

## **CHAPTER XV**

### **Building Regulations**

#### **Notices regarding Erection, etc. of Buildings**

**Notice to be given to  
Commissioner of  
intention to erect  
building**

#### **253. Notice to be given to Commissioner of intention to erect building.**

(1) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in the form prescribed in the by-laws and containing all such information as may be required to be furnished under the by-laws.

(2) Every such notice shall be signed in the manner prescribed in the by-laws and shall be accompanied by such documents and plans as may be so prescribed.

(3) In this Chapter the expression "to erect a building" means-

- (a) newly to erect a building on any site whether previously built upon or not,
- (b) to re-erect -
  - (i) any building of which more than one-half of the cubical contents of the building above the level of the plinth have been pulled down, burnt, or destroyed,
  - (ii) any masonry building of which more than three-fourths of the superficial area of the external walls above the level of the plinth has been pulled down, or
  - (iii) any frame building of which more than three quarters of the number of the posts or beams in the external walls have been pulled down,
- (c) to convert into a dwelling house any building or part of a building not originally constructed for human habitation or, if originally so constructed, appropriated for any other purpose.
- (d) to convert into more than one dwelling house a building originally constructed as one dwelling house only,
- (e) to convert by any structural alteration into a place of religious worship or into a sacred building any place or building not originally meant or constructed for such purpose,
- (f) to roof or cover an open space between walls or buildings as regards the structure which is formed by roofing or covering such space,
- (g) to convert by a structural alteration two or more tenements in a building into a greater or lesser number,
- (h) to make any structural alteration in a building so as to affect its drainage or sanitary arrangements or its stability,
- (i) to convert into a stall, shop, warehouse or godown any building not originally constructed for use as such, or
- (j) to construct in a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land, and each of the above operations shall be deemed to be the erection of new building for the purposes of this Chapter.

Notice to be given to Commissioner of intention to make additions, etc. to building.

**254. Notice to be given to Commissioner of intention to make additions, etc. to building.**

- (1) Every person who shall intend-
- (a) to make any addition to a building,
  - (b) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet,
  - (c) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts or beams in any such wall thereof as aforesaid, or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial feet,
  - (d) to make any alteration in a building involving-
    - (i) the sub-division of any room in such building so as to convert the same into two or more separate rooms, or
    - (ii) the conversion of any passage or space in such building into a room or rooms,
  - (e) to repair, remove, construct, re-construct or add to any portion of a building abutting on a street which stands within the regular line of such street,
  - (f) to carry out any work in a building involving-
    - (i) the construction or reconstruction of a roof,
    - (ii) the conversion of a roof into a terrace,
    - (iii) the conversion of a terrace into a roof, or
    - (iv) the construction of a lift shaft.
  - (g) to carry out any repairs to a building involving the construction of a floor of a room (excluding the ground floor),
  - (h) to permanently close any door or window in an external wall, or
  - (i) to remove or reconstruct the principal staircase or to alter its position, shall give notice to the Commissioner, in the form prescribed in the by-laws and containing all such information as may be required to be furnished under the by-laws.
- (2) Every such notice shall be signed in the manner prescribed in the by-laws and shall be accompanied by such documents and plans as may be so prescribed.

Plans, etc., submitted, to be rejected if not drawn etc. in prescribed manner.

**255. Plans, etc., submitted, to be rejected if not drawn etc. in prescribed manner.**

The Commissioner shall decline to accept any plan, section, description, structural drawings or structural calculations as sufficient for the purposes of this Act which are not drawn, given, prepared or signed in the manner prescribed in the by-laws.

Effect of no compliance with requisition made by Commissioner

**256. Effect of no compliance with requisition made by Commissioner.**

If any requisition made by the Commissioner in accordance with the rules requiring the production of further particulars and details is not complied with, the notice given under section 253 or 254 shall be deemed not to have been given.

### Commencement of works

#### Supervision of buildings and works

#### **257. Supervision of buildings and works.**

Every person who intends to erect a new building or execute any such work as is described in section 254, shall erect the building or execute the work in such manner, under such supervision, through such qualified agency, and subject to such conditions and restrictions as may be prescribed by the by-laws.

#### Power to Commissioner to cancel permission on the ground of material misrepresentation by applicant

#### **258. Power to Commissioner to cancel permission on the ground of material misrepresentation by applicant.**

If at any time after permission to proceed with any building or work has been given under the rules, 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 253 or 254, or of 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.

#### Inspection of buildings in course of erection, alteration, etc

#### **259. Inspection of buildings in course of erection, alteration, etc.**

The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 254 make an inspection thereof, without giving previous notice of his intention so to do.

#### Proceedings to be taken in respect of building or work commenced contrary to rules or by-laws.

#### **260. Proceedings to be taken in respect of building or work commenced contrary to rules or by-laws.**

(1) If the erection of any building or the execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the rules or by-laws, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 264, shall -

(a) by written notice, require the person who is erecting such building or executing such work or has erected such building or executed such work on or before such day as shall be 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, to show sufficient cause why such building or work shall not be removed, altered or pulled down, or

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

**Buildings or works commenced contrary to Act may be cut into and laid open for purpose of inspection**

**261. Buildings or works commenced contrary to Act may be cut into and laid open for purpose of inspection.**

(1) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in section

260 anything has been done contrary to any provision of this Act or of any rule or by-law, or that anything required by any such provision, rule or by-law to be done has been omitted to be done; and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained; the Commissioner may, with the approval of the Standing Committee, by a written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any rule or by-law, and that nothing required by any such provision, rule or by-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

**Enforcement of provisions concerning buildings and works**

**262. Enforcement of provisions concerning buildings and works.**

The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any rule or by-law, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision, rule or by-law to be amended or to do anything which by any such provision, rule or by-law may be required to be done but which has been omitted to be done.

**Completion certificates, permission to occupy or use**

**263. Completion certificates, permission to occupy or use.**

(1) Every person shall, within one month after the completion of the erection of a building or the execution of any such work as is described in section 254, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form prescribed in the by-laws signed and subscribed in the manner so prescribed, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work and shall apply for permission to occupy the building.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any work, until-

- (a) permission has been received from the Commissioner in this behalf, or
- (b) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate his refusal of the said permission.

<sup>1</sup>[**Lawfully created structures infringing rules or by-laws**  
**263A. Power to require demolition or alteration of lawfully constructed huts or sheds infringing rules of by-laws.**

Power to require  
demolition or  
alteration of  
lawfully constructed  
huts or sheds  
infringing rules of  
by-laws

(1) If any hut or shed erected or constructed before the appointed day is contrary to the provisions of any rules or by-laws relating to the erection or construction of huts or sheds, and it appears to the commissioner that it is necessary in the public interest that such hut or shed or any part thereof be demolished or altered, the Commissioner may by written notice require the owner thereof to demolish or alter such hut or shed or any part thereof, or on or before such date, as may be specified in such notice, by writing subscribed by the owner or an agent duly authorised in that behalf and addressed to the Commissioner, show sufficient cause why such hut or shed should be demolished or so altered.

(2) If such person fails to show sufficient cause to the satisfaction of the Commissioner why such hut or shed or any part thereof should not be demolished or so altered, he shall demolish or alter the hut or shed within such time as he is required so to do by the Commissioner; and if he fails to do so, the Commissioner may demolish or alter the hut or shed.

(3) The Commissioner shall pay compensation to every person who sustains loss or damage by the demolition or alteration as aforesaid of any hut or shed, (including any cost of demolition or alteration.)]

**Dangerous Structures**

Removal of  
structures, etc.  
which are in ruins  
or likely to fall.

**264. Removal of structures, etc. which are in ruins or likely to fall.**

(1) If it shall at any time appear to the Commissioner that any structure (including under this expression any building wall, parapet, pavement, floor, steps, railings, door or window frames or shutters or roof, or other structure and anything affixed to or projecting from or resting on any building, wall, parapet or other structure) is in a ruinous condition or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure, remove or repair such structure or thing or do one or more of such things and to prevent all cause of danger therefrom:

<sup>2</sup>[Provided that when the notice as aforesaid is given to the owners of a structure, who is not himself the occupier thereof, a copy of such notice shall be given also to the occupier thereof if any.]

(2) The Commissioner may also, if he thinks fit, require the said owner or occupier by the said notice, either forthwith or before proceeding to pull down, secure, remove or repair the said structure or

<sup>1</sup> The heading and section 263A were inserted by Bom 19 of 1956, s. 2.

<sup>2</sup> Proviso to sub-section (1) was added by Guj. 2 of 1969, s. 3.

thing, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, 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.

(3) If it appears to the Commissioner that the danger from a structure which is ruinous or about to fall is imminent, he may, before giving notice as aforesaid or before the period of notice expires, fence off, take down, secure or repair the said structure or take such steps or cause such work to be executed as may be required to arrest the danger.

(4) Any expenses incurred by the Commissioner under sub-section (3) shall be paid by the owner or occupier of the structure.

(5) (a) Where the Commissioner is of opinion whether on receipt of an application or otherwise that the only or the most convenient means by which the owner or occupier of a structure such as is referred to in sub-section (1) can pull down, secure, remove or repair such structure, is by entering any of the adjoining premises belonging to some other person the Commissioner after giving such person a reasonable opportunity of stating any objection may, if no such objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to enter such adjoining premises.

(b) Every such order bearing the signature of the Commissioner shall be a sufficient authority to the person in whose favour it is made, or to any agent or person employed by him for this purposes, after giving to the owner of the premises reasonable written notice of his intention so to do to enter upon the said premises with assistance and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(e) In executing any work under this section as little damage as can be, shall be done to the adjoining owner's property, and the owner or occupier of premises for the benefit of which the work is done, shall-

(i) cause the work to be executed with the least practicable delay;

(ii) pay compensation to any person who sustains damage by the execution of the said work.

### **265. Periodic inspection of buildings.**

(1) It shall be incumbent on the owner of every building to maintain every part thereof and every thing appurtenant thereto in such repair as to prevent is becoming dangerous.

(2) The Commissioner may by written notice require the owner of any building to get the building inspected at such intervals and in such manner as may be prescribed in the by-laws.

(3) The owner shall within two months of the inspection under sub-section (2) undertake such repairs as the inspection shall show to be necessary for the purpose of securing the stability of the structure within the meaning of section 264 after complying with all the provisions of this Act and the rules and by-laws in regard to such repairs and shall, on completion of such repairs, submit to the

#### **Periodic inspection of buildings**

Commissioner a certificate signed by the person who made the inspection of, his having carried out the repairs satisfactorily.

(4) A report of every inspection made under sub-section (2) shall forthwith be submitted to the Commissioner by the person by whom carried it out and the Commissioner may take such action in respect of such building as he deems fit under this section or under any other provision of this Act if the owner fails to comply with the requirements of sub-section (3).

(5) The expenses incurred by the Commissioner under sub-section (4) shall be paid by the owner.

#### **266. Dangerous openings in buildings.**

**Dangerous openings in buildings.**

If it shall at any time appear to the Commissioner that any opening in any part of a building is so situated as to constitute a danger to human life, he may by written notice require that such opening shall be enclosed or protected by bars, grills or such other device to his satisfaction.

#### **Works unlawfully carried on**

**Powers of Commissioner to direct removal of person directing unlawful work**

#### **267. Powers of Commissioner to direct removal of person directing unlawful work.**

(1) If the Commissioner is satisfied that the erection of any building or the execution of any such work as is described in section 254 has been unlawfully commenced or is being unlawfully carried on upon any premises he may, by written notice, require the person directing or carrying on such erection or execution to stop the same forthwith.

(2) If such erection or execution is not stopped forthwith, the Commissioner may direct that any person directing or carrying on such erection or execution shall be removed from such premises by any police officer and may cause such steps to be taken as he may consider necessary to prevent the reentry of such person on the premises without his permission.

(3) The cost of any measures taken under sub-section (2) shall be paid by the said person.

#### **Power to vacate premises.**

**Power of Commissioner to vacate any building in certain circumstances**

#### **268. Power of Commissioner to vacate any building in certain circumstances.**

(1) Notwithstanding the provisions of any other law to the contrary the Commissioner may, by written notice, order any building or any portion thereof to be vacated forthwith or within the time specified in such notice-

(a) if such building or portion thereof has been unlawfully occupied in contravention of section 263;

(b) if a notice has been issued in respect of such building or part thereof requiring the alteration or reconstruction of any existing staircase, lobby, passage or landing and the works specified in such notice have not been commenced or completed;

(c) if the building or part thereof is in a ruinous or dangerous condition within the meaning of section 264.

(2) In every such notice the Commissioner shall clearly specify the reasons for requiring such building or portion thereof to be vacated.

(3) The affixing of such written notice on any part of such premises

shall be deemed a sufficient intimation to the occupiers of such building or portion thereof.

(4) On the issue of a notice under sub-section (1) every person in occupation of the building or portion thereof to which the notice relates shall vacate such building or portion as directed in the notice and no person shall so long as the notice is not withdrawn enter the building or portion thereof except for the purpose of carrying out any work which he may lawfully carry out.

(5) The Commissioner may direct that any person who acts in contravention of sub-section (4) shall be removed from such building or part thereof by any police officer.

(6) The Commissioner shall, on the application of any person who has vacated any premises in pursuance of a notice under sub-section (1), reinstate such person in the premises on the withdrawal of such notice, unless it is in his opinion impracticable to restore substantially the same terms of occupation by reason of any structural alteration or demolition.

(7) The Commissioner may direct the removal from the said premises by any police officer of any person who obstructs him in any action taken under sub-section

(6) and may also use such force as is reasonably necessary to effect entry in the said premises.

**Regulation of certain classes of buildings in particular localities.**

**Power to regulate future construction of certain classes of buildings in particular streets or localities**

**269. Power to regulate future construction of certain classes of buildings in particular streets or localities.**

(1) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,-

(a) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings or any classes of buildings thereafter erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality;

(b) that in any localities specified in the notice there shall be allowed the construction of only detached or semidetached buildings or both and that the land appurtenant to each such building shall be of an area not less than that specified in such notice;

(c) that the minimum size of building plots in particular localities shall be of a specified area;

(d) that in any localities specified in the notice the construction of more than a specified number of buildings on each acre of land shall not be allowed; or

(e) that in any streets, portions of streets or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulations framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(2) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice,



and shall then submit the notice with a statement of objections received and of its opinion thereon the Corporation.

(3) No objection received after the said period of three months shall be considered.

(4) Within a period of two months after the receipt of the same, the Corporation shall submit all the documents referred to in sub-section (2) with a statement of its opinion thereon to the <sup>3</sup>[State] Government.

(5) The <sup>4</sup>[State] Government may pass such orders with respect to such declaration as it may think fit :

Provided that such declaration shall not thereby be made applicable to an street, portion of a street or locality not specified in the notice issued under sub-section (1).

(6) The declaration as confirmed or modified by the <sup>5</sup>[State] Government shall be published in the Official Gazette and shall take effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of any such declaration.

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

<sup>4</sup> Same as 3.

<sup>5</sup> Same as 3.