

CHAPTER XVI IMPROVEMENT SCHEMES

**Commissioner to
make draft
improvement
schemes**

270. Commissioner to make draft improvement schemes.

(1) Subject to the provisions of sub-section (4), if it shall appear to the Commissioner-

(A) that within certain limits in any part of the City.

(a) any buildings used, or intended or likely to be used, for habitation, are unfit for human habitation.

(b) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits or the want of light, air, ventilation or proper convenience, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighboring buildings, and that the evils connected with such buildings and the sanitary defects in such area cannot lie effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(c) it is necessary to provided for the construction of buildings for the accommodation of the poorer sections of the community; or

(B) that for the purpose of providing new building sites or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City it is expedient to form new or to alter existing streets or to construct or reconstruct any bridges, causeways, sub-ways or other works appurtenant thereto in any part of the City, the Commissioner may -

(i) with the previous approval of the Corporation, which shall not be given unless the Corporation is satisfied of the sufficiency of its resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, specifying the area to which the resolution relates and the works proposed to be included in such scheme and naming a place where a map of the said area may be seen at all reasonable hours;

(ii) during three consecutive weeks publish simultaneously in the Official Gazette and in the local newspapers a copy of the said notification; &

(iii) proceed to make a draft improvement scheme and submit the scheme to the Standing Committee for approval.

(2) In making an improvement scheme more than one area may be included in one improvement scheme.

(3) With the previous approval of the Corporation the Commissioner may. For the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

(4) No improvement scheme shall, notwithstanding anything contained in this Chapter, be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948. (Bom. LXIX of 1948)

Particulars to be provided for in an improvement scheme

271. Particulars to be provided for in an improvement scheme.

(1) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 270, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme, -

(a) shall, within the limits of the area comprised in the scheme, provide for-

- (i) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or, subject to the provisions of sub-section (2), be affected by the execution of the scheme;
- (ii) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;
- (iii) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewerage of streets so formed or altered;
- (iv) the lighting of streets so formed or latered;

(b) may, within the limits aforesaid, provide for -

- (i) the construction or reconstruction of bridges, causeways or subways or any other works appurtenant thereto;
 - (ii) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality;
 - (iii) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;
 - (iv) whole or any part of the sanitary arrangements required; and
- (c) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer sections of the community including the whole or pan of such section to be displaced in the execution of the scheme :

Provided that no neighbouring land shall be included in an improvement scheme unless previous notice of such inclusion has been given in the manner provided in item (ii) in sub-section (1) of section 270.

(2) If, in the opinion of the Commissioner, any land within the limits aforesaid which is not required for the execution of the scheme will, as the result of such execution, be increased in value the scheme may, in lieu of providing for the acquisition of such land, provided for the levy of a betterment charge ¹[* * *] in respect of the increase in value thereof. ²[The betterment charge shall be levied at such rate, at such time and in such manner as is hereinafter provided.]

(3) In making an improvement scheme for any area regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of the City.

Procedure on completion of schemes

272. Procedure on completion of schemes.

(1) On the submission by the Commissioner of a draft improvement scheme, the Standing Committee shall take such scheme into its

¹ The words "as hereinafter provided" were deleted by Guj. 19 of 1964, s. 11 (a)

² These words were added, ibid. s. 11 (b).

consideration and may approve the same with or without such alteration as it thinks fit.

(2) Upon the approval of an improvement scheme by the Standing Committee the Commissioner shall forthwith draw up a notification stating the fact of a scheme, having been made, the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the same and a statement of the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge may be seen at all reasonable hours, and shall-

(a) communicate a copy of such notification, particulars, map and statement to the Corporation;

(b) publish the notification in the manner prescribed for the publication of a notification under section 270.

(3) During the thirty days next following the first day on which such notification is published, the Commissioner shall serve a notice upon every person whose name appears in the Commissioner's Assessment-Book as primarily liable for the payment of the property taxes leviable under this Act on any land or building or part of a building which it is proposed to acquire, or in respect of which it is proposed to levy a betterment charge.

(4) Such notice shall-

(a) state that the Commissioner on behalf of the Corporation proposes to acquire such land or building or part of a building or to levy a betterment charge in respect thereof for the purpose of or in connection with an improvement scheme, and

(b) require the person so served, if he objects to such acquisition or levy, to state his reasons in writing within thirty days from the date of the service of the notice.

Right of owner to demand acquisition on issue of notification when building operations are in progress

273. Right of owner to demand acquisition on issue of notification when building operations are in progress.

(1) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 272, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall then resolve whether in its opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate its resolution within two months to the Corporation which shall within one month after receipt thereof communicate to the Commissioner the decision of the Corporation in the matter, and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

(3) If the Corporation decides to acquire the land, the Commissioner shall give notice of such decision to the Collector and the owner, and

the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894. (1 of 1894)

(4) If the Corporation withdraws from the proposal to acquire any land under sub-section (2), such land shall not be included in any statement of the land proposed to be acquired, made in accordance with any notification drawn up under section 272, until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(5) Notwithstanding anything contained in this section, if the Corporation withdraws from the proposal to acquire any land under sub-section (2), such land may be included in, or added to, any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 272 :

Provided that the provisions of sub-sections (3) and (4) of section 272 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (3) commenced on the date on which notice was given to the owner that the proposal to acquire has been withdrawn.

274. Right of owner to demand acquisition or withdrawal by Corporation after lapse of two years from date of notification.

(1) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 272 may at any time before the publication of a declaration under section 278 and after the expiry of one year from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the Corporation.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall resolve whether in its opinion it is desirable to acquire the land set out in the notice and shall communicate its resolution within two months to the Corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the Corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal to acquire.

(3) If the Corporation decides to acquire the land it shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894. (1 of 1894)

(4) If the Corporation withdraws from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 272 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(5) Notwithstanding anything contained in this section, if the Corporation withdraws from the proposal to acquire any land under

Right of owner to demand acquisition or withdrawal by Corporation after lapse of two years from date of notification

sub-section (2), such land may be included in, or added to, any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 272 :

Provided that the provision of sub-sections (3) and (4) of section 272 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (3) commenced on the date on which notice was given to the owner that the proposal to acquire has been withdrawn.

Standing committee after publication and service of notices to forward scheme to

275. Standing committee after publication and service of notices to forward scheme to Corporation for approval.

(1) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the Standing Committee any objection or representation received under section 272 together with any suggestion he may wish to make in respect of the modification of the scheme.

(2) The Standing Committee shall, after consideration of any such objection, representation or suggestion and after inserting in the scheme such modification as it thinks fit, submit the scheme together with any objection, representation or suggestion to the Corporation for its approval.

Corporation for approval Corporation to consider improvement scheme and to approve or disapprove

276. Corporation to consider improvement scheme and to approve or disapprove.

The Corporation shall, on receipt of a scheme from the Standing Committee, proceed to take such scheme into consideration together with any objection, representation, or suggestion received or made under section 272 or 275 and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Commissioner to apply to [State] Government for sanction to the scheme

277. Commissioner to apply to ³[State] Government for sanction to the scheme.

(1) As soon as the Corporation has approved the scheme the Commissioner shall apply to the ⁴[State] Government on behalf of the Corporation for sanction to the scheme.

(2) If the Corporation declines to approve the scheme the Commissioner shall forthwith draw up and publish in the manner provided in section 270 a notification slating that the Corporation has resolved not to proceed with the making of the scheme, and on such publication the notifications relating to the scheme published under section 270 and 272 shall be deemed to be cancelled.

(3) An application to the ⁵[State] Government under sub-section (1) for sanction shall be accompanied by -

(a) a copy of the resolution passed by the Standing Committee under section 272;

(b) a copy of the resolution passed by the Corporation under section 270;

(c) a description with full particulars of the scheme including the

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

⁴ Same as 3.

⁵ Same as 3.

- reasons for any modifications inserted therein;
- (d) complete plans and estimates of the cost of executing the scheme;
- (e) a statement specifying the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge;
- (f) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (3) of section 272 objected, with the reasons (if any) stated by such persons for objection, in respect of the acquisition of their land or the levy of a betterment charge ;
- (g) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 272, of all land specified in the statement under clause (e) and of any other land wholly or partially situated within eighty feet from either side of any street to be formed or altered in executing the scheme.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration Commissioner to be authorised to execute scheme

278. On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration Commissioner to be authorised to execute scheme.

- (1) (a) On receipt of the sanction of the ⁶[State] Government the Commissioner shall forward to the ⁷[State] Government a declaration for notification stating the fact of such sanction and that the land proposed to be acquired by the Corporation for the purposes of the schemes is required for a public purpose.
- (b) The declaration shall be published in the Official Gazette, in the same manner as an order of the ⁸[State] Government and shall state the limits within which the land proposed to be acquired is situate, the propose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.
- (c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall, upon the publication of the said declaration proceed to execute the scheme.
- (2) (a) If at any time it appears to the Commissioner, the Standing Committee of the Corporation, as the case may be, that in improvement can be made in any part of the scheme, the Corporation may alter the scheme for the purpose of mating such improvement and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.
- (b) If the estimated net cost of executing the scheme as altered exceeds by ten per cent the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the Corporation and of the ⁹[State] Government, proceed to execute the scheme as altered.
- (c) If the scheme as altered involves the acquisition, otherwise than by agreement, of or the levy of a betterment charge in respect of any land other than that specified to the schedule accompanying the

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ Same as 6.

⁸ Same as 6.

⁹ Same as 6.

scheme under sub-section (3) of section 277 the provisions of section 272 and 277 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

If Corporation fails to acquire the land, owner may call upon Corporation to acquire it or to withdraw from proposal

279. If Corporation fails to acquire the land, owner may call upon Corporation to acquire it or to withdraw from proposal.

If, within three years from the declaration aforesaid, the Corporation fails to acquire any land included in such declaration or any part of such land, the owner of such land may, by written notice setting out the particulars of such land, call upon the Corporation to acquire such land or to withdraw from the proposal to acquire it and thereafter the procedure prescribed in sub-section (2) to (5) of section 274 shall be followed.

^{10/11}**[Clearance areas**

Power to declare an area to be a clearance area

280. Power to declare an area to be a clearance area.

(1) If it shall appear to the Commissioner in respect of any area in any part of the City, -

- (a) that the residential buildings in that area are, by reason of disrepair or sanitary defects unfit for human habitation or are, by reason of their bad arrangement or the narrowness or bad arrangement of the streets dangerous or injurious to the health of the inhabitants of the area and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants; and
- (b) that the conditions in the area can be effectually remedied by the demolition of all the buildings in the area without making an improvement scheme;

the Commissioner may cause that area to be defined on a plan in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health, and submit a draft clearance scheme for the approval of the Corporation. On the submission by the Commissioner of a draft clearance scheme, the Corporation shall take such scheme into consideration and may approve the same with or without such alteration as it thinks fit. It shall thereupon pass a resolution declaring the area so defined and approved by it to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the subsequent provisions of this Act. The area shall hereinafter be referred to as the clearance area and the scheme as the clearance scheme.

(2) Before any area is declared to be a clearance area, it shall be the duty of Corporation to satisfy itself as to the sufficiency of its resources and to ascertain the number of persons who are likely to be dishoused in such area and thereafter to take such measures as are practicable whether by the arrangement of their programme or otherwise so as to ensure that as little hardship as possible is inflicted on those dishoused.

(3) The Commissioner on behalf of the Corporation shall forthwith transmit to the State Government a copy of the resolution passed by it

¹⁰ The heading & section 280 to 284T were substituted for original section 280 to 284 by Guj. 19 of 1964, s. 12.

¹¹ Please see section 60 of Guj. 11 of 1973.

under this section.

(4) As soon as may be after the Corporation has declared any area to be a clearance area, the Commissioner shall, in accordance with the appropriate provisions hereafter contained in this Act, proceed to secure the clearance of the area in one or more of the following ways, that is to say -

- (a) by ordering the demolition of the buildings in the area; or
- (b) by acquiring on behalf of the Corporation land comprised in the area and undertaking or otherwise securing, the demolition of the buildings thereon.

281. Clearance orders.

Clearance orders

- (1) Where in respect of any clearance area, the Commissioner determines to order any buildings in the clearance area to be demolished, he shall, with the approval of the Corporation make and submit to the State Government for confirmation of an order (in this Act referred to as "clearance order") ordering the demolition of each of those buildings.
- (2) A clearance order shall describe by reference to a plan the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the Commissioner requires the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.
- (3) There shall be excluded from the clearance order any houses or other buildings properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement on the streets, they are dangerous or injurious to the health of the inhabitants of the area : Provided that this sub-section shall not apply to a building constructed or adapted as or for the purposes of, a dwelling or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.
- (4) Before submitting the order to the State Government, the Commissioner shall-
 - (a) publish simultaneously in the Official Gazette and in three or more news papers circulating within the City, a notice stating the fact of such a clearance order having been made and describing the area comprised therein and naming a place where a copy of the order and of the plan referred to therein may be seen at all reasonable hours; and
 - (b) serve on every person whose name appears in the Commissioner's assessment book as primarily liable for payment of property tax leviable under this Act, on any building included in the area to which the clearance order relates and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof a notice slating the effect of the clearance order and that it is about to be submitted to the State Government for confirmation, and specifying the time within, and the manner in which, objections thereto can be made to the Commissioner.
- (5) Upon compliance with the foregoing provisions with respect to the

publication and service of notices of the clearance order, the Commissioner shall submit to the Standing Committee any objections received under sub-section (4) and any suggestions he may wish to make in that respect.

(6) The Standing Committee may, after consideration of any such objections and suggestions, make such modifications in respect of the order as it thinks fit, and the Commissioner shall thereafter submit the order as approved, by the Standing Committee First to the Corporation and then to the State Government for confirmation.

(7) The provisions of Schedule B to this Act shall have effect with respect to the validity and date of operation of a clearance order.

(8) When a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commissioner may deem reasonable; and if the building is not demolished before the expiration of that period the Commissioner shall take measures to demolish the building and sell the materials thereof.

(9) Any expenses incurred by the Commissioner under the foregoing sub-section, after giving credit for the amount realised by sale of the materials, shall be payable by the owner or owners of the building, & any surplus in the hands of the Commissioner, after payment of such expenses, shall be paid by the Commissioner to the owner of the building, or if there are more owners than one, shall be paid as the owners, may agree. In default of agreement between such owners, the Commissioner shall deposit the surplus amount in the District Court & the District Judge shall decide in what proportion such amount should be paid to such owners. The decision of the District Judge shall be final.

(10) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, as may be imposed by the Commissioner and approved by the Corporation generally or specially.

(11) In the provisions of this Act relating to buildings included in an area to which a clearance order applies references to a building shall include references to a hut, tent or other temporary or moveable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, and the reference to development in sub-section (10) shall include a reference to the erection or placing on the land of a hut, tent or other temporary or moveable form of shelter.

282. Acquisition of land surrounded by or adjoining clearance area.

Acquisition of land surrounded by or adjoining clearance area

Where, as respects any area declared by the Corporation to be a clearance area. the Commissioner determines to acquire any land comprised in the area, he may acquire also any land which is surrounded by the clearance area and the acquisition of which is

reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area.

Provisions with respect to property of the Corporation within, surrounded by, or adjoining, clearance area

283. Provisions with respect to property of the Corporation within, surrounded by, or adjoining, clearance area.

Subject to the provisions of this section, the Commissioner may include in a clearance area any land owned by the Corporation which he might have included in such area had it not been so owned, and where any land of the Corporation is included in a clearance area, or being land surrounded by or adjoining a clearance area, might have been acquired by the Commissioner under section 282 had it not previously belonged to the Corporation, the provisions of this Act, shall apply in relation to such land as if it had been acquired by the Commissioner as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining a clearance area.

Acquisition of land in a clearance area

284. Acquisition of land in a clearance area.

(1) Where the Commissioner has determined to acquire land comprised in or surrounded by, or adjoining a clearance-area, he may acquire that land by agreement upon obtaining the requisite sanction under section 77 or he may, with the sanction of the Standing Committee, be authorised to acquire that land by a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule C to this Act.

(2) An order authorising the compulsory acquisition of land comprised in a clearance area shall be submitted by the Commissioner, with the approval of the Corporation, to the State Government within six months, and an order authorizing the compulsory acquisition of land surrounded by or adjoining a clearance area shall be submitted by the Commissioner with the approval of the Corporation to the State Government within twelve months after the date of the resolution of the Corporation declaring the area to be a clearance area or within such longer period as the State Government may, in the circumstances of the particular case, allow.

(3) the provisions of Schedule B to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this section shall authorise the compulsory acquisition of any land or building vested in the Central Government without the previous sanction of the Central Government, or any land or building vested in the State Government or belonging to any corporation authorised by law to construct, work and carry on any gas, electricity, water or other public undertaking without the previous sanction of the State Government.

Treatment of a clearance area

284A. Treatment of a clearance area.

The Commissioner having acquired any land comprised in, or surrounded by or adjoining a clearance area shall, as soon as may be, cause every building thereon to be vacated if necessary in the manner

provided by section 388A, and shall deal with, the land in one or more of the following ways, that is to say-

(a) he shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances he deems reasonable, and thereafter may, with the sanction of the requisite authority under section 79 sell or lease the land subject to such restrictions and conditions, if any, as he thinks fit or may, subject to the sanction of the Corporation, appropriate the land for any purpose for which the Corporation is authorised to acquire land; or

(b) he shall, as soon as may be, with the sanction of the requisite authority under section 79, sell or lease the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as he thinks, fit :

Provided that, in lieu of selling any land other than land abutting on a public street, the Commissioner may, where the owner of other land being land which the Corporation has power to acquire) is willing to take such land in exchange for that other land, with the sanction of the Standing Committee, exchange it for such other land either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be given in exchange by the Corporation as have effect by virtue of the foregoing provisions of this section as respects land sold thereunder. Any land acquired by the Commissioner by such exchange if it is situated in the clearance area shall be subject to the same restrictions as are applicable to other lands in such area.

**Arrangements
where acquisition of
land in clearance
area unnecessary**

284B. Arrangements where acquisition of land in clearance area unnecessary.

Where the Commissioner has submitted to the State Government an order for the compulsory acquisition of land in a clearance area, and the State Government, on an application for an authorisation under this section being made to it by the owner or owners of the land and the Commissioner, is satisfied that the owner or owners of the land, with the concurrence of any mortgagee thereof, agree to the demolition of the buildings thereon and that the Commissioner can secure the proper clearance of the area without acquiring the land, the State Government may -

(a) in a case where the order has not been confirmed authorise the Commissioner to submit forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon his so doing, may modify the compulsory acquisition order by excluding the land therefrom and confirm the clearance order; or

(b) in a case where the compulsory acquisition order has been confirmed but the land has not become vested in the Corporation, on being satisfied that such agreements have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, authorise the Commissioner to discontinue proceedings for the acquisition of the land and the land shall thereupon become subject to the like restrictions and conditions, as if the Commissioner had dealt with the

Power to acquire cleared land which owners have failed to redevelop

land in accordance with the provisions of section 284A.

284C. Power to acquire cleared land which owners have failed to redevelop.

(1) Where land has been cleared of buildings in accordance with a clearance order, the Corporation may, at any time after the expiration of eighteen months from the date on which the order became operative, by resolution determine to acquire any part of it which at the date of the passing of the resolution has not been, or is not in process of being, used for building purposes or otherwise developed by the owner thereof in accordance with plans approved by the Commissioner and any restrictions or conditions imposed under sub-section (10) of section 281.

(2) Where the Corporation has determined to acquire any land under this section the Commissioner may acquire it by agreement upon obtaining the requisite sanction under section 77, or he may, with the sanction of the Standing Committee, be authorised to acquire it by a compulsory acquisition order made and submitted to the State Government and confirmed by it in accordance with the provisions of Schedule C to this Act.

(3) An order authorising the compulsory acquisition of land for the purposes of this section shall be submitted by the Commissioner to the State Government within three months after the date of the passing of the resolution to acquire the land.

(4) The provisions of Schedule B to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(5) The Commissioner shall, with the approval of the Standing Committee, deal with any land acquired under this section by sale, lease, or appropriation in accordance with the provisions of section 284A.

Power of Court to determine lease where premises demolished

284D. Power of Court to determine lease where premises demolished.

(1) Where any premises in respect of which a clearance order has become operative from the subject matter of a lease, either the lessor or the lessee may apply to the District Court for an order under this section.

(2) Upon any such application as aforesaid, the District Court, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceeding to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section, the expression "lease" includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expression lessor, 'lessee' and "sub-lessee" shall be constructed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Re-development areas

284E. Power to declare an area to be re-development area.

Power to declare an area to be re-development area

(1) If it appears to the Commissioner in respect of any area in any part of the City, that the following conditions exist, that is to say-

- (a) that the area contains fifty or more dwellings for the poorer classes,
- (b) that at least one-third of the poorer class dwellings in the area are overcrowded, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested,

(c) that it is expedient in connection with the provision of housing accommodation for the poorer classes that the area should be re-developed as a whole, the Commissioner shall cause the area to be defined on a plan and shall submit a draft re-development scheme for the approval of the Corporation. On the submission of such a draft re-development scheme, the Corporation shall take into consideration such scheme and approve the same with or without alteration as it may think fit. The Corporation shall then pass a resolution declaring the area so defined and approved by it to be a "re-development area.'

(2) As soon as may be after the Corporation has passed a resolution under the foregoing sub-section, the Commissioner on behalf of the Corporation shall transmit to the State Government a copy of the resolution and of the plan, and shall publish simultaneously in the Official Gazette and in three or more news papers circulating within the City, a notice slating that the resolution has been passed and naming a place where a copy of the resolution and of the plan may be inspected at all reasonable hours.

(3) Before any area is declared to be a re-development area, it shall be the duty of the Corporation to satisfy itself as to the sufficiency of its resources and to ascertain the number of persons who are likely to be dishoused in such area and thereafter to take such measures as are practicable whether in the arrangement of its programme or otherwise so as to ensure that as little hardship as possible is inflicted on those dishoused.

Re-development plan

284F. Re-development plan

(1) Within six months after the Corporation has passed a resolution under section 284E or within such extended period as the State Government may allow, the Commissioner shall, with the approval of the Corporation, prepare and submit to the State Government a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon, and in particular the land intended to be used for the provisions of housing accommodation for the poorer classes, for streets and for open spaces

(2) In the preparation of the plan regard shall be had to the provisions of any improvement scheme or proposed improvement scheme under this Act or any scheme under the Bombay Town Planning Act, 1954, (Born. I of 1955) relating to the defined area or land in the neighbourhood thereof.

- (3) Before submitting the plan to the State Government, the Commissioner shall -
- (a) publish simultaneously in the Official Gazette, and in three or more newspapers circulating within the City a notice stating that the plan has been prepared and is about to be submitted to the State Government, naming a place where the plan may be inspected at all reasonable bourse, and specifying the time within which, and the manner in which, objections can be made; and
- (b) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) or land in the defined area and on every railway administration operating a railway within the defined area and on any Corporation authorised by-law to construct, work and carry on any gas, electricity or water work or other similar work of public utility within the defined area.
- (4) Upon compliance with the foregoing provisions with respect to the publication and service of notices regarding the proposed redevelopment plan, the Commissioner shall submit to the Standing Committee any objections received under sub-section (3) and any suggestions he may wish to make in that respect.
- (5) The Standing Committee may after consideration of any such objections and suggestions make such modification in respect of the re-development plan as they think fit, and the Commissioner shall thereafter submit the plan as modified by the Standing Committee first to the Corporation and then to the State Government for approval.
- (6) On receipt of notice of the State Government's approval, the Commissioner shall publish simultaneously in the Official Gazette and in three or more newspapers circulating within the City a notice stating that the re-development plan has been approved and naming a place where a copy thereof may be inspected at all reasonable bourse, and shall serve, a like notice on every person on whom a notice was served by him of his intention to submit the redevelopment plan to the State Government for their approval.
- (7) Where, after re-development plan has been approved, the Corporation is satisfied that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the Commissioner shall prepare and submit to the State Government on behalf of the Corporation a new plan in respect of that land and the provisions of this section in respect of publication, service of notices and approval by the State Government shall have effect in relation to the new plan, with the substitution of references to the new plan and to the land comprised therein, for references to the re-development plan and to the defined area.
- (8) The provisions of Schedule B to this Act shall have effect with respect to the validity and date of operation of the State Government's approval of a re-development plan or of a new plan.
- (9) In the subsequent provisions of this Act references to re-development or use in accordance with a re-development plan shall be constructed as references to re-development or use in accordance with

**Acquisition of land
for purpose of re-
development**

a re-development plan approved Under this section or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

284G.Acquisition of land for purpose of re-development.

(1) When the State Government's approval of a re-development plan has become operative, the Commissioner may acquire by agreement, upon obtaining the requisite sanction under section 77. or he may, with the sanction of the Standing Committee, be authorised by means of an order made and submitted to the State Government and confirmed by it in accordance with Schedule C to this Act, to acquire compulsorily-

(a) land in the re-dvelopment area; and
(b) any land outside that area which may be required for the purpose of providing accommodation for persons occupying premises within that area which have been or are intended to be acquired by agreement, or in respect of which compulsory acquisition orders have been submitted.

(2) Where the Commissioner submits to the State Government an order for the compulsory acquisition under this section of land which comprises or consists of a building which in his opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form prescribed for the purpose of indicating that the building is in that condition, and, if in the opinion of the State Government the building is properly so indicated, the order as confirmed may authorise the Commissioner to acquire the building as being in that condition.

(3) The provisions of Schedule B to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this section shall authorise the compulsory acquisition of any land or building vested in the Central Government without its previous sanction or of any land or building vested in the State Government or belonging to any Corporation authorised by-law to construct, work and carry on any gas, electricity or water work or other similar work of public utility without the previous sanction of the State Government.

(5) Land acquired by the Commissioner under this section for the provision of houses for the poorer classes shall be deemed to have been acquired by him under section 284J.

(6) Land acquired by the Commissioner under this section otherwise than for the provision of houses for the poorer classes may, with the sanction of the requisite authority under section 79, be sold or leased to any person or if such land is not abutting on any public street may with like sanction be exchanged for other land, which the Commissioner has power to acquire, either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the re-development plan.

(7) When the State Government's approval of a re-development plan has become operative and the plan comprises any land of the

Corporation, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area acquired by the Commissioner under this section.

(8) When the State Government's approval of a re-development plan has become operative, no person shall construct or re-construct any building or any portion of a building within the re-development area to which the plan relates except with the written permission of the Commissioner, who is granting such permission may impose such conditions approved by the Corporation generally or specially, as will, in his opinion, ensure that the construction or re-construction shall only proceed in accordance with the re-development plan.

General provisions as to land purchased for clearance or re-development.

284H. Extinguishment of ways, easements etc., over land acquired under sections 284, 284C and 284G.

Extinguishment of ways, easements etc., over land acquired under sections 284, 284C and 284G

(1) The Commissioner may, with the approval of the State Government, by order extinguish any public right of way over land acquired by agreement under section 284, 284C or 284G. provided that an order intended to be made by the Commissioner under this sub-section shall be published alongwith a notice inviting objections simultaneously in the Official Gazette and in three or more newspapers circulating within the City and, if any objection thereto is made to the State Government before the expiration of six weeks from the publication thereof, the State Government shall not approve the order until it has considered all such objections.

(2) Where the Commissioner proposes to acquire under the sections referred to in sub-section (1) land over which a public right of way exists, it shall be lawful under this section for the Commissioner to make and the State Government to approve, in advance of the acquisition an order extinguishing that right as from the date on which the buildings on the land are vacated or at the expiration of such period after that date as may be specified in the order, or as the State Government in approving the order may direct.

(3) Upon the completion of the purchase of the land which the Commissioner on behalf of the Corporation has acquired by agreement under the sections referred to in sub-section (1), all private rights of way in, and all private rights under or over that land and all other right or easements in or relating to that land shall be extinguished, and any person who suffers loss by the extinguishments of any such rights or easement shall be entitled to be paid by the Corporation compensation of such amount as might have been awarded to a person interested in such rights or easements as if the land to which the same relate had been acquired under a compulsory acquisition order, for which the notice required under clause 2(a) of Schedule C to this Act had been published on the date of completion of the purchase :

Provided that this sub-section shall not apply to any rights vested in Government or to any rights belonging to any Corporation authorised by-law to construct, work and carry on any gas, electricity or water work or other similar work of public utility, and shall have effect as

respects other matters subject to any agreement which may be made between the Commissioner and the person in or to whom the right in question is vested or belongs.

Provision of housing accommodation for the poorer classes

Mode of provision of accommodation

284-I. Mode of provision of accommodation.

(1) If the Corporation, upon consideration of a representation from the Commissioner or other information in its possession, is satisfied that within any area in any part of the City it is expedient to provide housing accommodation for the poorer classes and that such accommodation can be conveniently provided without making an improvement scheme, it shall cause such area to be defined on a plan and pass a resolution authorising the Commissioner and the Commissioner shall thereupon be empowered to provide such accommodation -

- (a) by the erection of buildings or in any other manner, on any land belonging to the Corporation or any land acquired by the Corporation for the purpose;
- (b) by the conversion of any buildings belonging to the Corporation into dwellings for the poorer classes;
- (c) by altering, enlarging, repairing or improving any buildings which have, or an estate or interest in which has been acquired by the Corporation.

(2) The Commissioner may alter, enlarge, repair or improve any house so erected, converted or acquired.

284J. Power of Commissioner to acquire land for housing accommodation.

Power of Commissioner to acquire land for housing accommodation

The Commissioner may for the purposes of the foregoing section on behalf of the Corporation -

- (a) acquire any land including any buildings thereon as a site for the erection of buildings for the poorer classes;
- (b) acquire land for the purpose of-
 - (i) the lease or sale of land with a view to the erection thereon of buildings for the poorer classes by persons other than the Corporation;
 - (ii) lease or sale of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the Commissioner are necessary or desirable for, or incidental to, the development of the land as a building estate, including the provision, maintenance and improvement of buildings, gardens, factories, workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of, persons belonging to the poorer classes.

284K. Mode of acquisition of land for housing accommodation

Mode of acquisition of land for housing accommodation

(1) Land for the purposes of the foregoing section may be acquired by the Commissioner by agreement upon obtaining the requisite sanction under section 77, or he may, with the sanction of the Standing Committee, be authorised to acquire land for those purposes by means of a compulsory acquisition order made and submitted to the State Government and confirmed by it in accordance with the provisions of Schedule C to this Act.

(2) The Commissioner may, with the consent of and subject to any conditions imposed by, the State Government acquire land for the

purposes of section 284J, notwithstanding that the land is not immediately required for those purposes :

Provided that the Commissioner shall not be authorised to acquire any land compulsorily for those purposes unless it appears to the State Government that it is likely to be required for those purposes within ten years from the date on which it confirms the compulsory acquisition order.

(3) The provisions of Schedule B to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this Act shall authorise the compulsory acquisition for the purposes of section 284-1 of any land which is the property of Government or any local authority, or which is the property of any Corporation authorised by-law to construct, work and carry on any gas, electricity or water work or other similar work of public utility and was acquired for the purposes of such Corporation, or which, at the date of the compulsory acquisition order forms part of any park, garden or recreation ground.

Power of dealing with land acquired or appropriated for provision of housing accommodation

284L. Power of dealing with land acquired or appropriated for provision of housing accommodation.

(1) Where the Commissioner has acquired or appropriated any land for the purposes of section 284J then, without prejudice to any of his other powers under this Act, he may-

(a) lay out and construct public streets or roads and open spaces on the land;

(b) with the approval of the Standing Committee, sell or lease the land or part thereof to any person for the purpose and under the condition that person will erect and maintain thereon such number of buildings suitable for the poorer classes as may be fixed by the Commissioner in accordance with plans approved by him and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which in the opinion of the Commissioner are necessary or desirable, for, or incidental to, the development of the land in accordance with plans approved by the Commissioner including the provision, maintenance and improvement of houses and gardens, places of recreation and other works or buildings for, or for the convenience of, persons belonging to poorer classes;

(c) with the approval of the Standing Committee, sell the land or part thereof or if such land is not abutting on any public street, exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange;

(d) with the approval of the Standing Committee, sell or lease any buildings on the land or erected by him on the land, subject to such covenants and conditions as he may think fit to impose either in regard to the maintenance of the buildings as dwellings for the poorer classes or otherwise in regard to the use of the buildings, and upon any such sale he may, if he thinks fit, agree to the price being paid by instalments together with interest on the outstanding balance at such

rate as may from time to time be prescribed by the Standing Committee in this behalf, or to a payment or part thereof being secured by a mortgage of the premises.

(2) Where the Commissioner acquires any building which can be made suitable as a building for the poorer classes or an estate or interest in such a building, he shall forthwith proceed to secure the alterations, enlargement, repair or improvement of the building, either by himself executing any necessary works, or by leasing or selling it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it:

284M. Supplementary powers in connection with provision of accommodation.

Supplementary powers in connection with provision of accommodation

The powers of the Commissioner to provide housing accommodation for the poorer classes, shall include a power to provide and maintain and if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Commissioner will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

Land Acquisition

284N. Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement

The Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as 'the Land Acquisition Act') shall to the extent set forth in Appendix I regulate and apply to the acquisition of land under this Chapter, otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof, subject to the provisions of this Chapter and to the provisions following, namely :-

(1) a reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section, as modified by the provisions of this Chapter, and the expression 'land', as used in the Land Acquisition Act, shall be deemed to have the meaning assigned to it by clause (30) of section 2 of this Act, and clause (b) of section 3 of the Land Acquisition Act shall, for the purposes of this Chapter, be read as if the words and parenthesis (including Government)" were inserted after the words includes all persons" and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land";

(2) in the construction of sub-section (2) of section 4 of the Land Acquisition Act and the provisions of this Chapter, the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under sub-section (1) of section 270, 280, 284E or 284-1 as the case may be, and the expression 'State Government' shall be deemed to include the Commissioner, and the words 'such locality' shall be deemed to mean the locality referred to in any such resolution;

(3) in the construction of the sections of the Land Acquisition Act

deemed to form part of this Chapter and of the provisions of this Chapter, the publication of a notification under sub-section (2) of section 272, or the publication of notice of a compulsory acquisition order having been made under clause 2 (a) of Schedule C to this Act shall be deemed to be the publication of a notification under sub-section (1) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 278 or of publication of a notice of a compulsory acquisition order having been confirmed under clause I of Schedule B shall be deemed to be the date of the publication of the declaration under section 6 of the Land Acquisition. Provided that where land is acquired under section 273 or section 274 the date of publication of the notification under sub-section (2) of section 272 shall be deemed to be the date of publication of a declaration under section 6 of the Land Acquisition Act;

(4) the provisions of sub-section (1) of section 17 of the Land Acquisition Act to take possession of land shall apply to any land which the Commissioner is authorised under this Chapter as if it were land needed urgently for a public purpose subject to the condition that the Corporation shall pay additional compensation in the form of interest not exceeding 6 per cent. on the compensation, awarded from the date on which possession of land is taken by the Collector;

(5) in the construction of sub-section (2) of section 50 of the Land Acquisition Act and the provisions of this Chapter, the Commissioner shall be deemed to be "the local authority or Company concerned";

(6) notwithstanding anything contained in sub-section (1) of section 49 of the Land Acquisition Act, it shall not be competent for the owner of any building, of which it is proposed to acquire only a part, to insist on the acquisition of his entire holding where the part proposed to be acquired can, in the opinion of the Collector, be severed from the remainder without material detriment thereto :

Provided that the Collector shall, if required by the owner of such building, refer the question whether such part can be severed from the remainder without material detriment for the determination of the Court and the Court shall decide upon such a reference, as if it were a reference to the Court under the said sub-section :

Provided also that, if, in the opinion of the Collector, or in the event of a reference of the Court, the part proposed to be acquired cannot be severed from the remainder without material detriment thereto, the State Government may, at the instance of the Commissioner order the acquisition of the remainder, and in such case no fresh declaration shall be necessary, but the Collector shall without delay furnish a copy of the order of the State Government to the person or persons interested and shall thereafter take order for the acquisition of the remainder in like manner and with like powers in all respects as if the acquisition had originally been provided for in the improvement scheme or under a compulsory acquisition order, as the case may be;

(7) section 54 of the Land Acquisition Act shall not apply to any case of acquisition of land to which section 284-0 applies.

**Determination by
Special Tribunal in
certain cases**

284-0. Determination by Special Tribunal in certain cases.

(1) For the purposes of the acquisition of land under a compulsory

acquisition order made and confirmed under the provisions of this Chapter, the functions of the Court under the Land Acquisition Act shall be performed by a Tribunal having the constitution and powers set forth in Schedule D and in the construction of the said Act and the provisions of this Chapter the Tribunal shall be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge

(2) The award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, and shall be final :

Provided that in any case in which the President may grant a certificate that the case is a fit one for appeal, there shall be an appeal to the High Court from any part of the award of the Tribunal.

(3) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the District Court as if it were a decree of that Court.

284-P. Special provisions as to compensation.

**Special provisions
as to compensation**

In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply :-

(1) the Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration, or demolition of building;

(2) When any addition to or improvement of, the land or building has been made after the date of the publications under sub-section (2) of section 272 of a notification relating to the land or building, such addition, or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building :

(3) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under sub-section (2) of section 272 the Court shall have due regard to the nature and the condition of the property and the probable duration of the building, if any, in its existing state and to the state of repair thereof and to the provisions of clauses (4), (5) and (6) of this section ;

(4) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;

Explanation.- The word "overcrowding" in this sub-section shall have the same meaning as it has for the purposes of section 307.

(5) If in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair the amount of compensation shall not exceed the estimated value of the property

after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition, or repair;

(6) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of demolition;

(7) the Court may award compensation in respect of the severance of any part of a building proposed to be acquired in addition to the value of the part ;

(8) the compensation to be paid for land, including any buildings thereon, acquired as being land comprised in a clearance area shall be the value at the time valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building by-laws for the time being in force: Provided that this sub-section shall not have effect in the case of the site of a building properly included in a clearance area only on the ground that by reason of its bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, unless it is a building constructed or adopted as, or for the purposes of, dwelling, or partly for those purposes and partly for other purposes, and part thereof (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation;

(9) the compensation to be paid for a building which the Commissioner is authorised to acquire under sub-section (2) of section 284G as being unfit for human habitation and not capable at reasonable expenses of being rendered so fit shall be assessed in like manner as if it had been land acquired as being comprised in a clearance area.

Collector to take possession after making an award and transfer land to Corporation

284-Q. Collector to take possession after making an award and transfer land to Corporation.

When the Collector has made an award under section II of the Land Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in Government free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make overcharge of the land to the Commissioner and the land shall thereupon vest in the Corporation subject to the liability of the Commissioner to pay on behalf of the Corporation any further costs which may be incurred on account of the acquisition of the land.

Levy of betterment charges.

Condition for levying betterment charge in clearance and re-development areas

284-R. Condition for levying betterment charge in clearance and re-development areas.

(1) When by the clearance or re-development of an area as provided for under sections 284A or 284F and 284G respectively and land will, in the opinion of the Commissioner, be increased in value, the Commissioner may declare that a betterment charge shall be leviable in respect of the increase in value of the land resulting from such clearance or re-development.

(2) Before declaring that a betterment charge shall be leviable under sub-section (1), the Commissioner, shall serve on every person whose name appears in the Commissioner's assessment book as primarily liable for the payment of property taxes leviable under this Act on any land or building or part of a building affected by the proposed levy of betterment charge a notice of his intention to declare a betterment charge in respect of the land, and specifying the time within which, and the manner in which objections thereto, can be made to the Commissioner.

(3) The Commissioner shall submit to the Standing Committee any objections received under sub-section (2) and any suggestions he may wish to make in that respect.

(4) The Standing Committee shall, after consideration of any of such objections and suggestions, make such modifications in respect of the proposed betterment charge as it thinks fit, and the Commissioner shall thereafter declare that the betterment charge, either with or without modifications, shall be leviable.

284-S. Method of calculating charge.

**Method of
calculating charge**

Where an improvement scheme has provided for the levy of a betterment charge pursuant to sub-section (2) section 271, or where the Commissioner has declared a betterment charge to be leviable under sub-section (4) of section 284R such betterment charge shall be an amount equal to one-half of the increase in value of the land and shall be calculated, in the case of an improvement scheme upon the amount by which the value of the land on completion of the execution of the scheme exceeds the value of the land at the time of the publication of the notification made under section 272 and in the case of a clearance or re-development area, upon the amount by which the value of the land on completion of the clearance or re-development of the area exceeds the value of the land at the date of the resolution of the Corporation under section 280 or section 284E declaring that area to be clearance area or a re-development area, as the case may be.

284-T. Procedure for determining charge.

**Procedure for
determining charge**

(1) When it appears to the Commissioner that an improvement or a clearance scheme or a re-development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to the Standing Committee to that effect and the Standing Committee after considering the report may by resolution declare the date on which for the purpose of determining the amount of the betterment charge the execution of the scheme shall be deemed to have been completed.

(2) The betterment charge leviable in each case shall be determined in accordance with section 284S after following the procedure prescribed in sub-section (3) by such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf at the request of the Corporation.

(3) On a date being fixed under sub-section (1) and an officer being appointed under sub-section (2), the Commissioner shall, in consultation with such officer, serve upon every person on whom a notice in respect of the property affected has been served under sub-

section (2) of section 272 or under sub-section (2) of section 284R a notice, which shall state-

(a) the date declared by the Standing Committee under sub-section (1) or aforesaid;

(b) the time (being some time not less than twenty-one days after the service of the notice) and place at which the assessment of the betterment charge will be considered by such officer, and every person upon whom such notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(4) When such officer has determined the amount of betterment charge leviable in respect of any property, the Commissioner shall serve upon the concerned a notice stating the amount so determined.

(5) With effect from the date of service of the notice under sub-section (4) and subject to the decision upon any reference made to the Tribunal as hereinafter provided in sub-section (6), the amount of the betterment charges determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied and shall be recoverable in the same manner as expenses declared to the improvement expenses under section 442.

(6) If any person or the Commissioner is dissatisfied with the betterment charge determined by the said officer, he may, at any time within two months from the date of service of notice under sub-section (4) refer the case for the determination of the Tribunal constituted under section 284-0, whose decision in this behalf shall be final.

(7) If no reference is made to the Tribunal for the determination of the betterment charge within the period specified in sub-section (6), the determination of a betterment charge by the officer appointed by the State Government in this behalf shall be final.