

CHAPTER XXIV COMPENSATION

Doing minimum damage in certain cases

389. Doing minimum damage in certain cases.

(1) In the exercise of the powers under the following provisions of this Act by the Commissioner or any other Municipal officer or servant or any other person authorised by or under this Act to execute any work, as little damage as can be shall be done and compensation assessed in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely :-

(a) carrying any municipal drain through, across or under any street or any place laid out as or intended for a street or across any cellar or vault under any street-under sub-section (1) of section 155;

(b) entering upon and constructing any new drain or repairing or altering any municipal drain already constructed-under sub-section (2) of section 155;

(c) affixing of pipes or shafts for the purpose of ventilation of any drain or cesspool to any building or tree-under sub-section (1) of section 175;

(d) opening of any ground, any portion of a drain, any portion of a building or any work exterior to a building-under section 182;

(e) entering upon, and passing through any land in the vicinity of a water work or conveying or causing to be conveyed men, materials and tools through such land-under section 191;

(f) acquiring any building or land required for a public street-under section 216;

(g) removing or altering a structure or fixture-under sub-section (4) of section 226, sub-section (3) of section 227 and section 232;

(h) the rounding or splaying of a building at the corner of two or more streets-under section 243;

(i) cutting into, laying open or pulling down any building or work-under section 261 ;

¹[(ii) the demolition or alteration of a hut or shed-under section 263A;]

(j) the demolition of an obstructive building-under section 304 ;

(k) the destruction of an insanitary hut or shed-under section 317 ;

(l) the destruction of any property in exercise of the powers vested in the Commissioner for preventing a dangerous or infectious disease-under section 319;

(m) the exercise of powers of execution of any work in regard to which no express provision occurs in the Act, rules or by-laws for the payment of compensation.

(2) If in the exercise of the powers under section 191 damage is caused by an act of an officer of the ²[State] Government compensation shall be payable by the ³[State] Government.

¹ This clause was inserted by Born. 19 of 1956, s. 3.

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

³ Same as 2.

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| Commissioner to determine compensation | 390. Commissioner to determine compensation. Subject to the provisions of this Act, the Commissioner or such other officer as may be authorised by him in this behalf shall, after holding such inquiry as he thinks fit. determine the amount of compensation to be paid under section 389. |
| Appeal | 391. Appeal. Any person aggrieved by the decision of the Commissioner or other officer under section 390 may, within a period of one month, appeal to the Judge in accordance with the provisions of Chapter XXVI. |