to which access is obtained through such street or other means of access or which will benefit by works executed under this section to carry out any one or more of the aforesaid requirements in such manner as he shall direct.

Power to declare private streets when sewerred, etc. public streets.

224. Power to declare private streets when sewerred, etc. public streets.

When any private street has been levelled, metalled, flagged or paved, sewerred, drained, channelled and made good to the satisfaction of the Commissioner, he may and. upon the request of the owners or of any of the owners, of such street, shall, if, lamps, lamp-posts and

other apparatus necessary for lighting such street have been provided to his satisfaction and if all land revenue payable to the ⁹[State] Government in respect of the land comprised in such street has been paid, declare the same to be a public street by notice in writing put up in any part of such street, and thereupon the same shall become a public street and vest in the Commissioner as such :

Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

Applicability of sections 223 and 224 when a street is in part public and in part private.

225. Applicability of sections 223 and 224 when a street is in part public and in part private.

If a portion only of any street is a public street, the other portion of such street may for all purposes of sections 223 and 224 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projections upon streets, etc

226. Prohibition of projections upon streets, etc.

(1) Except as provided in section 227, 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, jut or project into, or in any way encroach upon, obstruct in any way the safe or convenient passage of the public along, any street, or

(b) jut or project 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 or cleansing thereof.

(2) The Commissioner may, by written notice, require the owner or occupier of any premises to remove or to take such other order as he may direct with 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 or of any law in force in the City on the day immediately preceding the appointed day.

(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 in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

(4) If any such structure or fixture as is described in sub-section (1) has been erected, set up, added to, or placed against or in front of any premises at any time before the first day of April 1901, the commissioner may give notice as aforesaid to the owner or occupier of the said premises :

Provided that if in any such case the structure or fixture was lawfully erected, set up, added to or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections over streets may be permitted in certain cases.

227. Projections over streets may be permitted in certain cases.

(1) The Commissioner may give a written permission, on such terms

⁹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

as he shall in each case think fit, to the owner or occupier of any building abutting or any street-

- (a) to erect an arcade over such street or any portion thereof, or
- (b) to put up a verandah, balcony, arch, connecting passage, sunshade, weather-frame, canopy, awning, or other such structure or thing projecting from any storey over or across any street or portion thereof:

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been generally sanctioned by the Corporation.

(2) The provisions of section 226 shall not be deemed to apply to any arcade, verandah, balcony, arch, connecting passage, sun-shade, weather-frame, canopy, awning or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

(3) The Commissioner may at any time by written notice require the owner or occupier of any building to remove a Verandah, balcony, sun-shade, weather-frame or the like put up in accordance with the provisions of sub-section (1) and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

228. Ground floor doors, etc. not to open outwards on streets.

Ground floor doors, etc. not to open outwards on streets

The Commissioner may at any time, by written 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, in the opinion of the Commissioner, to obstruct 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.

229. Prohibition of structure or fixtures which cause obstruction in streets.

Prohibition of structure or fixtures which cause obstruction in streets

(1) No person shall, except with the permission of the Commissioner under section 227 or 234, erect or set up any wall, fence, rail, post, step, booth or other structure whether Fixed or moveable and whether of a permanent or a temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of sub-section (1) of section 239 applies.

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

Prohibition of deposit, etc. of things in streets

(1) No person shall, except with the written permission of the Commissioner-

- (a) place or deposit upon any street, or upon any open channel, drain or well in any street or in any public place any stall, chair, bench, box, ladder, bale, or other thing whatever so as to form an obstruction thereto or encroachment thereon;
- (b) project, at a height of less than twelve feet from the surface of the

street, any board or chair, beyond the line of the plinth of any building over any street, or over any open channel, drain, well or tank in any street;
 (c) attach to, or suspend from, any wall or portion of a building abutting on a street, at a lower height than aforesaid anything whatever.

(2) Nothing in clause (a) of sub-section (1) applies to building materials

Commissioner may, without notice, remove anything erected, deposited or hawked or exposed for sale in contravention of Act.

231. Commissioner may, without notice, remove anything erected, deposited or hawked or exposed for sale in contravention of Act.

The Commissioner, may, without notice, cause to be removed-

(a) any wall, fence, rail, post, step, booth or other structure whether fixed or moveable and whether of a permanent or a temporary nature, or any fixture which shall be erected or set up in or upon or over any street or upon or over any open channel, drain, well or tank contrary to the provisions of this Act after the appointed day;

(b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act;

(c) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is place.

Power to require removal of any structure or erected fixture erected or set up before the appointed day

232. Power to require removal of any structure or erected fixture erected or set up before the appointed day.

The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up under this Act, has been erected or set up before the appointed day, to remove the said wall, fence, rail, post, step, stall or other structure or thing :

Provided that, if in any such case the structure or fixture shall have been lawfully erected or setup, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of tethering of animals in public streets

233. Prohibition of tethering of animals in public streets.

(1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household, in any public street.

(2) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Commissioner may permit booths, etc. to be erected on streets on festivals.

Temporary Erections on Streets during Festivals.

234. Commissioner may permit booths, etc. to be erected on streets on festivals.

¹⁰[With the concurrence, in any area for which a Commissioner of Police has been appointed, of the Commissioner of Police or any

¹⁰ This portion was substituted for the original portion by Bom. 56 of 1959, s.3, Sch.

officer nominated by him and elsewhere, of the District Magistrate or any officer nominated by him,] the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure any street on occasions of ceremonies and festivals.

Provisions concerning Execution of works in or near to Streets
235. Streets when broken up for any municipal purposes to be restored without delay.

Streets when broken up for any municipal purposes to be restored without delay

Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the Corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close street in which work is in progress

236. Commissioner may close street in which work is in progress.

(1) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(2) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc. pending execution of municipal work in any street

237. Commissioner to provide for traffic, etc. pending execution of municipal work in any street.

Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water supply, or means of lighting which may be interrupted by reason of the execution of the said work.

Precautions to be taken for public safety whilst municipal works are in progress in any street

238. Precautions to be taken for public safety whilst municipal works are in progress in any street.

(1) Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall-

- (a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;
- (b) have any place where the soil or pavement has been opened or broken up, fenced and guarded;
- (c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 236 for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(2) No person shall, without the written permission of the

Streets not to be opened or broken up and building materials not to be deposited thereon without permission

Commissioner or without other lawful authority, remove any shoring timber or fence, or remove or extinguish any light employed or set up for any of the purposes of this section.

239. Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

(1) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,-

- (a) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street;
- (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 whatever or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

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

(2) Except in cases in which permission has been applied for under clause (b) of sub-section (1) for the deposit of building materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (1). or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (2).

Precautions for public safety to be taken by persons to whom permission is granted under section 239

240. Precautions for public safety to be taken by persons to whom permission is granted under section 239.

Every person to whom any permission is granted under section 239 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials, or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 239 must reinstate streets, etc.

241. Persons to whom permission is granted under section 239 must reinstate streets, etc.

(1) Every person to whom permission is granted under section 239 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay to the satisfaction of the Commissioner.

(2) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons granted permissions under section 239 for traffic, etc.

242. Provisions to be made by persons granted permissions under section 239 for traffic, etc.

The Commissioner may, by written notice, require any person to whom permission is granted under section 239 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic for securing access to the premises approached from such street and for any drainage, water supply or means of lighting which may be interrupted by reason of the execution of the said work.

Buildings at corners of streets.

243. Buildings at corners of streets.

(1) The Commissioner may, with the approval of the Standing Committee, require by written order the corner of any building which has already been erected, or which is to be newly erected or which is to be reconstructed or repaired and which is situated at the junction of two or more streets to be rounded or splayed off to such height and in such manner as he may determine and may also in such order impose such conditions as he deems necessary as to the construction of a compound wall or fence or hedge or any other structure whatsoever or the planting or retention of any tree on the premises appurtenant to such building.

(2) Compensation shall be paid by the Commissioner for any loss or damage caused by the issue of an order under sub-section (1).

Sky-signs and Advertisements.

Regulations as to sky-signs.

244. Regulations as to sky-signs.

(1) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign of the kind prescribed by rules whether existing on the appointed day or not. Such written permission ¹¹[may be granted or renewed for a period not exceeding two years] from the date of each such permission or renewal, subject to the condition that such permission shall be deemed to be void if-

- (a) any addition is made to the sky-sign except for the purpose of making it secure under the direction of the City Engineer;
- (b) any change is made in the sky-sign, or any part thereof ;
- (c) the sky-sign or any part thereof fall either through accident, decay or any other cause;
- (d) any addition or alteration is made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, involving the disturbance of the sky-sign or any part thereof;
- (e) the building or structure upon or over which the sky-sign is erected, fixed or retained becomes unoccupied or be demolished or destroyed.

¹¹ These words were substituted for the words "shall be granted, or renewed, for any period exceeding two years" by Bom. 18 of 1953, s. 3 and Second Schedule

(2) Where any sky-sign shall be erected, fixed or retained after the appointed day upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) if any sky-sign be erected, Fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, required the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

¹²[245. Regulation and control of advertisements.

Regulation and control of advertisements

(1) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement upon any land, building, wall. Hoarding or structure:

Provided always that such permission shall not be necessary in respect of any advertisement which is not illuminated advertisement or a sky-sign and which-

- (a) is exhibited within the window of any building, or
- (b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same, or to the trade or business carried on by the owner of any omnibus or other vehicle upon which such advertisement is exhibited, or
- (c) relates to the business of any railway company, or
- (d) is exhibited within any railway station or upon any wall or property or a Railway administration not fronting any streets.

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section upon any land, building, wall, hoarding or structure in contravention of the provisions of sub-section (1) the owner or person in occupation of such land, building wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(3) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this section or after the expiry of the permission granted under sub-section (1) the Commissioner may, by notice in writing, require the owner or occupier of the land. building, wall, hoarding or structure upon which the advertisement has been erected, exhibited, fixed or retained, to take down or remove

¹² Section 245 was substituted for the original by Guj. 19 of 1964, s. 10.

the advertisement.

(4) (a) The word "structure" in this section shall include an omnibus and any vehicle or moveable board used primarily as an advertisement or an advertising medium; and

(b) the expression "illuminated advertisement" in this section shall not include an illuminated display of goods, if such display,-

(i) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(ii) is made by lighting which is not, in the opinion of the Commissioner, more than is necessary to make the goods and labels visible at night.]

Dangerous places and places where some work affecting human safety convenience is carried on.

246. Hoards to be set up during work on any building adjacent to street.

Hoards to be set up during work on any building adjacent to street

(1) No person who proposes to build, take down or rebuild any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(2) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence, put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work. during such time as may be necessary for the public safety and convenience; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(3) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

247. Commissioner to take proceeding for repairing or enclosing dangerous places or places where some work affecting safety or convenience is carried on.

Commissioner to take proceeding for repairing or enclosing dangerous places or places where some work affecting safety or convenience is carried on

(1) If any place is, in the opinion of the Commissioner, for want of sufficient repair, protection or enclosure or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons who have lawful access thereto or to the neighbourhood thereof or if any such work, in the opinion of the Commissioner, affects the safety or convenience of such persons, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom or to ensure safety or convenience of such persons.

(2) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary

Protective measures during demolition work

measures as he thinks fit to prevent danger from the said place or to ensure safety or convenience at such work, and any expense incurred by the Commissioner in taking such temporary measure shall be paid by the owner or occupier of the place to which the said notice refers.

248. Protective measures during demolition work.

(1) No person who proposes to take down a building or a part thereof, shall commence doing so without providing, in addition to such hoard of fence which he may be required to provide under section 246, screens extending to the full height of such building on all sides thereof so as to prevent pollution of the surrounding air with dust or injury or damage caused by the falling of any debris, bricks, wood and other material.

(2) If any such work is commenced in contravention of sub-section (1) the Commissioner may cause it to be stopped forthwith and any person carrying it out to be removed from the premises by a police officer.

Lighting of Streets**Public streets to be lighted****249. Public streets to be lighted.**

(1) The Commissioner shall-

(a) take measures for lighting in a suitable manner the public streets, municipal gardens and open spaces and municipal markets and all building vesting in the Corporation;

(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, gas, electricity or such other light as the Corporation shall from time to time determine.

(2) The Commissioner may place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immovable property without being liable to any claim for compensation there anent :

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Watering of Streets**Measures for watering streets****250. Measures for watering streets**

The Commissioner may-

(a) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(b) procure and maintain such vehicles, animals and apparatus as he shall think fit for the said purpose.

Miscellaneous**Prohibition of removal, etc. of lamps or any other municipal property on streets.****251. Prohibition of removal, etc. of lamps or any other municipal property on streets.**

No person shall, without lawful authority, take away or wilfully break, throw down or damage-

(a) any lamp-post or lamps-iron set up in any public street or in any municipal garden, open space or market or building vesting in the Corporation;

- (b) any electric wire for lighting any such lamp;
- (c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp;
- (d) any property of the Corporation on any street; and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

Persons accidentally breaking lamp, etc. to repair the damage.

252. Persons accidentally breaking lamp, etc. to repair the damage.

If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market, garden or public place or building vesting in the Corporation or shall break or damage any property of the Corporation on any street, he shall pay the expenses of repairing the damage so done by him.