

The Aircraft (Demolition Of Obstructions Caused By Buildings And Trees, Etc.) Rules, 1994

UNION OF INDIA

India

The Aircraft (Demolition Of Obstructions Caused By Buildings And Trees, Etc.) Rules, 1994

Rule

THE-AIRCRAFT-DEMOLITION-OF-OBSTRUCTIONS-CAUSED-BY-BUILDINGS-AND-TREES, ETC.) RULES, 1994

- Published on 28 April 1994
- Commenced on 28 April 1994
- [This is the version of this document from 28 April 1994.]
- [Note: The original publication document is not available and this content could not be verified.]

The Aircraft (Demolition Of Obstructions Caused By Buildings And Trees, Etc.) Rules, 1994 Published vide G.S.R. 227, dated 28.4.1994, published in the Gazette of India, Part II, Section 3(i), No. 20, dated 14.5.1994.

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In exercise of the powers conferred by sub-section (2) of section 11-B of the Aircraft Act, 1934 (22 of 1934), the Central Government hereby makes the following rules to provide for the demolition of buildings and cutting of trees around aerodromes, namely:--

1. Short title and extent .-(1) These rules may be called the Aircraft (Demolition of Obstructions Caused by Buildings and Trees, etc.) Rules, 1994.

(2) They extend to the whole of India. (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions and interpretation .-In these rules, unless there is anything repugnant in the subject or context,--

(1) "Act" shall mean the Aircraft Act, 1934 (22 of 1934). (2) "Aircraft" and "Aerodrome" shall have the

same meaning as in the Aircraft Act, 1934.(3)"Building" shall include any structure, whether permanent or temporary, erected within a specified area around an aerodrome.(4)"District Collector" shall include Deputy Commissioner, District Magistrate or any other designation used by any State Government for the officer-in-charge of the District Administration.(5)"Owner" shall include the person having the control of the building, or tree, as the case may be.(6)"Officer-in-charge of an Aerodrome" shall mean the officer holding charge of the airport by whatever designation known.

3. Notification to be served .-Where any notification has been issued by the Central Government under sub-section (1) of section 9-A of the Act and the [officer-in-charge of the concerned aerodrome] has reason to believe that any building or tree exists in violation of the provisions of the aforesaid notification, he shall serve [* * *] [Omitted by G.S.R. 302(E), dated 20.8.1999 (w.e.f. 18.9.1999).], a copy of the notification on the owner of the building or tree, as the case may be, in accordance with the procedure laid down in sub--section (3) of section 9-A of the Act.

4. Owner to furnish details .-(1) The service of the copy of the notification under rule 3 shall be accompanied by an order of the [Director-General of Civil Aviation or any other officer of the Civil Aviation Department authorised by him in this behalf] directing the owner to furnish to the officer-in-charge of the aerodrome, within a specified period, a plan showing the location of the building or tree, as the case may be, and also its dimensions or any other details specified in the order.

(2)The owner shall be bound to furnish the details asked for in the order passed under sub-rule (1).

5. Forwarding the details and their physical verification .-(1) The details furnished by the owner of the building or tree, as the case may be, shall be forwarded by the officer-in-charge of the aerodrome to the Director-General of Civil Aviation with his comments.

(2)Before forwarding the details to the Director-General of Civil Aviation, the officer-in-charge of the aerodrome shall satisfy himself about the correctness of the details and for that purpose he shall be empowered to enter the premises in question and carry out physical verification of the dimensions of the building, or tree, as the case may be, during day light hours and with reasonable prior notice to the owner, who shall be duty bound to extend full co-operation during such physical verification:Provided that in a case where the owner fails to co-operate, the officer-in--charge of the aerodrome shall be free to forward details to the Director-General of Civil Aviation with his comments based on whatever verification is possible.

6. Final order .- [(1)] If the [Joint Director General or a Deputy Director--General of Civil Aviation] [Substituted by G.S.R. 267(E), dated 9.4.2002 (w.e.f. 9.4.2002).], on an examination of the details forwarded to him by the officer-in-charge of the aerodrome, is satisfied, after giving the owner an opportunity of being heard, that the building or tree in question does violate the provisions of the notification issued by the Central Government under sub--section (1) of section 9-A of the Act, he shall pass a final order in the matter directing the owner to demolish the building, or to cut the tree, or to reduce the height of the building, or the tree, as may be required for compliance with the provisions of the notification, within a specified period. In case of reduction in the height of building, or tree, as the case may be, the permissible height shall also be specified in the order:

Provided that in a case where the owner has failed to furnish details in response to the order under rule 4, the a Joint Director General or a Deputy Director-General of Civil Aviation shall be empowered to pass a final order based on information made available to him by the officer-in-charge of the aerodrome, or any other reliable source.(2)[The final order passed under sub-rule (1) shall be served on the owner through the officer-in-charge of the aerodrome in accordance with the procedure laid down in sub-section (3) of section 9-A of the Act.] [Inserted by G.S.R. 314(E), dated 25.5.2006 (w.e.f. 25.5.2006).][6-A. Appeal against the final order.-If any person is aggrieved by the final order passed under rule 6, he may prefer an appeal to Director General of Civil Aviation within sixty days of the date of the order and the Director General shall after hearing the concerned parties, desirous of being heard, either confirm or modify or reject the final order.]

7. Owner to comply with order .- [(1) The owner shall comply with the directions contained in the final order passed under rule 6 or confirmed or modified under rule 6-A. as the case may be, within the time limit specified therein.

(2)The owner may claim compensation in accordance with the provisions contained in section 9-B of the Act.]

8. Non-compliance to be reported to the District Collector .- [(1) If the owner fails to carry out the directions contained in the order passed under rule 6 or confirmed or modified under rule 6-A, as the case may be, within the time limit specified therein, the officer-in-charge of the aerodrome shall report the matter to the District Collector giving brief facts of the case and a copy of the final order passed under rule 6 or confirmed or modified under rule 6-A, as the case may be.]

(2) On receiving the report from the officer-in-charge of the aerodrome, the District Collector shall carry out forthwith the demolition of the building or the cutting of the tree, or reduction in height of the building, as the case may be, in the same manner and by the same procedure as is followed in case of demolition of any unauthorised construction in his district.