

184. (1) When the result of such inspection and examination as aforesaid is as described in sub-section (2) of section 183 the Commissioner may—

Commissioner may require repair, etc., to be made.

(a) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected or set up, —

(i) to close or remove the same or any encroachment thereupon or, subject to the proviso to clause (c) of sub-section (1) of section 186, to remove any projection over the same, or

(ii) to renew, repair, cover, recover, trap, ventilate, flush, pave and pitch or take such other order to keep the same in working condition by effecting such other works as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination; and

(b) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Act, or the rules or by-laws, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-section (1) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

185. In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not —

Cost of inspection and execution of works in certain cases.

(a) a drain constructed under sub-section (1) of section 167, or

(b) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under sub-section (2) of section 173, the expenses of any inspection and examination made by the Commissioner under section 181 and of the execution of any work required under section 184, whether executed under section 188 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined by the Commissioner.

¹**185A.** (1) If in respect of any premises which consist of a building or a block or group of buildings having a number of residential tenements therein, with an area of land, open or enclosed, appurtenant thereto, the Commissioner, whether on receipt of an application or otherwise, is of opinion that the tenants or other residents of such tenements are not provided with facilities for drainage, supply of water, electricity, common water closet or any such other essential supply or are provided with any of such facilities which are insufficient to meet with the reasonable requirements of such tenants or residents and that the tenants or residents who are desirous of obtaining any of such facilities are not able to do so without incurring disproportionate cost on account of no housing drain, water connection or other necessary appliances, fittings or other things connected with the main public source for the supply of such facility having been provided or set up by the owner in the premises and on account of the owner not being willing to provide or set up such housing drain, water connections, or other necessary appliances, fitting or things in, or in the land appurtenant to, the premises it shall be lawful for the commissioner to provide or setup in such premises or the land appurtenant thereto, with approval of the Corporation and after giving the owner a reasonable opportunity of being heard, such house drain, water connection or other necessary appliances, fittings or other things having connection or other necessary appliances, fittings or other things having connection with the main public source of the supply of any such facility which may be situated outside the premises and the expenses incurred by the Commissioner in doing so shall, on demand by the Commissioner, be payable by the owner of such premises and if he does not pay them on demand, such expenses shall be recoverable by the Commissioner in accordance with the provisions of section 439.

Power of Commissioner to provide house drain, water connections, etc. in premises where owner is not willing to do so.

1. Section 185A was inserted by Guj. 1 of 1979, s. 16.