

(3) In this section the expression “obstructive building” means a building which, although not in itself unfit for human habitation, is so situated that by reason of its proximity to or contact with any other buildings it—

(a) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

Effect of order
for demolition of
obstructive building.

304.(1) If, before the expiration of the period within which a building of part thereof in respect of which an order is made under section 303 is thereby required to be vacated, any owner or any person known to have an interest in such building or the site of the building makes to the Commissioner an offer for the sale of the building site or any interest therein to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (6), the Commissioner shall upon obtaining the requisite sanction under section 77 accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

(2) Upon payment of the price mentioned in sub-section (1) the said building and the site thereof to the extent of the interest acquired shall vest in the Corporation.

(3) If no such offer as is mentioned in sub-section (1) is made before the expiration of the said period, the owner of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated, or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable, and if the demolition is not so carried out the Commissioner shall '[cause the building or part thereof to be vacated, if necessary, in the manner provided in section 388A and] take measures to carry out the demolition and sell the materials rendered available thereby.

(4) When any obstructive building or any part thereof is demolished either by the owner or by the Commissioner as provided for in sub-section (3), the Commissioner may at once take possession on behalf of the Corporation of the land occupied by and appurtenant to the said building or part thereof, and shall pay compensation as provided in sub-section (6).

(5) The provisions of sub-sections (2) and (3) of section 301 shall apply in relation to any expenses incurred by the Commissioner under sub-section (3) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 300.

(6) The compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (1) and the compensation payable by the Commissioner under sub-section (4) shall be the market value of the land and the building demolished, at the date of the demolition order made under sub-section (2) of section 303.

Compensation for
acquiring obstructive
building recoverable
in certain cases as
improvement
expences.

305.(1) When a demolition order in respect of an obstructive building or any part thereof has been made under section 303, the Commissioner may specify and declare to the Standing Committee the other building for the benefit of which the obstructive building or part thereof is intended to be demolished and shall serve a notice to that effect upon the owner of each of such other buildings.

(2) If in the opinion of the Commissioner the demolition of the obstructive building or part thereof adds to the value of the premises for the benefit of which the obstructive building has been demolished, the Commissioner shall determine the amount of increase in value and shall with the approval of the Standing Committee apportion so much of the compensation to be made for the acquisition of the whole or part of the obstructive building including the site thereof as may be equal to the increase in value of the said premises amongst them.

1. These words were inserted by Guj. 19 of 1964, s. 15.