

(3) For the purpose of sub-section (2) the Commissioner shall have the like powers as are conferred on him by or under this Act for the purpose of determining the rateable value of a building or land and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections

**XLV of 1860.** 175 and 176 of the Indian Penal Code.

(4) The Commissioner may declare the sum apportioned to each of the premises in respect of its increase in value to be improvement expenses incurred for the benefit of such premises and the same shall thereupon be a charge upon such premises and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(5) An appeal shall lie within a period of one month to the Judge against an order of the Commissioner under sub-section (4).

**306.** Any person aggrieved by a demolition order made under section 300 or section 303 may within twenty-one days after the date of the service of a copy of the order appeal to the Judge, and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined:

Appeal against demolition orders.

Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

<sup>1</sup>[**306A.** Notwithstanding anything contained in this Act, it shall not be lawful to erect any back-to-back buildings intended to be used as dwellings and any such building, shall for the purposes of this Act, be deemed to be unfit for human habitation:

Prohibition of back-to-back buildings.

Provided that nothing in this section shall prevent the erection or use of a building containing several tenements in which tenements are placed back-to-back if in the opinion of the Commissioner the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.]

**307.** (1) Where it appears to the Commissioner, whether from any certificate furnished under the rules or otherwise, that any building or any room therein used for human habitation is overcrowded, he may apply to <sup>2</sup>[the District Magistrate] to prevent such overcrowding, and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner or may pass such other order as he may deem just and proper.

Overcrowded dwellings.

*Explanation.*— The landlord of the lodgers, tenants or other actual inmates of a building shall, for the purposes of this sub-section, be deemed to be the owner of the said building.

(2) Notwithstanding any provision to the contrary in any other law or in any contract, every tenant, lodger or other inmate of the said building or room shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

(3) The <sup>3</sup>[State] Government may from time to time after consulting the Corporation direct by order in the *Official Gazette* what shall constitute overcrowding for the purposes of this section, and may in such order specify the minimum space to be allowed for each person according to age in premises used exclusively as a dwelling and in premises used as a dwelling as well as for some other purpose.

1. Section 306A was inserted by Guj. 19 of 1964, s. 16.

2. These words were substituted for the words “a Magistrate of the First Class” by Bom. 8 of 1954, s. 2, Schedule Part III.

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