

## Building Regulations

### 257. Definitions. –

In this chapter unless the context otherwise requires, the expression "to erect a building" means -

- (a) to erect a new 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 above the level of the plinth have been pulled down, burnt or destroyed; or
  - (ii) any building of which more than one half 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 half 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 any part of a building not originally constructed for human habitation or, if originally so constructed, subsequently 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 into a place of religious worship or into sacred buildings any Place or building not originally constructed for such purpose;
- (f) to roof or cover an open space between walls or building to the extent of the structure which is formed by the roofing or covering of such space;
- (g) to convert two or more tenants in a building into a greater or lesser number;
- (h) to convert into a stall, shop, warehouse or go-down, stable, factory or garage any building not originally constructed for use as such or which was not so used before the change;
- (i) to convert a building which when originally constructed was legally exempt for the operation of any building regulations contained in the Act, or in any bye-laws made thereunder or in any other law, into a building which had it been originally erected into its converted form, would have been subject to such building regulations;
- (j) to convert into or use as a dwelling house any building which has been discontinued as or appropriated for any purpose other than a dwelling house.

### 258. Prohibition of building without sanction:

No person shall erect or commence to erect any building, or execute any of the works specified in section 260 except with the previous sanction of the Commissioner, nor otherwise than in accordance with the provisions of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works.

### 259. Erection of building.

(1) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans may be so prescribed.

**260. Applications for additions to or repairs of buildings.**

- (1) Every person who intends to execute any of the following Works, that is to say -
- (a) to make any addition to a building;
  - (b) to make any alteration or repairs to a building involving the removal or re-erection or in any external or partly was thereof or of any wan 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 metres;
  - (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 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 metres;
  - (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 make any addition to or structural alteration in any portion or building abutting on a street which stands within the regular line of such street;
  - (f) to close permanently any door or window in an external wall;
  - (g) to remove or re-construct the principal staircase or to alter its position;
- shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such Information as may be prescribed by bye-laws made in this behalf.
- (2) Every such notice shall be accompanied by such documents and as plans may be so prescribed.

**261. Conditions of valid notice. –**

- (1) A person giving the notice required by section 259 shall specify the purpose for which it is intended to use the building to which such notice relates; and a person giving the notice required by section 260 shall specify whether the purpose for which the building is being used is proposed or likely to be changed by the execution of the proposed work.
- (2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required by bye laws made in this behalf have been furnished to the satisfaction of the Commissioner along with the notice.

**262. Sanction or refusal of building or work. –**

- (1) The Commissioner shall sanction the erection of a building or the execution of a work. Unless such building or work would contravene any of the provisions of sub-section 2 of this section or the provisions of section 266.
- (2) The grounds on which the sanction of a building or work may be refused shall be the following, namely

(a) That the building or work or the use of the site for the building or work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of any bye-law made in this behalf or of any other law or rule, bye-law or order made under such other law:

(b) that the notice for sanction does not contain the particulars or is not prepared in the manner required under the bye-laws made in this behalf;

(c) that any information or documents required by the Commissioner under this Act or any bye-laws made thereunder has or have not been duly furnished;

(c) that in cases falling under section 238, layout plans have not been sanctioned in accordance with section 239:

(e) that the building or work would be an encroachment on Government land or land vested in the Corporation;

(f) that the site of the building or work does not abut on a street or projected street and that there is no access to such building or work from any such street by a passage or pathway appertaining to such site;

(g) that the building or work would be in contravention of any scheme sanctioned under section 275.

(3) The Commissioner shall communicate the sanction to the person who has given the notice; and where he refuses sanction on any of the grounds specified in sub-section (2) of this section or under section 266, he shall record a brief statement of his reasons for such refusal and communicate the refusal along with the reasons therefor to the person who has given the notice.

(4) The sanction or refusal as aforesaid shall be communicated in such manner as may be specified in the bye-laws made in this behalf.

### **263. When building or work may be proceeded with. –**

(1) Where within a period of sixty days, or in cases falling under clause (b) of section 257 within a period of thirty days, after the receipt of any notice under section 259 or section 260 or of the further information, if any, required under section 261, the Commissioner does not refuse to sanction the building or work or upon refusal does not communicate the refusal to the person who has given the notice, the Commissioner shall be deemed to have accorded sanction to the building or work and the person by whom the notice has been given shall be free to commence and proceed with the building or work in accordance with his intention as expressed in the notice and the documents and plans accompanying the same:

Provided that if it appears to the Commissioner that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street of extension, improvement, widening or alteration of any street, the Commissioner may without sanction of the building or work for such period not exceeding three months as he deems fit and the period of sixty days or, as the case may be, the period of thirty days specified in this sub-section shall be deemed to commence from the date of the expiry of the period for which the sanction has been withheld.

(2) Where a building or work is sanctioned or is deemed to have been sanctioned by the Commissioner under sub-section ( 1 ), the person who has given the notice shall be bound to erect the building or execute the work in accordance with such sanction but not so as to contravene any of the provisions of this Act or any other law or of any bye-law made thereunder.

(3) If the person or any one lawfully claiming under him does not commence the erection of the building or the execution of the work within one year of the date on which the building or work is sanctioned or is deemed to have been sanctioned, he shall have to give notice under section 259 or, as the case may be, under section 260 for fresh sanction of the building or the Work and the provisions of the section shall apply in relation to such notice as they apply in relation to the original notice.

(4) Before commencing the erection of a building or execution of a work within the period specified in sub-section (3), the person concerned shall give notice to the Commissioner of the proposed date of the commencement of the erection of the building or the execution of the work:

Provided that if the commencement does not take place within seven days of the date so notified, the notice shall be deemed not to have been given and a fresh notice shall be necessary in this behalf.

#### **264. Sanction accorded under misrepresentation. –**

If at any time after the sanction of any building or work has been accorded, the Commissioner is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under sections 259, 260 and 261, he may by order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected, or done shall be deemed to have been commenced, erected or done without such sanction:

Provided that before making any such order the Commissioner shall give reasonable opportunity to the person affected as to why such order should not be made.

#### **265 Buildings at corners of streets:**

The commissioner may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to such height and to such extent as he may determine, and may acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity.

#### **266. Provisions as to buildings and works on either side of new streets.**

(1) The erection of any building on either side of a new street may be refused by the commissioner unless and until such new street has been levelled, and wherever in the opinion of the commissioner practicable, metalled or paved, drained, lighted and laid with a water main to his satisfaction.

(2) The erection of such building or the execution of any such work may be refused by the commissioner if such building or any portion thereof or such work comes within the

regular line of any street, the position and direction of which has been laid down by the commissioner but which has been actually constructed or if such building or any portion thereof or such work is in contravention of any building or any other law for the time being in force.

**267 Period for completion of building or work:**

The commissioner, when sanctioning the erection of building or execution of work, shall specify a reasonable period after the commencement of the building or work within which the building or work is to be completed and if the building or work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinafter provided, unless the commissioner on application made therefore has allowed an extension of that period.

**268. Provided against use of inflammable materials for buildings etc. without permission:**

In such areas as may be specified by bye-laws made in this behalf, no roof, verandah, pandal or wall of a building or on shed or fence shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable material except with written permission of the commissioner, not shall any such roof, verandah, pandal, wall, shed or fence constructed or reconstructed in any year be retained in subsequent year except with fresh permission obtained in this behalf.

**269. Order of demolition and storage of buildings and works in certain cases and appeal:-**

(1) Where the erection of any building or execution of any work has been commenced, or is being carried on or has been completed without or contrary to the sanction referred to in section 262 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this act or bye laws made under, the commissioner may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced or is being carried on or has been completed within such period (not being less than three days from the date on which a copy of the order of demolition with a brief statement of the reasons therefore has been delivered to that person as may be specified in the order of demolition :  
Provided that no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the Commissioner may think fit, a reasonable opportunity of showing cause why such order should not be made:  
Provided. further that where the erection or work has not been completed, the Commissioner may by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the erection of work until the expiry of the period within which an appeal against the order of demolition, if made may be preferred under sub section (2).

(2) Any person aggrieved by an order of the Commissioner made under sub-section ( 1 ) may prefer an appeal against the order to the Court of the District Judge of the City

within the period specified in the order for the demolition of the erection or work to which it relates.

(3) Where an appeal is preferred under sub-section (2) against an order of demolition, the Court of the District Judge may stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the Court of the District Judge unless security, sufficient in the opinion of the Court, has been given by the appellant for not proceeding with such erection or work pending the disposal of the appeal.

(4) Save as provided in this section no court shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(5) Every order made by the Court of the District Judge on appeal and subject only to such order, the order of demolition made by the Commissioner shall be final and conclusive.

(6) Where no appeal has been preferred against an order of demolition made by the Commissioner under sub-section (1) or where an order of demolition made by the Commissioner under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any fixed by the Court of the District Judge on appeal, and on the failure of the person to comply with the order within such period, the Commissioner may himself cause the erection of the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act.

#### **270. Order of stoppage of building or works in certain cases. –**

(1) Where the erection of any building or execution of any work has been commenced or is being carried on (but has not been completed) without or contrary to the sanction referred to in section 262 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or bye-laws made there under, the Commissioner may in addition to any other action that may be taken under this Act. By order require the person at whose instance the building or the work has been commenced or is being carried on. To stop the same forthwith.

(2) If an order made by the Commissioner under section 269 or under sub section (1) of this section directing any person to stop the erection of any building or execution of any work is not complied with the Commissioner may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After the requisition under sub-section (2) has been complied with, the Commissioner may, if he thinks fit. Depute by a written order a police officer or a Corporation officer or other Corporation employee to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

(4) Where a police officer or a Corporation officer or other Corporation employee has been deputed under sub-section (3) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

**271. Power of Commissioner to require alteration of work. –**

(1) Commissioner may at any time during the erection of any building or execution of any work or at any time within three months after the completion thereof by a written notice specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 262 or is in contravention of any condition of such sanction or any of the provisions of this Act or any bye-law made there under and require the person who gave the notice under section 259 or section 260 or the owner of such building or work either -

(a) To make such alterations as may be specified in the said notice with the object of bringing the building or work in conformity with the said sanction, condition or provisions, or

(b) to show cause why such alterations should not be made within the period stated in the notice.

(2) If the person or the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in the notice.

(3) If the person or the owner shows cause as aforesaid, the Commissioner shall by an order either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.

**272. Completion certificate.**

(1) Every person who employs a licensed architect or engineer or a person approved by the Commissioner to design or erect a building or execute any work shall, within one month after the completion of the erection of the building or execution of the work, deliver or send or cause to be delivered or sent to the Commissioner a notice in writing of such completion accompanied by a certificate in the form prescribed by bye-laws made in this behalf and shall give to the Commissioner all necessary facilities for the inspection of such building or work.

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof effected by any such work until permission has been granted by the commissioner in this behalf in accordance with bye-laws made under this Act:

Provided that if the Commissioner fails within a period of thirty days after the receipt of the notice of completion to communicate his refusal to grant such permission, such permission shall be deemed to have been 'granted.

**273. Restrictions on user of buildings and removal of dangerous buildings. –**

(1) No person shall, without the written permission of the Commissioner, or otherwise than in conformity with the conditions, if any, of such permission -

(a) use or permit to be used for human habitation any part of a building not originally erected or authorized to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and of the bye-laws made there under;

(b) change or allow the change of the use of any land or building;

(c) convert or allow the conversion of one kind of tenement into another kind.

(2) If it appears to the Commissioner at any time that any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or any other building or place in the neighborhood of such building, the Commissioner may, by order in writing, require the owner or occupier of such building to demolish, secure or repair such building or do one or more of such things within such period as may be specified in the order, so as to prevent all cause of danger there from.

(3) The Commissioner may also, if he thinks fit, require such owner or occupier by the said order either forthwith or before proceeding to demolish, secure or repair the building, to set up a proper and sufficient board or fence for the protection of passers-by and other persons, with a convenient platform and hand rail wherever practicable to serve as a foot way for passengers outside of such board or fence.

(4) If it appears to the Commissioner that danger from a building which is in a ruinous condition or likely to fail is imminent, he may, before making the order aforesaid, fence off, demolish, secure or repair the said building or take such steps as may be necessary to prevent the danger.

(5) If the owner or occupier of the building does not comply with the order within the period specified therein, the Commissioner shall take such steps in relation to the building as to prevent all cause of danger there from.

[61 All expenses incurred by the Commissioner in relation to any building under this section shall be recoverable from the owner or occupier thereof as an arrear of tax under this Act.

**274. Power to order building to be vacated in certain circumstances. –**

(1) The Commissioner may by order in writing direct that any building which in his opinion is in a dangerous condition or is not provided with sufficient means of egress in case of fire or is occupied in contravention of section 272 be vacated forthwith or within such period as may be specified in the order:

Provided that at the time of making such order the Commissioner shall record a brief



statement of the reasons therefore.

(2) If any person fails to vacate the building in pursuance of such order Commissioner may direct any police officer to remove such person from the building and the police officer shall comply with such direction accordingly.

(3) The Commissioner shall, on the application of any person who has vacated, or been removed from any- building in pursuance of an order made by him, reinstate such person in the building on the expiry of the period for which the order has been in force according to the circumstances prevailing specified purpose is prohibited, at that time permit.

### **275. Building Scheme. –**

(1) The Corporation may, and if so required by the Government shall, within six months of the date of such requisition, draw up a building scheme for built areas, and a town planning scheme for un built areas, which may among other things provide for the following matters, namely :-

(a) the restriction of the erection or re-erection of buildings or any class of buildings in the whole or any part of the city, and of the use to which they may be put;

(b) the prescription of a building line on either side or both sides of any street existing or proposed; and

(c) the amount of land in such inbuilt area which shall be transferred to the Corporation for public purposes including use as public streets by owners of land either on payment of compensation or otherwise, provided that the total amount so transferred shall not exceed thirty-five per cent, and the amount transferred without payment shall not exceed twenty-five per cent of any one owner's land within such un-built area.

(2) When a scheme has been drawn up under the provisions of subsection ( 1 ), the Corporation shall give public notice of such scheme and shall at the same time intimate a date not less than thirty days from the date of such notice by which any person may submit to the Corporation in writing any objection or suggestion with regard to such scheme which he may wish to make.

(3) The Corporation shall consider every objection or suggestion with regard to the scheme which may be received by the date intimated under the provisions of sub-section (2) and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up or as modified to the Government which may sanction such schedule or may refuse to sanction it, or may return it to the Corporation for reconsideration and resubmission by a specified date.

(4) If a Corporation fails to submit a scheme within six months of being required to do so under sub-section (1) or fails to resubmit a scheme by a specified date, when required to do so under sub-section (3) or resubmits a scheme which is not approved by the Government, the Government may draw up a scheme of Which public notice shall be given by notification and by publication within the City together with an intimation of the date by any person may submit in writing to the Government any objection or suggestion which he may wish to make and the Government may sanction such scheme as originally notified or modified in consequence of any such objection or suggestion, as the

Government may think fit; and the cost of such scheme or such portion of the cost as the Government may deem fit shall be defrayed from the Corporation Fund.

(5) While sanctioning a scheme the Government may impose conditions for the submission of periodical report to it on the progress of the scheme and for the inspection and supervision of the scheme.

(6) If under the provisions of any scheme sanctioned under the proceeding sub-sections the erection or re-erection of building in a specified area for a specified purpose is prohibited, any person who after such scheme is sanctioned uses any building for such purpose shall, unless it was used for this purpose before the scheme was sanctioned, on conviction be liable to fine which may extend to one thousand rupees, and if after such conviction he to use such building for such purpose shall be liable to fine which extend to fifty rupees for every day during which such use continues.

Explanation. - For the purpose of this section, -

(i) "built area" is that portion of a City of which the greater part has been developed as a business or residential area; and

(ii) "unbuilt area" is an area within the local limits of a city which is declared as such at a special meeting of the Corporation by a resolution confirmed by the Government, or which is notified as such by the Government,