

(2) If the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof :

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

**444.** At any time before the expiration of the period for the payment of any improvement expenses together with interest thereon, the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses and such interest due, if any, as may not have been already paid or recovered.

Recovery of instalments due under sections 441 and 442.

**445.** Any instalment payable under section 441 or 442 which is not paid when the same becomes due, may be recovered by the Commissioner by distress and sale of the movable property or the attachment and sale of the immovable property of the person by whom it is due as if it were a property tax due by the said person.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

**446.** Where ever the owner of any building or land fails to execute any work which he is required to execute under this act or under any rule, regulation or by-law the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may without prejudice to any other right of recovery deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Persons liable for expenses or compensation may be sued for recovery thereof.

**447.** Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

## CHAPTER XXVIII.

### CONTROL.

Power of <sup>1</sup>[State] Government to require performance of duties in default of any municipal authority.

**448.** (1) If it shall at any time appear to the <sup>1</sup>[State] Government upon complaint or otherwise that default has been made in the performance of any duty imposed on any of the municipal authorities by or under this Act or by or under any enactment for the time being in force, the <sup>1</sup>[State] Government may, if satisfied after due inquiry that the alleged default has been made, make an order prescribing a period for the performance of that duty:

Provided that, except in any case which appears to the <sup>1</sup>[State] Government to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the Corporation, and if the <sup>1</sup>[State] Government shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any, so shown has been considered by the <sup>1</sup>[State] Government.

(2) If the duty is not performed within the period prescribed in an order made under sub-section (1), the <sup>1</sup>[State] Government may appoint some person to perform the same and may direct that the expense of performing such duty, together with such reasonable remuneration to the person performing the same as the <sup>1</sup>[State] Government shall determine and the cost of the proceedings under this section shall be paid out of the Municipal Fund.

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