

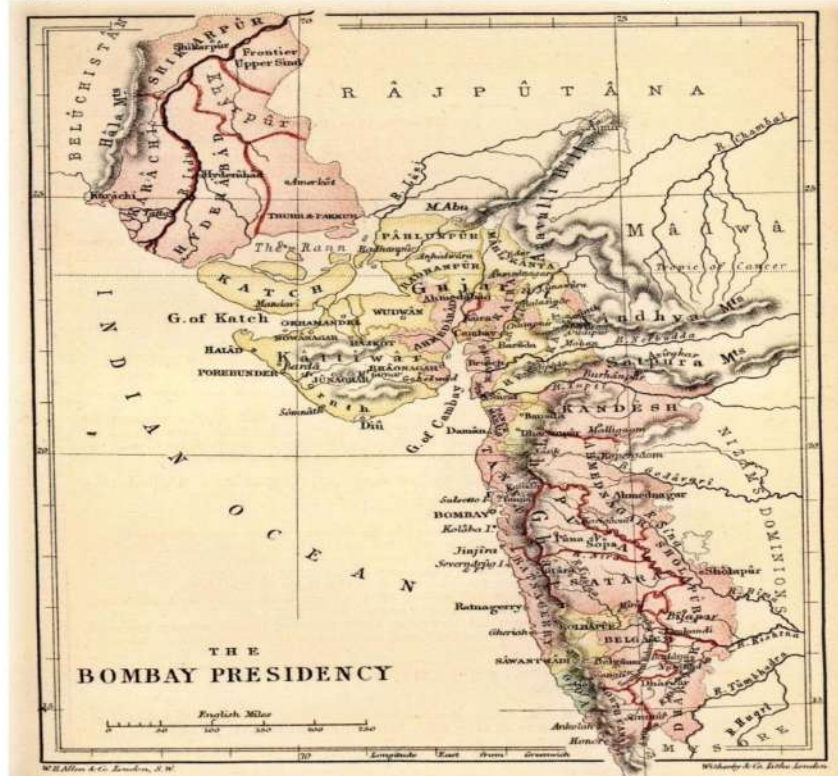
**INDIAN JUDICIAL GOVERNMENT @ PRESIDENCY  
ROYAL CHARTER LAW National Governing  
Organzation- Public Judicial Trust- Amar Singh Scientist**

**INDIAN JUDICIAL GOVT.**  
World Unity  
Real Charter No. 27/8/1974/1924 etc.  
**AMAR SINGH SCIENTIST I.A.C.C.J.**  
PRESIDENCY ROYAL CHARTER LAW  
NO L-15012/4/2017-JUSTICE-I Ministry of  
Law & Justice-Department.  
PRESIDENT'S SECRETARIAT RASTRAPATI, BHAVAN,  
No. P1/B/2209170288/0336 Joint Secretary-II  
GOVERNMENT OF INDIA NEW DELHI-11  
O.D.C.C. Jurisdiction-C.P.C./P.C-Principal Act  
UN Se. 27-193-219-226-Se-80-85-10-15  
140-147 Fundamental-167-168-169 etc  
ID - 548292787295 SID



AMAR SINGH SCIENTIST

**CITY OF BOMBAY PRESIDENCY MUNICIPAL CORPORATION, HINDU TITLES AND RIGHTS NAMELY CHARTER SECTION 167 Special Rules Relating to the High Court under Section 652. The High Court of Royal Charter in the exercise of its Ordinary Original Civil Jurisdiction Namely Sections 27, 28, 29, 30 & 34. B.M.P.P.J.-4398-53-55,000. 24-VII/172 G.R. 2580 DT. 07-06-1954 present Judicial Owner**



**I SUSHMA @ MRS. SUSAMA SUKUMAR SAMANTA:**

Corresponding address the City Bombay Presidency Estate Jurisdiction Owner Ward 17(E) & E Street Bombay and Ward 9(C) & C Dhanji, Street, Bombay-3, As "The Collect-ray Registrar Name Dubrajpur No. 198 Collect-ray Registrar No. 84 Revenue Survey Name and Number Dubrajpur 45 Jurisdiction 9," and "30" Dhanji, Street, 1<sup>st</sup> floor, office Nos. 2-4, Bombay-3" Tel.: -022-23437034 and 022-24708676 Mob.: 09322234274, E-mail: <hemkpariwar@gmail.com>

**ON FARIDAY 18<sup>TH</sup> DAY OF SEPTEMBER 2020.**

To,

1. Chief Secretary, Government of Maharashtra, (India) Civil Secretariat, etc., Mumbai/Bombay. vide No. L-15012/4/2019-Jus-I dated 5-12-2019.
2. Executing Bailiff the moveable's belonging to the Defendant and inside this premises are in custody of the Sheriff of Bombay PGPN—J-367-SSB-8-99—3,000—1/2 PA4 (Ablong) [Spl.—Sheriff Civil 47c., 48c. HIGH COURT BOMBAY. vide dated 20-12-2010.

3. The Provincial Government/Ward officer/assistant superintendent of liceness Municipal Corporation of Greater Bombay BMPP-2313-2007-200 Bks. (100 x 2) ORIGINAL SL-50 IR-39593/09-02-2010 Section of Act Contravened 394 (1) (b) /471, 410 1376-77/SS/10/ vide dated 31-3-2010 and 5-5-2010.
4. Master/Assistant, Clerk, Decree Department HIGH OF JUDICATURE, ORIGINAL SAID, BOMBAY vide dated 02-12-2009, 27-9-2010, 26-3-2013, 30-7-2018, 21-07-2018, 25-07-2018, 30-07-2018, 11-09-2018, 21-11-2019, 06-12-2019.

## **II.-SECOND-REMINDER**

Respected Sir/Madam,

REFERENCE:- i)

Jaisalmer House, Man Singh Road,  
New Delhi Dated 05-12-2019

**No. L-15012/4/2019-Jus-I Government of India Ministry  
of Law and Justice Department of Justice**

ii)

EXCUTION APPLICATION NO. 484 OF 2010

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION CASE NUMBER H-262 OF 2008

iii)

APPLICATION FOR EXECUTION CASE NO. 256/584 OF 2018  
ON 19-6-2018 DOC. APPLICATION FOR EXECUTION OF  
DECREE CASE NO. 3225 of 2016 ON 27-4-2016 DOC.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

APPLICATION FOR EXECUTION UNDER SECTION 235  
OF THE CODE OF CIVIL PROCEDURE

Sushma @ Susama Sukumar Samanta  
286 D Irani House, Supari Baug Road,  
Block No. 2, Parel (E) Bombay-12  
And Corresponding office Nos. 2-4,  
30, Dhanji Street, Bombay-3.

).....Plaintiff

**VERSUS**

Ashok Suryakant Zeveri (Since deceased)  
1.A) Smt. Jaibala wd/o of Ashok Suryakant Zaveri,  
B) Shri Brijal S/o Ashok Suryakant Zaveri,  
C) Smt. Rakhi U. Soni, All residing at H-13 New  
Ambivali, Opp. Juhu Kutir Center, Veera Desai  
Road, Andheri (w) Bombay 400058.  
D) Executive Engineer for Municipality of Bombay,  
Present controlling authorized person & persons,  
Head Offices Bombay.  
E) Assessor & Collector Municipal Taxes for  
Bombay Municipality, Present controlling  
authorized person & persons,  
Head Offices Bombay.  
F) Assessor & Collector Assessment & Collection  
Department for Bombay Municipal Corporation,  
Present controlling authorized person & persons,  
Head Offices Bombay.  
G) Assistant Engineer, Drainage- ( ).  
Drainage Engineer (Maintenance).  
Municipal Commissioner for Greater Bombay

- for Bombay Municipal Corporation Drainage Work, Present controlling authorized Person & persons, Head Offices Bombay.
- H) Assessor & Collector Assessment & Collection Department for Municipal Corporation of Greater Bombay, Present controlling authorized person & persons, Head Offices Bombay.
- I) Asstt. Superintendent of Stamps of Bombay Issued No. 339/70-71/1589/P on 29<sup>th</sup> January 1971, Present controlling authorized person & persons. General Stamp office Town Hall Bombay-1
- J) Prothonotary & Senior Master present Controlling authorized person & persons, High Court Bombay-32.
- K) Income-Tax Officer C. Ward. Section I, Bombay, the Indian Income-tax, Act 1922, Present Controlling authorized person & persons, Head Offices Bombay. & Another's )....Defendants.

**ALONG WITH  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPLICATION FOR EXECUTION UNDER ORDER XXI  
RULE 11(2) OF THE CODE OF CIVIL PROCEDURE**

Sushma @ Susama Sukumar Samanta  
286 D Irani House, Supari Baug Road,  
Block No. 2, Parel (E),  
Bombay-12 ).....Plaintiff;

**VERSUS**

Pl. Sec Rider-I on 26-04-2013 ).....Defendant.

Respected Sir/Madam,

- 1) I am the actual owner of my land, buildings, estates, immoveable property and moveable property Suit No. **56** of 1899 was passed by order in the District High Court under Sections **245** and **246** attachment of property decree under Section **337**, Execution of decree, certificate under Section **339** of the Code of Civil Procedure, on **18<sup>th</sup> October 1903**, declared title, rights and powers under **9-III,-C-3,-33**, *all the "judicial proceeding" of Sections 193, 219, and 228 of the Indian penal Code*, Joint Estate under Section No. **110-111**, all in one "Estate State" Account under Section No. **107**, Award under Section No. **57**, Representative Agreement under Section No. **58**, place in the Hindu property Boundary mark under Section No. **125**, Survey No. **B6/T**, Collector Assessment No. **3**, Property Code **5**.

And also issued on 27-05-1909 by To P **2863** by Municipality of Bombay Executive Engineer, Drainage detailed directions for drainage of

House at Duncan Road C/N Ward under Sections **231, 234, 239, 240** and **243** of the City of Bombay Municipal Act, 1888. P-No. **257** of 1909.

And also issued on 20-08-1909, by Executive Engineer Intimation of Disapproval under Section **346** of the City of Bombay Municipal Act, 1888., P-No. 1609 of 1909 Note.-under *Section 68 of the City of Bombay Municipal Corporation Act, 1888, as Amended, the Municipal Commissioner has Empowered the Executive Engineer to exercise, perform the powers, duties and function conferred and imposed upon and vested in the Commissioner by Section 346 of the said Act.*

And also Special Rules Relating to the High Courts, Suit No. 652 of 1925 passed by the order & passed by the decree and order, on 29-1-1925.

And also written file form of return on 14-01-1947, of Income and total world income for individuals, Hindu undivided families, companies, local authorities, firms and other Association of person under Sub-Section (1) or (2) Section 22 of the Indian Income tax Act, 1922. Year ending 1946-47 on 31-03-1946 individual Status See Note 2. Issued by Income-Tax officer, C. Ward. Section I. Bombay.

And also issued on 25-04-1947 by Municipality of Bombay B.M.P.P.J.-522-45-20,000. 1-3 Notice vide No. CCR-**843**/1947-1948 in respect of subject amount of taxes to be recovered from *the tenant under section 147 of the Municipal Act*, for subletting of property 'C' Ward No. 720-721, Street No. 26-30, Dhanji Street, Bombay-3.

And also issued on 25-11-1949 by Income Tax Officer for 'C' Ward Section I, Bombay **Form A** Notice under Section 22(4) of the Indian Income Tax Act, 1922 (XI of 1922) to the owner, requiring to produce accounts and/or documents I.T. 13. MFP-40IT-4659-(M-22)-09-08-46-6,00,000. Along with **Form B** Notice under Section 23(2) of the Indian Income Tax Act, 1922 (XI of 1922) to the owner, requiring to produce accounts and/or documents I.T. 35. MGIPC-S1-252(IT)MFP-(6742/M-64)-9-7-48.

And also payment on 05-01-1951 & 11-11-1953 issued by receipt Form of III.-Corporation tax IV.-Tax on income other than Corporation tax Invoice of tax paid Invoice Tax paid of Rupees *Five Hundred and Ten & Anna's Four only*, Invoice of Tax paid of Rupees *Three Hundred and thirty four Anna's thirteen only*, into Bombay Reserve Bank on Account income-tax 50-51-52-53. 062 IT-1922. I.T.31. Delete Inappropriate heads. MFP-292IT-6606-(M321)-29-12-49-8,00,000,

And also payment on 01-10-1951 issued by Bombay Municipal Corporation this is a Bill-cum-receipt for property taxes, Form No. 24-VII/172 B.M.P.P.J.-1230-51-45,000. Account on immoveable property 'C' Ward 9(C) Ward No. C-720-721, Street/Section No. 26-28-30, Dhanji Street, Bombay-3, Description of Property House along with Shop.

And also payment on 01-10-1952 issued by Bombay Municipal Corporation this is a Bill-cum-receipt for property taxes Form No. 24-VII/172 B.M.P.P.J.—1496-- , .

*As per Section 197 of the Bombay Municipal Corporation Act.* It should be got duly discharged on payment. Account on immoveable property 'E' Ward 17(E) Ward No. E-1513-1515, Street/Section No. 20-22, 6<sup>th</sup> Kamathipura, Street Bombay, Description of property House.

And also issued on 20-04-1953 by Bombay Municipal Corporation B.M.P.P.J.-3617-52-50,00 Memo of Transfer of Bills Form No. 103. 11/36 From "E" Ward to "C" Ward the accompanying Bills/ Nos. 19 of 10 are payable by the party who resides or his place of business at 30/34 Dhanji street, Street No....." Ward Inspector Ward Superintendent. Section 5 Memo of Retransfer of -----" Bill Nos. ...." Reasons- Ward Inspector. Ward Superintendent. Dated .....,

And also issued on 18-01-1954 by Public Health Department B.M.P.P.J.-2582-52-10,000. II/653 *Notice under Section 368 of the Municipal Corporation Act, 1888.* As Amended up-to date. No. 2642 of 1953-1954 No. 2643 of 1953-1954 E/ West Ward. In respect of Owner premises No. 20-22 Street, at Kamathipura 6<sup>th</sup> lane, Bombay.

" .....

*You are hereby warned that if you fail to comply with the above requisitions within seven days from the date of Service of Notice or if there after you fail to comply with the above requisitions or any of them, you will render yourself liable to the penalty or **respective penalties prescribed in that behalf by Section 471 of the Act, as so Amended.***

And also issued on 25-07-1956 by Bombay Municipal Corporation (*Drainage Branch*) Notice under Sections 231, 257 and 260 of the Bombay Municipal Corporation Act, 1888, as Amended up-to-date. in respect of immoveable property owner of Premises No. 20-22, Kamathipura 6<sup>th</sup> lane, Street Bombay,

" .....

*Thereby warning the owner from selling or transferring or mortgaging the said property after receipt of the notice to show the notice before such sale and to execute definite Agreement with the purchaser to secure the payment of proportion of any such expenses as mentioned in the said notice, which may if necessary be declared to be improvement expenses pursuant to Section 494 of the said Act.”.*

And also issued *on 08-10-1968 right power grant Superseding cover Note No. 19456/69, Collector Registration No. E-2125 & E-1074.*

And also Execution of decree Certificate *No. 339/ 70-71/ 1589/P Petition No. 801 of 1970, issued to General stamp office, on 29-01-1971.*

And also *Estate duty order E.D.I.R. No. M-2410 issued Assistant Collector on 13-03-1970, Insurance policy No. 25818/70, on 01-07-1970.*

And also *Assessment order under Section 16(3) W.T. N.S. II MGIPTC-380-6 W.T./75-76-GIPTC-(C-333)-30-01-76-80,00,000. 5<sup>th</sup> W.T.O, C-I Ward, Bombay, on 27-06-1977.*

And also Notice vide *No. Tr. (C), SR 58 of 1985-86 issued to Bombay Municipal Corporation on 13-12-1985.*

And also issued by Assessor & Collector Municipal Corporation of Greater Bombay letter bearing No. AA & C. C-Ward., of 2004-2005 calling upon to furnish true return as to the name and place of abode of both the owner and occupier of the property assessed under 'C' Ward No. C-720-721 Street No. 26-30, Dhanji Street, under the provisions of Section 155 of the Bombay Municipal Corporation Act. on 17-06-2004.

And also issued by Assessor & Collector Municipal Corporation of Greater Bombay Property No. 125 of 2004-2005 Special Notice in pursuance of Section 167 of the Bombay Municipal Corporation Act., for assessment of Ward No. C-720-721 Street No. 26-30, Dhanji House with Shops, to intimating that the Assessment Book had been amended and that the rateable value of the premises had been increased. You are hereby informed that the Assessment Book has been amended under provisions of Section 167(1) of the Bombay Municipal Corporation Act, by (a), (b), (c) & (d). dated 11-3-2005. And Deed No. 4988/08 and 4989/08 dated 6-8-2008.

And also issued by Chief Accounts Officer Bombay Building Repairs and Reconstruction Board, Room No. 356, 2<sup>nd</sup> Floor, Housing Bhavan, Bandra, (E) Bombay-51. Dated 08-06-2009 O.N. MDS/T.N.15/912/09 Subject:- Regarding giving concession in assessment Repair Cass tax for

the Property Ward No. C-720-721 and C-722/ 26-30, Dhanji Street, Bombay-3. Letter No. EXEM 2009/RR-488/RAE-1, dated 15<sup>th</sup> May, 2009. Above said in present First, Second and Third Schedule title, rights and powers order passed by the (i) CORAM: ANOUP V. MOTHS, J. (ii) CORAM: R. D. DHANUKA, J. (iii) CORAM: A. M. KHANVILKAR, J. & R. Y. GANOO, J. (iv) CORAM: A. M. KHANVILKAR, J. & MRIDULA BHATKAR, J. (v) CORAM: A. S. OKA, J. & MRIDULA BHATKAR, J. (vi) CORAM: S. J. VAZIFDAR, J. & M. S. SONAK, J. (vii) CORAM: S. J. VAZIFDAR, J. & M. S. SONAK, J. (viii) CORAM: V. M. KANADE, J. & A. K. MENON, J. (ix) CORAM: V. M. KANADE, J. & M. S. SONAK, J. (x) CORAM: V. M. KANADE, J. & B. P. COLABAWLLA, J. (xi) CORAM: A. S. OKA, J. & V. L. ACHLIYA, J. (xii) CORAM: S. C. DHARMADHIKARI, J. & B. P. COLABAWLLA, J. (xiii) CORAM: JUDGMENT:- PER S. C. DHARMADHIKARI, J. (xiv) CORAM: S. J. KATHAWALLA, J. (xv) CORAM: G. S. PATEL, J. (xvi) CORAM: K. K. TATED, J. (xvii) CORAM: G. S. PATEL, J. Court No. 37, 13, 6, 16A, 40, 53, 54, 31, 34, 20, 21, along with D. V. Sawant Chamber No. 23 in present 19 and S. T. KAPSE Chamber No. 59 in present 102, P.C. dated 8<sup>th</sup> March 2010, 29<sup>th</sup> October, 2012, 06<sup>th</sup> December, 2012, 21<sup>st</sup> December, 2012, 10<sup>th</sup> April, 2013, 25<sup>th</sup> July, 2013, 13<sup>th</sup> August, 2013, 30<sup>th</sup> January, 2014, 17<sup>th</sup> April 2014, 11<sup>th</sup> December, 2014, 27<sup>th</sup> February, 2015, 17<sup>th</sup> March, 2015, 25<sup>th</sup> June, 2015. 2<sup>nd</sup> July, 2015, 03<sup>rd</sup> August, 2015, 31<sup>st</sup> August, 2015, 4<sup>th</sup> September, 2015, 29<sup>th</sup> September, 2015, Pronounced on: 21<sup>st</sup> November, 2015, 6<sup>th</sup> January, 2016, 27<sup>th</sup> January, 2016, 3<sup>rd</sup> February, 2016, 23<sup>rd</sup> August, 2016, 21<sup>st</sup> September, 2016, 10<sup>th</sup> April, 2017, 2<sup>nd</sup> May, 2017, 13<sup>th</sup> October, 2017, 2<sup>nd</sup> April, 2018, 16<sup>th</sup> April, 2018, 26<sup>th</sup> April, 2018, 6<sup>th</sup> June, 2018. 14<sup>th</sup> August 2018:

- a) Original Case No. **3503** of 2009 as per Suit No. **3204** of 2009 Deed of Conveyance Bombay-3/2035/2010 Original Registration **39-M** and **63-M**, on 04-03-2010, in which a consent term was filed in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Court No. 37 order passed by the consent decree dated on 8-3-2010.
- b) Therefore issued by BMPPP-2230-2007-5,000 Bks. of x3 **ORIGINAL NO. 0039593** MUNICIPAL CORPORATION OF GREATER MUMBAI INSPECTION REPORT Dated: 09-02-2010 BMPP-2230-2007-5,000 Bks. of 50 x 3 **SL-70** Indicative Check Points and Inspection Licence Department: 1. (A), 2. (B), 3. (C), 4. (D), 5. Permit under Section 393 of the B.M.C. Act: BMPP-2313-2007-200

- Bks. (100 x 2) **ORIGINAL SL-50** MUNICIPAL CORPORATION OF GREATER MUMBAI offence against Act III of 1888 Amended up-to-date. No. 18432 of 2009-2010 Ward C 11-8-10 **IR-39593/09-02-2010** Section of Act Contravened 394(1) (b)/471 Inspector Ward. Take action 20-03-2010 Previous Convictions 410 1376/SS/10/Date: 31-03-2010/Date: 05-05-2010 Ward Officer/ Assistant Supdt. of Liceness/Senior (Insp.) Ward ... Ward ... Date ..... 200 Case No. .... of ... 200 Before the Presidency Magistrate Court. Certificate Ward C **SL-60** No. 7727 and 7728 of 2010 Application for Process Seal of the Municipal Corporation for Greater Bombay *In the Presidency Magistrate 41 Court Bombay* under Sections **47, 471, 472** of the Bombay Municipal Corporation Act, 1888 on 31-3-2010, Receipt **Civil-D-20**, Nos. 0164872, 0164873, 0164874 and 0164875 dated on 5-5-2010 along with Receipt **General-113**, Nos. 6774077, 6774078, 6774251 and 6774252, order passed by the Execution of decree for Immoveable property, dated on 16-03-2011.
- c) Original Application for Execution of Drawn-up-decree Case No. **65** of 2013 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction order passed by the Execution of decree Certificate No. **325** of 2013 Case No. ADJ/M//**7941**/2013 on 29-05-2013 along with Certificate No. **339** of 2014, Case No. ADJ/M/**1813**/2013 Recognized by the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Execution of Decree **3558** of 2014, Rights **9**, property Code **5** of 2014, dated 04-06-2014.
- d) Writ petition Case Nos. **2499** of 2012, **598** of 2013, **891** of 2013, **710** of 2014 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Court No. 13, 6, 53 and 31 Order dated from 29-10-2012 to 13-08-2013 and which was disposed of with liberty to approach the appropriate forum or forums passed by the order Writ Petition dated from 30-01-2014 to 21-11-2015.
- e) Execution Application No. **233** of 2013, Chamber Summons No. **280** of 2013, Notice No. **345** of 2013, Court Nos. 54, 40, 16A and 21 order passed by the Application for Execution of decree dated on 10-04-2013, 03-07-2013, 11-07-2013, 02-07-2014 and 22-07-2014. In the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Application for Execution under Order **XXI**, Rule **11(2)**

of the Code of Civil Procedure, prayed under sections **43 & 54** of the code of civil procedure.

- f) Therefor I have made paid the amounts Rupees 21,40,838/- (*Twenty one Lakhs Forty Thousand Eight Hundred and Thirty Eight Rupees only*) from 01-04-1901 to 31-03-2017 under Sections **82(5), 202, 203 & 279, 181** of 2008-2009, **38** of 2009-2010 **C/91** of 2009-10, **C/74** of 2009-10, **C/62** of 2010-11 Ward 'C' Serial Nos. 28008, 378454, 361165, 352830, 767509 under Sections 202, **207A (2)** of the Bombay Municipal Corporation Act, under Section **82(5) C** of Urban Development Act 1976. **10(A)** of the Maharashtra Education (Cess) Act, 1962, under the Section **24A** the Bombay Finances Act 1932, Bill under Sections **140A(2)** and **200** of the Bombay Municipal Corporation Act 1888.

*"To make payment through NEFT: IFSC-SBINOCOLLEC, Beneficiary A/C No: BMCPO CX020345009000, Name-MCGM property tax, please note, payment done through NEFT will be collected against oldest bills first."* BILL-04782244, BILL-04782245, BILL-CUM-RECEIPT ACRO-0638502, BILL No. ND +W. Fee +M. Penalty +G. Penalty +D.F. BILL-03739543, BILL-03739573, BILL-03810482, BILL-CUM-RECEIPT ACRO-0638493, BILL No. ND+W. Fee+M. Penalty +G. Penalty +D.F. SB-00040149, SB-00040150, BILL-CUM-RECEIPT ACRO-2051796 BILL No. ND +W. Fee+M. Penalty+G. Penalty +D.F. BILL07221260, BILL07221261, BILL-CUM-RECEIPT ACRO-1596448 BILL No. ND+W. Fee+M. Penalty+G. Penalty+Discharge. F+Unlawful+Add. Charge, Instrument No. **046507** MICR No. 400018004 and BILL-CUM-RECEIPT ACRO-1596449 BILL No. ND+W. Fee+M. Penalty+G. Penalty+Discharge. F+Unlawful+Add. Charge, Instrument No. **922008** MICR No. 400018004 **Remark full payment** dated on 12-06-2017.

- g) Therefor Original Case Chamber Summons No. 1234 of 2018 as per Civil Processes No. 430 of 2018 in Application for Execution of decree Case No. 3225 of 2016 on dated 27-04-2016 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Application for Execution under Section 235 of the Code of Civil Procedure order passed by the Chamber Summons in Application for Execution of decree, dated from 02-05-2017 to 26-04-2018.

- h) Therefor Original Application Case in Original Side the High Court of Judicature, Bombay, Receipt as under—
- i) E-30778 C-29290 of 2009 Bombay, Dated: 02-12-2009.
  - ii) E-20068 C-18049 of 2010, along with E-20075 C-18056 of 2010 Bombay, Dated: 27-09-2010.
  - iii) E-6780 C-6676 of 2013 Bombay, Dated: 26-03-2013.
  - iv) E-10368 O-9549/2018 S.No.10368 Bombay, Dated: 30-7-2018
  - v) E 9990 O-9208 of 2018 Bombay, Dated: 21-07-2018.
  - vi) E-9991 O-9209 of 2018 Bombay, Dated: 21-07-2018.
  - vii) E-9992 O-9210 of 2018 Bombay, Dated: 21-07-2018.
  - viii) E-10150 O-9335 of 2018 Bombay, Dated: 25-07-2018.
  - ix) E-10368 O-9549 of 2018 Bombay, Dated: 30-07-2018.
  - x) E-11680 O-12657 S. No. 12657 Bombay, Dated: 11-09-2018
- 2) The head quarter proper authority bill of health issue on Notice/Certificate Bearing-DB/ZVB/KYC-MED/ / 2019/28 dated 07-05-2019 and Bearing-DB/ZVB/KYC-MED/ 74/ 2019/26 dated 17-06-2019, which I have received on 02-07-2019 and 17-05-2019. I therefore want my estate property, immoveable property, judicial title **&c.** and rights **etc.** furnished to me. Therefore Subject: Representation dated 30-09-2019 of Sushma @ Mrs. Susama Sukumar Samanta Bombay. No. L-15012/4/2019- Jus-1 Government of India Ministry of Law & Justice department of Justice dated 05-12-2019. Thereafter as under-
- a) Subject: Sushma @ Mrs. Susama Sukumar Samanta Application dated 30-09-2019 Reference: L-15012/4/2019-Jus-1 dated 05-12-2019. Government of Maharashtra bearing No. Sankina-1020/San.Kra.36/Karya-9 Law & Judicial department, dated 10-01-2020.
  - b) Subject: Application of Shri Sukumar K. Samanta dated 20-12-2019 Reference: The Desk-9 Officer, letter vide Sankina-1020/San. Kra.8/Desk-9 dated 04-01-2020 G.C.P.) H 462 (10,000-5-2011 G.R.G.D. No. 4398, dated 3-7-1916 (Spl. Sheriff Gen. No. /2020 Sheriff's Office Old Secretariat K. B. Pail Marg. Mumbai-32, Sheriff of Mumbai vide No. 75 of 2020, dated 09-01-2020.
  - c) Subject: Application of Sushma @ Mrs. Susama Sukumar Samanta dated 30-09-2019 Reference: The Desk-9 officer, letter dated 10-01-2020 bearing No. Sankina-1020/San. Kra.36/Karya-9 dated 10-01-2020 G.C.P.) H 462 (10,000-5-2011 G.R.G.D. No. 4398, dated 03-

07-1916 (Spl. Sheriff Gen. No. /2020 Sheriff's office old Secretariat K. B. Pail Marg. Mumbai-32, Sheriff of Mumbai No. 127/2020 dated 14-01-2020.

- 3) Loan Account No. HL0027/ HBO00001439 Execution Application No. 484 of 2010 in Arbitration Case No. H-262 of 2008 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction passed by the order dated on 27-11-2019. Therefor Original Application Case in Original Side the High Court of Judicature, Bombay,

Receipt as under:—

- i) O-16624/2019 E-18239 S. No. 18239 Bombay, Dated: 21-11-2019.
- ii) O-17365/2019 E-19040 S. No. 19040 Bombay, Dated: 06-12-2019.

Thereafter as under-

- a) Refer: Execution Application No. 484 of 2010 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Reference: 1) your application dated 16-11-2019 for raising of the attachment. 2) Order dated 27-11-2019 passed by Hon'ble High Court in Execution Application No. 484 of 2010 ( copy of the Order is enclosed herewith for ready reference) G.C.P.) H 462 (10,000-5-2011 G.R.G.D. No. 4398, dated 3-7-1916 (Spl. Sheriff Gen. No. 1813 of 2019 Sheriff's Office Old Secretariat K. B. Pail Marg. Mumbai-32 Sheriff of Mumbai No. /2019 dated 17-12-2019.
- b) Subject: Reply/Representation to my letter dated 24-12-2019. Reference: In the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Execution Application No. 484 of 2010 Reliance Asset Reconstruction Reliance Centre, 6<sup>th</sup> Floor, North Wing, Off Western Express Highway, Santacruz (East) Mumbai-55 dated 22-01-2020.
- c) Reliance Asset Reconstruction Reliance Centre, 6<sup>th</sup> floor, North wing, off Western Express Highway, Santacruz (East) Mumbai-55. **Reference:** FY2019-20/RARC027/ 001 21-01-2020 Handing over Original Agreement for Sale Dated 28<sup>th</sup> July 1999, Document No. BBE 3800 **Ref:** FY2019-20/061219248225 dated 6-12-2019. With the reference to the above subject, we hereby handover the following document:
- d) Reliance Asset Reconstruction RARC 027 Trust Reliance Centre, 6<sup>th</sup> Floor, North Wing, Off Western Express Highway, Santacruz (East) Mumbai-55 **Reference:** FY2019-20/061219248225 dated 06-12-2019 No Dues Certificate Loan Account No. HL027/HBO 00001439 assigned

by Magma Fincorp Limited. We hereby discharge all personal guarantees, if any and also release our charge on the secured assets, if any.

- 4) I have paid a amount of Rupees 1,170/- (Rupees One Thousand One Hundred Seventy only) Chalan No. 3 STATE BANK OF INDIA LALBAUG BR. BSR CODE 0001850 DATED 14-02-2020 ARUN TONDVALKAR-4418956 to the Government of India Ministry of Finance Income Tax Department Office of the Income Tax Officer Ward 7(1)(4) Mumbai issued by the Notice PAN AAACL9670N dated 07-01-2020 DIN & Letter No. ITBA/COM/F/17/2019-20/1023680618(1).

Respected Sir/Madam,

In the above matter the Applicant have made an application dated 24-12-2019 along with notice dated 21-01-2020 order issued vide dated 22-01-2020 and I have paid a amount of Rupees 1,170/- (Rupees One Thousand One Hundred Seventy only) dated 14-02-2020 as per requisitions to handover physical charges with possession of his ownership legal documents Certified Copy has been Registered under the Indian Registration Act, 1877 and Land, Buildings, Moveable property, Immoveable property, Estate, Assets which was above listed (1) to (4) within 7 days as maximum from receipt of the same which was received by them on -09-2020. In view of the above it is prayed to that you handover proper reliefs under the Indian Acts, Other Acts and Bombay Acts published in the Bombay Government Gazette from year 1865 to 1888 and year 1925 to 1937 along with Act No. V of 1908 the Code of Civil Procedure, 1908, Commentary on 2009 the Bombay Provincial Municipal Corporation Act, 1949, Supplement to 2006 the Mumbai Municipal Corporation Act 1888, (Third Amendment) Act 2006, Maharashtra Act No. XI of 2009, appropriate relief be provided to the applicant hereby in the open court.

Thanking you,

Yours faithfully,

Sd/-

18-9-2020

SUSHMA @ MRS. SUSAMA SUKUMAR SAMANTA  
AND SUKUMAR KISHORILAL SAMANTA.

CC. To,

diwakar.singh@nic.in,  
veena.k@nic.in,  
sudha.relangi@gov.in,  
udaya.kumara@nic.in,  
nr.battu@nic.in,  
k.biswal@nic.in,

reeta.vasishta@nic.in,  
gn.raju@nic.in,  
hcbom.mah@nic.in,  
rg-bhc@nic.in,  
rgsid-bhc@nic.in,  
rginsp-bhc@nic.in,

rginsp2-bhc@nic.in,  
 rgjud1-bhc@nic.in,  
 rgjud2-bhc@nic.in,  
 rg-legal-bhc@nic.in,  
 dlsa.satara@gmail.com,  
 dlsasolapur@gmail.com,  
 dlsasindc@gmail.com,  
 legalaidthane@yahoo.com,  
 dlsawardha@gmail.com,  
 dlsaytl@rediffmail.com,  
 hclsc.mumbai@gmail.com,  
 hcnag.legalservices@gmail.com,  
 hclsscabd@gmail.com,  
 hcnag.mah@nic.in  
 rajvirkar@yahoo.com,  
 keyur.shah1982@gmail.com,  
 sha\_faisal@yahoo.com,  
 bahir\_anil@rediffmail.com,  
 cpc-bom@aij.gov.in,  
 rghk-bhc@nic.in,  
 fnbcs-hc@nic.in,  
 rgestt-bhc@nic.in,  
 rgpsm-bhc@nic.in,  
 rgpstocj-bhc@nic.in,  
 hcnag-mah@nic.in,  
 hcaur.mah@nic.in,  
 reg-high.goa@nic.in,  
 protocol-bhc@nic.in,  
 achaudhari500@gmail.com,  
 asha.arg@hotmail.com,  
 legalservices@maharashtra.gov.in,  
 mlsa-bhc@nic.in,  
 main.medication@gmail.com,  
 ms-glsa.goa@nic.in,  
 dlsanagar@gmail.com,  
 dlsaakola@gmail.com,  
 legalawarer@gmail.com,  
 dlsa.arangabad@gmail.com,  
 dlsabeed@gmail.com,  
 dlsabhandara@gmail.com,  
 buldistlsa@gmail.com,  
 distlegalcha@gmail.com,  
 dcddhule@rediffmail.com,  
 dlsagad@gmail.com,  
 dlsagondia@rediffmail.com,  
 jalgaondlsa@yahoo.com,  
 dlsajalna@yahoo.com,  
 dlsa.dc.klp@gmail.com,  
 legalaid.latur@gmail.com,  
 dlsamumdai@yahoo.in,  
 dlsamumbai@yahoo.in,  
 dlsanagpur@rediffmail.com,  
 legalaidnanded@gmail.com,  
 dlsa.nandurbar@rediffmail.com,  
 dlsansk@gmail.com,  
 dlsaparbhani@gmail.com,

rrg-hc-gj@nic.in,  
 pdlsapune@gmail.com,  
 dlsaalibag@gmail.com,  
 dlsartn@gmail.com,  
 sanglidlsa@gmail.com,  
 supremecourt@hub.nic.in,  
 lko@up.nic.in,  
 aphc@ap.nic,  
 cj-wb@nic.in,  
 Sandipan Chatterjee  
 <calcuttahighcourtprotocol@gmail.com>  
 highcourt.cg@nic.in,  
 delhihighcourt@nic.in,  
 hicourtg@rediffmail.com,  
 regrgenl@tn.nic.in,  
 hcm\_imphal@yahoo.co.in,  
 High Court  
 <highcourtmeghalaya@gmail.com>,  
 highcourt.or@nic.in,  
 hcpat-bih@nic.in,  
 highcourtchd@indianjudiciary.gov.in,  
 hc-rj@nic.in,  
 hcjaipur-rj@nic.in,  
 hc-sik@hub.nic.in,  
 Tripura High Court  
 <highcourt.agt@gmail.com>,  
 reghcagt@gmail.com,  
 thc.protocol1@gmail.com,  
 Chief Justice UKHC  
 <highcourt-ua@nic.in>,  
 hcprotocol-ua@nic.in,  
 ctcourt-mum@nic.in,  
 ctcivilcourtdinsc@indianjudiciary.gov.in,  
 smallcausecourt@yahoo.com,  
 sccbandra@gmail.com,  
 labourcourtmumbai@rediffmail.com,  
 lokayukta@maharashtra.gov.in,  
 arudpune@unitribunalpune.in,  
 dratmumbai-dfs@nic.in,  
 drt1mumbai-dfs@nic.in,  
 podrt3mum-dfs@nic.in,  
 registrarmrt@yahoo.in,  
 rctatmumbai@gmail.com,  
 rctngp\_ngp@sancharnet.in,  
 lci-dla@nic.in,  
 mjauttsc@indianjudiciary.gov.in,  
 joti\_joti123@rediffmail.com,  
 adpp\_mumbai@maharashtra.gov.in,  
 collector\_mumbaicity@maharashtra.gov.in,  
 mahbom@nic.in,  
 archivesmumbai@mrnl.net.in,  
 Mumbai\_archives@mtnl.net.in,  
 Pa2vpmhada@gmail.com,  
 pro@mcgm.gov.in,  
 dgpsmumbai@yahoo.co.in,

cconchm1@gmail.com,  
 cxm1@mtnl.vet.in,  
 dcbi@cbi.gov.in,  
 hozmum1@cbi.gov.in,  
 hobacmum@cbi.gov.in,  
 sp1acmum@cbi.gov.in,  
 cestat08@gmail.com,  
 cestatmumbai@indiatimes.com,  
 rd.west@mca.gov.in,  
 pro@msrtc.gov.in,  
 gm@bestundertaking.com,  
 supremecourt@nic.in,  
 aphc@ap.nic.in,  
 cj.wb@nic.in,  
 hicourt-hp@nic.in,  
 hcjk@jk.nic.in,  
 jhc@nic.in,  
 rgjhrhc@indiancourts.nic.in,  
 rgkck@kar.nic.in,  
 Protocol KARNATAKA HC  
 <protocolkarnatakahc@gmail.com>,  
 hckerala@nic.in,  
 mphc@nic.in,  
 rg-hc-gj@nic.in,  
 Information Department  
 <information@icj-cij.org>,  
 president@whitehouse.gov,  
 noreply@whitehouse.gov,  
 vice\_president@whitehouse.gov,  
 psec.rla@maharashtra.gov.in

All the Civil, Criminal and Judicial Secretariat.

Sd/-

18-9-2020

SUSHMA @ MRS. SUSAMA SUKUMAR SAMANTA  
 AND SUKUMAR KISHORILAL SAMANTA.

**ENCL.:** DELEGATION OF POWERS UNDER SECTION 68 OF THE MUMBAI MUNICIPAL CORPORATION ACT 1888, **SL-69**, ORIGINAL No. 0039593, **SL-70**, ORIGINAL **SL-50**, **WARD C SL-60** No. 7727 AND 7728 OF 2010 APPLICATION FOR PROCESS SEAL OF MUNICIPAL CORPORATION FOR GREATER BOMBAY, **Page 15 to 84**. I HAVE MADE PAID THE AMOUNTS RUPEES 21,40,838/- as the SUPPLEMENT ACT 2006, THE MUMBAI MUNICIPAL CORPORATION ACT 1888, COMMENTARY ON 2009 THE BOMBAY PROVINCIAL MUNICIPAL CORPORATION ACT, 1949, **Page 85 to 185**. AIR 1983 SUPREME COURT 537, **Page 186 to 250**. MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS, **Page 251 to 274**. THE BOMBAY CODE VOLUME-VI, BOMBAY ACT No. VIII OF 1925, BOMBAY ACT No. XIX OF 1938, BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) ACT, 1955. 18 OF 1955, BOMBAY ACT No. LVII OF 1956, **Page 275 to 286**. ACT No. V OF 1908 THE CODE OF CIVIL PROCEDURE, 1908, **Page 287 to 303**. THE BOMBAY GOVERNMENT GAZETTE FROM YEAR 1865 TO 1879 **Page 304 to 1182**.

Sd/-

18-9-2020

SUSHMA @ MRS. SUSAMA SUKUMAR SAMANTA  
 AND SUKUMAR KISHORILAL SAMANTA.

THE



**BOMBAY HINDU INDIAN GOVERNMENT.**

SUPPLEMENT TO THE BOMBAY GOVERNMENT GAZETTE.

CONTAINING BILLS OF THE GOVERNMENT OF INDIA.

PUBLISHED BY AUTHORITY.

THURSDAY, 21<sup>ST</sup> JUNE 1865 TO MONDAY, 10<sup>TH</sup> SEPTEMBER 2018

*Separate Paging is given to these Supplements, in continuation from one to the other, that the Bill may be collected into a separate Compilation.*

**HOME DEPARTMENT (*Legislative*).**

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations, on the 13<sup>th</sup> April 1865:-

**REPORT.**

We, the undersigned, the Members of the Select Committee of the Council of the Governor-General of India for the purpose of making Laws and Regulations, to whom the Bill for consolidating and amending the Laws relating to the Procedure of the Courts of Civil Judicature in British India, together with the communications noted in the annexed list, was referred, have the honour to report as follows:-

We have carefully revised the Bill, and have adopted a large number of the suggestions contained in the communications above mentioned. Before entering into the details of our revision we may premise that the alteration which we have made are to a great extent verbal, and that, with very few exceptions, they do not affect the general or fundamental principles of the Bill as introduced. The most important alterations involving questions of principle are in the Sections relating to the specific performance of contracts, and in the part of the Code relating to Reviews of Judgment.

We have provided that specific performance shall not be decreed of any contract, *the committee per formance of which is necessarily extended over a longer period than five years*. When any such contract shall have been entered into before the passing of the Act, *we propose that specific performance shall not be decreed for more than five years from the date of the decree.*

*We have altered Sections 131, 132, 133, 134 and 135 (a), and confined their operation to spits brought to enforce the specific performance of registered contracts. For the procedure to enfort the ex parte order given under Section 133,* we have provided that, on proof of service of the order, the Court shall receive the plaintiff's evidence, and subject to certain conditions, pass a decree for specific performance. The conditions prescribed are these:- That the consideration is adequate; that the contract is reasonably certain; that the defendants is able to perform it, and that the performance will not impose extreme or immoderate hard ship upon him.

We have thus, we trust, met the objections of those who fear that power of enforcing specific performance of contracts by the attachment of the property and the imprison may of the party guilty of the breach of contract may be used as an instrument of oppression. We have enabled the Court to decree damages in the event of the contract not being specifically performed, and provided for the execution of the decree.

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**(a) *The numbers in this Report refer to these of the Sections of the Bill as introduced and published in the Gazette of India for 29<sup>th</sup> April 1864.***

The power given to the Judges of the subordinate Courts of reviewing, of their own authority, orders passed not only by themselves but by their predecessors, or by Judges for whom they are merely officiating, has, we understand, led to considerable abuse, and the Committee are strongly of opinion that the opportunity for this abuse should be taken away. Under the Code as it now stands many orders passed in execution of a decree are not open to appeal. It has been suggested that in such cases either an appeal or a review of judgment should be allowed.

We have thought it better to adopt the latter alternative, subject to the proviso, which we propose should extend generally to reviews, that, when the review is granted by a Court, subordinate to a District Court, it shall be with the previous sanction of such Court, and that, when granted by a District Court, it shall be with the previous sanction of the High Court,.

We have armed the Civil Courts with power to punish witnesses for failing to attend when summoned, instead of leaving the cases of persons so offending to be dealt with by the Criminal Courts. The necessity for this provision in order to the due administration of justice has strongly pressed by many Judges, some of them of long standing and of considerable experience.

*We have introduced several changes in the Chapter relating to the High Courts, and exempted those Courts from the operation of some Sections, which, however well adapted to Courts in the Mofussil, have been found unnecessary and, in some instances, inconvenient in the High Courts with their superior judicial agency.*

We will now specify some of the minor additions and alterations which we have thought necessary.

*We have added definitions of 'Person,' 'Section,' 'Chapter,' 'Law,' 'Judgment,' 'Decree,' 'Immovable Property,' 'Movable Property,' 'Bond,' 'Document,' and 'Subordinate Court.' We have inserted a clause analogous to Section 3 of the Bill as introduced, providing that the Sections to which the letters 'R. C.' are affixed shall extend to Revenue Courts.*

We have provided that every person shall be entitled to use except persons expressly prohibited from suing by any law.

Executors and administrators, trustees, and next friends of lunatics and idiots may, on obtaining the permission of the Court, sue without joining with them the persons for whose benefit the suit is brought. Infants will sue by guardian or next friend, who will be admitted and may be removed by the Court, and who may be made liable for the costs of the suit.

We have also provided that an infant defendant shall appear by guardian.

*To Section 10 we have added explanations after the manner of the Indian Penal Code and the Indian Succession Act 1865, as to the place in which cause of action be held to have arisen: as to the dwelling necessary to give jurisdiction: as to the place in which a Corporation or Company shall be deemed to carry on business; and as to the business contemplated in the Section. To Section 61 we have added an explanation of what shall be considered to constitute residence out of British India.*

We have also given explanations as to the adequacy of consideration and the certainty required for enforcing specific performance of a contract.

We have introduced Sections declaratory of the tribunal in which suits not for immovable property shall be brought against the Secretary of State, the Government of India, and the local Government.

We have provided for the subscription and verification of the plaint in suit by Government or the Secretary of State.

*We have extended Section 24 (as to declaratory suits), so to enable the Court to make declarations of future rights, and to empower a trustee to*

*obtain a declaration of the respective rights of the persons interested in a Trust-Estate.*

*We have provided that no Court shall make any declaratory decree or order unless it could, if required, act upon it by giving consequential relief.*

*The extension of Railway communication has induced us to add to Section 73 a second exception to the rule that no party resident more than fifty miles from the Court shall be ordered to appear in person.*

We have provided that if Railway communication exist between the place where the party reside and the place where the Court is held or within a convenient distance from such places, the Court shall have a discretion as to making such order. *A similar addition has been made to Section 280. On the issue of a Summons for final disposal, the parties will be required to produce their witnesses on the day fixed for hearing the suit; and we have provided a procedure where the Court cannot give judgment at the first hearing.* When the defendants are partners, and the suit relates to a partnership transaction, service on one defendant for himself and the others will be sufficient.

*When the defendant fails to comply with an order under Section 113 to give security for his appearance, we have provided by express words that the Court may commit him to Jail. We have added a clause to Section 120, providing that the Court, if satisfied of the plaintiff's inability to furnish the specification and valuation required by that Section, may dispense therewith.*

We have provided that an award of compensation for arrest or attachment on insufficient grounds, or for the needless issue of an injunction, shall be executed like a decree for money.

A Notice to produce documents when served on a party to a suit will, if the Court shall so order, have the force of a Summons.

*We have altered Section 163, so as to enable the Court, when the defendant fails to appear, to dispense with strict proof of the service of the Summons; and we have provided that, if the Summons shall have been issued for the final disposal of the suit, the Court, if satisfied of the justice of the plaintiff's claim, may proceed to pass a decree in his favour ex parte.*

The written declaration (*mentioned in Section 173*) in support of the cause shown for failure to appear will now be on stamp paper where a stamp is required for petitions. As a preliminary to setting aside a decree ex parte in a suit involving a claim to money, we have considered it right to require the amount with costs to be paid into Court.

*We have provided that, in the case of any party failing to present a written statement called for under Section 183, the court may pass a decree against him, or make such order in relation to the suit as it may deem proper.*

In order to bring the code into harmony with the stamp Act (X. of 1862, Section 15) we have made the penalty payable on the reception of unstamped or insufficiently stamped documents treble, instead of double, the amount of the stamp duty or additional stamp duty which it should have borne.

*We have a proviso to Section 217, that when the hearing of evidence shall have once begun, the hearing of the suit shall not be adjourned at the application of any of the parties except from day to day, when all the witnesses cannot be examined on the same day.* Great encouragement has been given to perjury and subornation of perjury, and other serious irregularities have arisen, in consequence of the facility hitherto enjoyed of obtaining adjournments, especially in the hearing of evidence. *We have provided a procedure where cases, in which a District Court shall have given an opinion under Section 245 on the law of the religion or of the established customs of the parties, shall come on appeal before such court.*

*We have made provision in Section 266 for the Judge's temporary inability to take down evidence as required in that Section.*

*We have empowered the Court to appoint any Government Officer with the consent of his immediate superior to be a Commissioner to make a local investigation.*

We have provided a procedure ex parte when the parties do not appear before the Commissioner. As to costs, we have provided that, at the time of disposing of any application, the Court may award to either party the costs of such application, or reserve the consideration of such costs for any future stage of the proceedings.

We have further empowered the Court to set off costs payable to one party by another against a sum which the former shall admit to be due from him to the latter. We have also provided that the Court may give interest on costs at six per cent., and direct that costs, with or without interest, be made a charge on the subject-matter of the suit. In case of the plaintiff's bankruptcy or insolvency, *we have provided that the Court may award the defendant's costs to be recovered out of the plaintiff's Estate; and, where the plaintiff withdraws from the suit without permission, he will be liable for such costs as the Court shall award.*

We have given the Courts power, in rejecting a written statement and other-admitting an appeal dismissed for default, to impose terms as to costs or otherwise.

*We have by express words empowered the Courts to appoint the Assessors mentioned in Sections 298 and 299, and we have thought it inexpedient to require that the opinions of the Assessors shall always be given orally.* We have empowered the Court, with the consent of the parties, to put any of them or any other person on his oath or affirmation, and to decide the suit on the statement made under that sanction.

We have provided that if the judgment in suits in which a regular appeal is not allowed be written in English, it shall not be necessary to translate it, unless any of the parties require a translation. In like manner the judgment of the Appellate Court need not be translated unless any party shall so require. *The judgment of a Court of Small Causes will not be required to give the reasons for the decision.*

*We have provided for the execution and, if necessary, the alteration of the conveyance or endorsement tendered under Section 327.* We have also provided for the case of the Judge agreeing to a conveyance going beyond the terms of the decree, or refusing to agree to a conveyance in conformity with those terms. *A warrant for arrest of the defendant will direct the serving officer to bring him before the Court. In Sections 369 and 400 we have authorized the immediate sale of perishable commodities.*

Where there is a mortgage or lien on the attached property, we have provided that the attachment shall continue subject to the claim of the mortgages or person entitled to the lien. If the decree-holder purchase at an execution sale, we have provided that the amount of his decree may be taken in payment, in whole or in part, as the case may be. As regards the enforcement of registered Bonds, we have provided that the obligee of a bond payable by installments may sue before all the installments shall have become due. We have also provided that the representative of a deceased obligor may plead that they never received any assets, or that they have been paid away, or that they are insufficient.

*In Section 512 we have added to the ground of setting aside an award—either party having fraudulently concealed any matter which he ought to have disclosed, or having willfully misted or deceived the arbitrators or umpire.* The Section as it stood provided for setting aside an award on the

ground of misconduct, only, when a charge of such misconduct was established against the arbitrators or umpire. *As observed by the Madras Government, this renders such charges more frequent than they would otherwise be, and the probability of being exposed to them makes respectable men unwilling to arbitrate.*

We have given a regular appeal in respect of costs alone, provided that it shall appear upon the face of the decree or order that the Court below proceeded upon a mistake or misapprehension.

We propose that on appeal the Courts should be required, of their own motion, to take cognizance of defences founded on lapse of time, breach of the Stamp laws or want of jurisdiction. *A respondent taking objection to the original decree from which he may have preferred no cross-appeal, will have to give Seven days' notice in writing of such objection.* We have added to the grounds of special appeal, failure by a subordinate Court to determine an issue of law or usage having the force of law, and error in the opinion given by the District Court on a question of religious law or established usage or custom. *The Advocate's certificate endorsed on the application for a special appeal or for a review of judgment, will be required to specify by their numbers which of the grounds he considers well founded and sufficient.*

We have given the High Court power to call for record of any case decided by a Court of Small Causes, or, on appeal, by any subordinate Court, in which no appeal, shall lie to the High Court, if such Small Cause Court, or such subordinate Court, on hearing the appeal, shall appear to have exercised a jurisdiction not vested in it by law.

We have omitted the Section empowering the Courts to return the stamp duty paid on an application for review. *In the Chapter on High Courts, we have omitted the provision contained in Section 629 as to suits against the representative of a deceased person on a cause of action which accrued against the deceased in his life-time.*

*We have also omitted Section 632 as unnecessary. In a Division Court, if the Judges shall be equally divided, the opinion of the Senior Judge will prevail. We have extended the power of reference given by Section 640, so as to enable the matter to be investigated by the Registrar or other proper Officer of the High Court, and we have declared that any act not of a judicial nature which the Code requires to be done by a Judge, may be done by the Registrar, or such other officer as the Court may direct.*

*We have declared that in suits coming before the High Courts in the exercise of their Ordinary Original Jurisdiction, Attornies may obtain and serve summonses.*

*We have provided that nothing in the eight Section shall debar the High Court or any Judge of the High Court from rescinding or modifying any interlocutory order passed by it or him in the course of a suit.*

*We have for reasons already given exempted the High Court from the operation of Sections 26, 27, 28, 29, and 34.*

Lastly, we have empowered the Governor General in Council to invest the chief Executive Officer of any part of British India under the immediate administration of the Government of India, with the powers vested by the Code in a Local Government.

We recommend that this Report and the Bill as Amended be published in the Official Gazette.

H. B. HARINGTON. H. L. ANDERSON. J. N. TAYLOR. RAJA SAHIB  
DYAL BAHADUR. W. MUIR. R. N. CUST. 10<sup>th</sup> APRIL 1865.

PUBLISHED BY AUTHORITY.

THURSDAY, 14<sup>TH</sup> APRIL 1870 TO MONDAY, 10<sup>TH</sup> SEPTEMBER 2018

*Separate Paging is given to this Part, in order that it may be filed as a separate Compilation.*

#### **PART IV.**

##### **ACT PASSED BY THE GOVERNMENT OF INDIA.**

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1<sup>st</sup> April 1870, and was promulgated for general information in the Gazette of India Extraordinary on the 2<sup>nd</sup> April 1870:-

*THE LOCAL GOVERNMENT MAY APPOINT OFFICERS.*

*POWER TO APPOINT SUPERINTENDENT OF PRESIDENCY PRISONS.*

*REGISTRATION OF EMIGRANTS PRESIDENCY TOWN OF CALCUTTA  
MADRAS OR BOMBAY.*

*THE CITY OF BOMBAY HINDUY PRESIDENCY MUNICIPAL CORPORATION:  
ACT NO. X, OF 1870. THE LAND-ACQUISITION ACT, 1870. ACT NO. XI, OF  
1870. THE INDIAN WEIGHTS AND MEASURES ACT, 1870. ACT NO. XII, OF  
1870. THE NATIVE PASSENGER SHIPS ACT, 1870. ARRANGMENT OF  
SECTIONS. ACT NO. XIII, OF 1870. AN ACT TO APPLY THE PROVISIONS OF  
ACT NO. XVIII, OF 1854 TO RAILWAYS BELONGING TO, OR WORKED BY,  
GOVERNMENT. ACT NO. XIV, OF 1870. A BILL FOR REPEALING CERTAIN  
ENACTMENTS WHICH HAVE CEASED TO BE IN FORCE, OR HAVE BECOME  
UNNECESSARY. ACT NO. XV, OF 1870. AN ACT FOR THE FURTHER  
AMENDMENT OF ACT NO. XIX, OF 1861. ACT NO. XVI, OF 1870. THE*

INCOME TAX ACT, 1870. ACT NO. **XVII**, OF 1870. *AN ACT TO AMEND THE LAW RELATING TO CUSTOMS DUTIES.* LEGISLATIVE DEPARTMENT. NOTIFICATION. SIMLA, THE 27<sup>TH</sup> MAY 1870. NO. 3—THE FOLLOWING ACT APPLIES TO INDIA, AND IS HEREBY PUBLISHED FOR GENERAL INFORMATION:- 33 VICTORIA, CAP. 3. *AN ACT TO MAKE BETTER PROVISION FOR MAKING LAWS AND REGULATIONS FOR CERTAIN PARTS OF INDIA, AND FOR CERTAIN OTHER PURPOSES RELATING THERETO.* ACT NO. **XVIII**, OF 1870. *AN ACT TO ENABLE THE GOVERNMENT OF INDIA TO EXEMPT GOOD FROM CUSTOMS DUTIES.* ACT NO. **XIX**, OF 1870. *AN ACT TO ENABLE THE DIRECTORS OF BANK OF BENGAL TO ACT BY A QUORUM.* ACT NO. **XX**, OF 1870. *AN ACT TO CORRECT 2 CLERICAL ERRORS IN THE COURT FEE' ACT, 1870.* ACT NO. **XXI**, OF 1870. *AN ACT TO REGULATE THE WILLS OF HINDUS, JAINAS, SIKHS AND BUDDHISTS IN THE LOWER PROVINCES OF BENGAL AND IN THE TOWN OF MADRAS AND BOMBAY.* LEGISLATIVE DEPARTMENT. NOTIFICATION. SIMLA, THE 10<sup>TH</sup> AUGUST 1870. NO. 4—THE FOLLOWING STATUTE AFFECTS BRITISH INDIA, AND IS HEREBY PUBLISHED FOR GENERAL INFORMATION:- 33 VICTORIA, CAP. 14. *AN ACT TO AMEND THE LAW RELATING TO THE LEGAL CONDITION OF ALIENS AND BRITISH SUBJECT.*

**PUBLISHED BY AUTHORITY.**

THURSDAY, 31<sup>ST</sup> JANUARY 1871 TO MONDAY, 10<sup>TH</sup> SEPTEMBER 2018.

*Separate Paging is given to this Part, in order that it may be filed as a separate Compilation.*

**PART IV.**

**ACT PASSED BY THE GOVERNMENT OF BOMBAY.**

The following Act of the Governor of Bombay in Council Received the assent of the Right Hounourable the Governor on the 11<sup>th</sup> July 2018 and the assent of his Excellency the Governor General on 21<sup>st</sup> August 2018, and in published for general information:-

**BOMBAY.**

**ACT NO. IV. OF 1870.** *AN ACT TO ENABLE HER MAJESTY JUSTICES OF THE PEACE FOR THE CITY OF BOMBAY TO ASSIGN PART OF THE MUNICIPAL FUND TO EDUCATIONAL AND OTHER PUBLIC PURPOSES.*

**WITH**

**PUBLISHED BY AUTHORITY.**

THURSDAY, 19<sup>TH</sup> JANUARY 1871 TO MONDAY, 10<sup>TH</sup> SEPTEMBER 2018.

*Separate Paging is given to this Part, in order that it may be filed as a separate Compilation.*

**PART IV.**

**ACT PASSED BY THE GOVERNMENT OF INDIA.**

The following Act of the Governor General of India in Council Received the Assent of His Excellency the Governor General on the 13<sup>th</sup> January 1871, and was promulgated for General Information in the Gazette of India on the 14<sup>th</sup> January 1871:-

*ACT NO. I, OF 1871. THE CATTLE-TRESPASS ACT, 1871. ACT NO. II. OF 1871. AN ACT TO EXTEND THE PRISONS' ACT, 1870, TO COORG. ACT NO. III. OF 1871. THE INDIAN PAPER CURRENCY ACT, 1871. ACT NO. IV. OF 1871. THE CORONERS' ACT, 1871. AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO CORONERS. ACT NO. V. OF 1871. THE PRISONERS' ACT, 1871. AN ACT TO CONSOLIDATE THE LAWS RELATING TO PRISONERS CONFINED BY ORDER OF A COURT. ACT NO. VI. OF 1871. THE BENGAL CIVIL COURTS ACT, 1871. AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE DISTRICT AND SUBORDINATE CIVIL COURTS IN BENGAL. ACT NO. VII. OF 1871. THE INDIAN EMIGRATION ACT. AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE EMIGRATION OF NATIVE LABOURERS. ACT NO. VIII. OF 1871. THE INDIAN REGISTRATION ACT, 1871. ARRANGEMENT OF SECTIONS. AN ACT FOR THE REGISTRATION OF DOCUMENTS. ACT NO. IX. OF 1871. THE INDIAN LIMITATION ACT, 1871. AN ACT FOR THE LIMITATION OF SUIT AND FOR OTHER PURPOSES. ACT NO. X. OF 1871. THE EXCISE ACT, 1871. AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE EXCISE REVENUE IN NORTHERN INDIA, BRITISH BURMA AND COORG. ACT NO. XI. OF 1871. AN ACT TO ABOLISH THE FINANCIAL COMMISSIONERSHIP OF OUDH. ACT NO. XII. OF 1871. THE INDIAN INCOME TAX ACT, 1871. AN ACT FOR IMPOSING DUTIES IN INCOME. ACT NO. XIII. OF 1871. AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE CUSTOMS DUTIES. ACT NO. XIV. OF 1871. AN ACT FOR FURTHER AMENDMENT OF THE CONSOLIDATED CUSTOMS ACT. ACT NO. XV. OF 1871. THE BROACH THAKURS' RELIEF ACT, 1871. AN ACT TO RELIEVE FROM ENCUMBRANCES THE ESTATE OF THAKURS IN BROACH. ACT NO. XVI. OF 1871. THE BURMESE STEAMER SURVEY ACT, 1871. AN ACT FOR THE SURVEY OF STEAM VESSELS PLYING WITHIN BRITISH BURMA. ACT NO. XVII. OF 1871. AN ACT TO PROVIDE FOR THE LEVY OF RATES ON LAND IN OUDH. ACT NO. XVIII. OF 1871. AN ACT FOR THE LEVY OF RATES ON LAND IN THE NORTH-WESTERN PROVINCES. ACT NO. XIX. OF 1871. AN ACT PROVIDE FOR THE APPOINTMENT OF SESSION JUDGES IN BENGAL AND THE NORTH-WESTERN PROVINCES. ACT NO. XX. OF 1871. AN ACT PROVIDE FOR*

*LEVY OF RATES IN LAND IN THE PANJAB. ACT NO. **XXI.** OF 1871. AN ACT TO GIVE VALIDITY TO THE OPERATION OF THE GENERAL REGULATIONS AND ACT WITHIN THE DEHRA DUN. ACT NO. **XXII.** OF 1871. AN ACT TO AUTHORIZE THE EXTENSION OF THE CHAUKIDARI ACT TO PLACES WHERE THERE IS NO JAMADAR OF POLICE. ACT NO. **XXIII.** OF 1871. AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO PENSIONS AND GRANTS BY GOVERNMENT OF MONEY OR LAND-REVENUE. ACT NO. **XXIV.** OF 1871. THE LOCAL PUBLIC WORKS LOAN ACT, 1871. ACT NO. **XXV.** OF 1871. AN ACT TO AMEND THE RAILWAY ACT. ACT NO. **XXVI.** OF 1871. THE LAND IMPROVEMENT ACT, 1871. ACT NO. **XXVII.** OF 1871. AN ACT FOR THE REGISTRATION OF CRIMINAL TRIBES AND EUNUCHS. ACT NO. **XXVIII.** OF 1871. AN ACT TO AMEND THE EUROPEAN VAGRANCY ACT, 1869. ACT NO. **XXIX.** OF 1871. THE EXCISE ACT, 1871. AN ACT FOR REPEALING CERTAIN REGULATIONS OF THE BENGAL CODE WHICH HAVE CEASED TO BE IN FORCE OR HAVE BECOME UNNECESSARY. ACT NO. **XXX.** OF 1871. PANJAB CANAL AND DRAINAGE ACT, 1871. AN ACT TO REGULATE IRRIGATION, NAVIGATION, AND DRAINAGE IN THE PANJAB. ACT NO. **XXXI.** OF 1871. AN ACT TO REGULATE THE WEIGHTS AND MEASURES OF CAPACITY OF BRITISH INDIA. ACT NO. **XXXII.** OF 1871. OUDH CIVIL 'COURTS' ACT, 1871. AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE CIVIL COURTS IN OUDH. ACT NO. **XXXIII.** OF 1871. THE PANJAB LAND-REVENUE ACT, 1871. AN ACT TO CONSOLIDATE AND DEFINE THE LAW RELATING TO THE SETTLEMENT AND COLLECTION OF LAND-REVENUE IN THE PANJAB, AND FOR OTHER PURPOSES.*

**PUBLISHED BY AUTHORITY.**

**THURSDAY, 19<sup>TH</sup> JANUARY 1871 TO MONDAY, 10<sup>TH</sup> SEPTEMBER 2018.**  
*Separate Paging is given to this Part, in order that it may be filed as a separate Compilation.*

#### **PART IV.**

#### **ACT PASSED BY THE GOVERNMENT OF BOMBAY.**

The following Act of the Governor of Bombay in Council Received the assent of the Right Honourable the Governor on the 11<sup>th</sup> July 2018 and the assent of his Excellency the Governor General on 21<sup>st</sup> August 2018, and in published for general information:-

#### **BOMBAY.**

**ACT NO. I. OF 1871. AN ACT TO PROVIDE FOR THE COST OF POLICE EMPLOYED IN TOWN AND SUBURBS WHERE ACT, XXVI. OF 1850 IS IN FORCE.**

**BOMBAY.**

**ACT NO. II. OF 1871. AN ACT FOR IMPOSING DUTIES ON CERTAIN OF THE NON-AGRICULTURAL CLASSES IN THE TERRITORIES SUBORDINATE TO THE PRESIDENCY OF BOMBAY.**

**ALONG-WITH**

**PUBLISHED BY AUTHORITY.**

**THURSDAY, 9<sup>TH</sup> JANUARY 1879 TO MONDAY, 10<sup>TH</sup> SEPTEMBER 2018.**

*Separate Paging is given to this Part, in order that it may be filed as a separate Compilation.*

**PART IV.**

**ACT PASSED BY THE GOVERNMENT OF INDIA.**

*The following Act of the Governor General of India in Council Received the Assent of His Excellency the Governor General on the 17<sup>th</sup> January 1879, and was promulgated for General Information in the Gazette of India on the 18<sup>th</sup> January 1879:-*

**ACT NO. XVIII. OF 1878. AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE, SECTION 4. ACT NO. I. OF 1879. THE INDIAN SPAMP ACT, 1879. ACT NO. III. OF 1879. AN ACT TO AUTHORIZE THE AESTIVATION OF USELESS RECORD. ACT NO. IV. OF 1879. THE INDIAN RAILWAY ACT, 1879. ACT NO. V. OF 1879. AN ACT TO AMEND THE PRESIDENCY BANKS ACT, 1876. ACT NO. VI. OF 1879. AN ACT FOR THE PRESERVATION OF WILD ELEPHANTS. ACT NO. IX. OF 1879. AN ACT TO AMEND THE LAW RELATING TO COAST-LIGHTS IN THE EASTERN PART OF THE BAY OF BENGAL. ACT NO. XI. OF 1879. THE LOCAL AUTHORITIES LOAN ACT, 1879. ACT NO. XII. OF 1879. AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE, THE REGISTRATION ACT, 1977, AND THE LIMITATION ACT, 1877. ACT NO. XVI. OF 1879. AN ACT TO RESTRICT THE TRANSPORT OF SALT BY SEA. ACT NO. XVII. OF 1879. THE DEKKHAN AGRICULTURISTS RELIEF ACT, 1879. ACT NO. XVIII. OF 1879. THE LEGAL PRACTITIONERS ACT, 1879. BILL NO. 18. OF 1879. THE TRADES AND PROFESSIONS TAX BILL, 1879. A BILL TO IMPOSE A TAX ON TRADES AND PROFESSIONS.**

**PUBLISHED BY AUTHORITY.**

**SATURDAY, 28<sup>TH</sup> MARCH 1879. TO MONDAY, 10<sup>TH</sup> SEPTEMBER 2018.**

*Separate Paging is given to this Part, in order that it may be filed as a separate Compilation.*

**PART IV.**

**ACT PASSED BY THE GOVERNMENT OF BOMBAY.**

The following Act of the Governor of Bombay in Council Received the assent of the Right Hounourable the Governor on the 11<sup>th</sup> July 2018 and the

assent of his Excellency the Governor General on 21<sup>st</sup> August 2018, and in published for general information:-

**BOMBAY.**

**ACT NO. I. OF 1879.** *AN ACT TO FACILITATE THE INTRODUCTION OF THE BOMBAY DISTRICT MUNICIPAL ACT INTO SIND.*

**BOMBAY.**

**ACT NO. II. OF 1879.** *AN ACT TO FURTHER AMEND ACT XIII. OF 1865.*

**BOMBAY.**

**ACT NO. III. OF 1879.** *AN ACT TO PROVIDE FOR THE LEVY OF FEES FOR THE USE OF GOVERNMENT LANDING-PACES IN THE PORT OF KURRACHEE.*

**BOMBAY.**

**ACT NO. IV. OF 1879.** *AN ACT PROVIDE THE PRACTICE OF INOCULATION, AND TO MAKE THE VACCINATION OF CHILDREN IN THE TOWN OF KURRACHEE COMPULSORY.*

**BOMBAY.**

**ACT NO. V. OF 1879.** *AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATION TO REVENUE OFFICERS AND THE LAND REVENUE IN THE PRESIDENCY OF BOMBAY.*

**BOMBAY.**

**ACT NO. VI. OF 1879.** *AN ACT TO CONSOLIDATE THE IMMOVEABLE AND OTHER PROPERTY VESTING IN THE TRUSTEES OF THE PORT OF BOMBAY AND CERTAIN OTHER PROPERTY ON OR, CONNECTED WITH, THE FORESHORE OF THE ISLAND OF BOMBAY INTO ONE ESTATE, AND TO VEST THE CONTROL AND MANAGEMENT OF THE SAME IN ONE PUBLIC-TRUST; AND FOR OTHER PURPOSE.*

**BOMBAY.**

**ACT NO. VII. OF 1879.** *AN ACT TO PROVIDE FOR IRRIGATION IN THE BOMBAY PRESIDENCY.*

**Ref.** Sr. No. 256 on 19-06-2018 Filed No. 584 of 2018 etc. along with on 10-09-2018. **Date: 15-10-2018.**

To,

The I/C-Registrar  
Present in the High Court of Judicature at Bombay

**Subject:** Fix the date on        day of October 2018 to furnish me all my ownership land, immoveable property & estates properties all the judicial records, instruments, registrar books, account, account books, bill, bill books, receipt books, revenue records, **etc.** along with possession of

rights in charge deliver me and I appoint of my Houses with Shops in the City of Bombay Presidency Municipal Corporation, by law under Acts passed by the Government of India and by the Government of Bombay published in the Bombay Government Gazette, from year 1865 to the City of Bombay Presidency Municipal Corporation Act 1888. Detailed as under-

Respected Sir/Madam,

I, Sushma alias Susama Sukumar Samanta, Hindu, Jewellery, Bombay, I have purchased land, immoveable property & estates as successor of my ownership judicial title, rights recognized by the court, granted on 14-06-2014. My native place is Dubrajpur and Thana No. 198, Collector registrar name Dubrajpur, Collector registrar No. 84, Revenue survey name Dubrajpur & No.45, Jurisdiction No. 9, at present corresponding office Nos. 2-4, 30, Dhanji Street, Bombay-3. stated hereinabove is true and correct to the best of my knowledge. As under-

1. Suit (L) No. 3503 of 2009 Final No. 3204 of 2009 of my favour Coram: Anoup V. Moths, J. Court No. 37 P.C. dated 8<sup>th</sup> March 2010 by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888.

2. Application for Process Court Case No. 4101376 of 2010 & 4101377 of 2010 of my favour Presidency Magistrate Court No. 41 P.C. dated 05-05-2010, 16-03-2011 by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888.

3. Application for Execution under order XXI Rules 11(2) of the Court of Civil Procedure. Execution Application under 280 of 2013 233 of 2013 345 of 2013 in Suit No. 3204 of 2009 of my favour

(a) Coram: Anoup V. Moths, J. Court No. 37, 40 P.C. dated 10<sup>th</sup> April, 2013

(b) Coram: R. D. Dhanuka, J. Court Nos. 16A, 21 P.C. 3<sup>rd</sup> July, 2013, 11<sup>th</sup> July, 2013, 2<sup>nd</sup> July, 2014 and 22<sup>nd</sup> July, 2014 by law under

Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the city of Bombay presidency municipal corporation Act 1888.

4. Application for decree under Lodge No. 65 of 2013 of the Code of Civil Procedure. Stamp Collector Judicial Court P.C. dated 23-7-2013 passed by the order decreed Revenue Collector, Engrossed on 07-09-2013 with Case No. ADJ/M// 7941/2013 Execution of Decree Certificate No. 325 on 29-05-2013 Case No. ADJ/M/1813/2013, passed by the order Stamp Collector on 11-03-2013 Execution of Decree Certificate No. 339 of 2014 Decree No. 5 of 2014 the Stamp Superintendent & Revenue Collector has made already all judicial records as the Recognized by the Court of my favour on 04-06-2014 by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888.

5. Writ Petition No. 2499 of 2012, Writ Petition No. 598 of 2013, Writ Petition No. 891 of 2014, Writ Petition No. 710 of 2014 of my favour-

(a) Coram: A. M. Khanvilkar, J. & R. Y. Ganoo, J. Coram: A. M. Khanvilkar, J. & Mridula Bhatkar, J. Coram: A. S. Oka, J. & Mridula Bhatkar, J. Court No. 13

(b) Coram: S. J. Vazifdar, J. & M. S. Sonak, J. (7) Coram: S. J. Vazifdar, J. & M. S. Sonak, J. Court No. 6

(c) Coram: V. M. Kanade, J. & A. K. Menon, J. Coram: V. M. Kanade, J. & M. S. Sonak, J. Coram: V. M. Kanade, J. & B. P. Colabawlla, J. Court No. 53

(d) Coram: A. S. Oka, J. & V. L. Achliya, J. Court No. 13

(e) Coram: S. C. Dharmadhikari, J. & B. P. Colabawlla, J. Coram: Judgment:- Per S. C. Dharmadhikari, J. Court No. 31 P.C. dated 29<sup>th</sup> October, 2012, 06<sup>th</sup> December, 2012, 21<sup>st</sup> December, 2012, 10<sup>th</sup> April, 2013, 25<sup>th</sup> July, 2013, 13<sup>th</sup> August, 2013, 30<sup>th</sup> January, 2014, 17<sup>th</sup> April 2014, 11<sup>th</sup> December, 2014, 03<sup>rd</sup> August, 2015, 31<sup>st</sup> August, 2015, 4<sup>th</sup> September, 2015, 29<sup>th</sup> September, 2015, Pronounced on: 21<sup>st</sup> November, 2015 by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888.

6. Application for Execution under Section 235 of the Code of Civil Procedure. Execution Application under 742 of 2014, 881 of 2015 915 of 2015, 916 of 2015, 3225 of 2016, 584 of 2018 of my favour

(a) D. V. Sawant Chamber No. 23 in present 19. Prothonotary & Senior Master P.C. dated 27<sup>th</sup> February, 2015, 17<sup>th</sup> March, 2015, 25<sup>th</sup> June, 2015. 2<sup>nd</sup> July, 2015, 6<sup>th</sup> January, 2016.

(b) S. T. KAPSE Chamber No. 59 in present 102 Addi. Registrar (O.S) Addi. Prothonotary & Senior Master P.C. dated 27<sup>th</sup> January, 2016.

(c) Coram: A. K. MENON, J. Court No. 37 P.C. 3<sup>rd</sup> February, 2016.

(d) Coram: S. J. Kathawalla, J. Court No. 20 P.C. 23<sup>rd</sup> August, 2016, 21<sup>st</sup> September, 2016.

(e) Coram: G. S. Patel, J. Court No. 37, Coram: P.C. 10<sup>th</sup> April, 2017, 2<sup>nd</sup> May, 2017.

(f) Coram: K.K. Tated, J. Court No. 34 P.C. 13<sup>th</sup> October, 2017.

(g) Coram: G. S. Patel, J. Court No. 37 P.C. 2<sup>nd</sup> April, 2018, 16<sup>th</sup> April, 2018, 26<sup>th</sup> April, 2018, 6<sup>th</sup> June, 2018. 14<sup>th</sup> August 2018 by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888. Completed all the Civil process Case No. 77 of 2018 along with Civil process Case No. 57 of 2018 along with Civil process Case No. 430 of 2018 in the Board Record No. 1234 of 2018 also-with the Civil process Case Nos. 138 of 2018 on 16-2-2018, 502 of 2018 on 20-2-2018, 138 of 2018 on 22-2-2018, 275 of 2018 on 09-03-2018, 195 of 2018 on 20-3-2018, 49 of 2018 17-3-2018, 281 of 2018 on 28-3-2018, 189 of 2018 on 10-4-2018 Direction of Amend **42-CHS 138-18.DOC** the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction of my favour on 16-05-2018. I have completed Civil process Application for Execution under Section 235 of the Code of Civil procedure. Filed No. 3225 of 2016 on 27-4-2016 With Filed No. 584 of 2018 on 19-6-2018 by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888.

7. I have made full payment to the Notice of demand under Sections 82(5) and 202, Final notice under Sections 203 & 279, PN/ 181, 38 and PN/ 74,

91, 62, penalty order under Section 207A (2), Bill under Sections 140A (2) and 200 of the Bombay Municipal Corporation Act, issued by the E & O.E. Assessment and Collection Department of the City of Bombay Municipal Corporation, from 01-04-1901 to 31-03-2017 Remark-full Paid on 12-06-2017. And Brihan Mumbai Electric Supply & Transport undertaking (of the Brihan Mumbai Mahanagarpalika) BEST Bhavan, Post-box No. 192, BEST Marg, Colaba I, Mumbai-1. Issued by Consumer No. 570-068-017\*2, 382-055-183\*8 & 382-055-029\*9 Division-N.S. Ward-C & E Cycle 9 Presidency-3 Category-LT-I & II namely I have made full payment from year 1999 to 2018 by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888.

1. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **1599/3817 CR. NO. 746/M-1 Date 21-09-1999.**
2. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **2015/3635 /CR. NO. 911/M-1 Date 14-09-2000.**
3. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **0115/2340/ CR. NO. 504/M-1 Date 31-08-2001.**
4. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **0215/3424/ CR. NO. 679/M-1 Date 15-11-2002.**
5. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **0315/2925/ CR. NO. 586/M-1 Date 06-10-2003.**
6. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **0415/3539/ CR. NO. 619/M-1 Date 29-10-2004.**
7. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **0615/1062/ CR. NO. 182/M-1 Date 22-03-2006.**
8. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **0715/756/ C.R. NO. 174/M-1 Date 02-04-2007.**
9. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **0815/896/ C.R. NO. 115/M-1 Date 24-03-2008.**
10. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **0915 /550/ C.R. NO. 59/M-1 Date 05-03-2009.**
11. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **2010/717/C.R. NO. 128/M-1 Date 25-03-2010.**
12. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **1004/2011/C.R. NO. 136/M-1 Date. 31-03-2011.**

13. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **1004/2012/C.R. NO. 138/M-1 Date 31-03-2012.**
14. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **1004/2012/ C.R. NO. 76/M-1 Date 28-02-2013.**
15. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **1004/2013/C.R. NO. 182/M-1 Date 16-04-2013.**
16. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **1035/2014/C.R. NO. 133/M-1 Date 02-40-2014.**
17. CONSOLIDATED:- **DD/FS/178/0559/1412 Date 19-12-2014.**
18. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **612/ 2015/C.R. NO. 159/M-1 Date 04-04-2015.**
19. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **548/ 2016/C.R. NO. 161/M-1 Date 05-03-2016.**
20. CONSOLIDATED:- Stamp duty paid to Revenue & forest Department  
Vide Order No. **CSD / 25 / 2018 / 1790 / 18 Date 23-05-2018.**

“S/C/08” 382-055-029\*8 Dated: 10-08-2018

382-001-297  
Ref. No. 2131/4988  
“51113”

“S/C/08” 382-055-029\*9 Dated: 10-08-2018

382-001-268  
Ref. No. 2102/4988  
“51084”

“N/FS/09” 570-68-017\*2 Dated: 13-08-2018

570-001-208  
Ref. No. 208/5511  
“13683”

**TELEGRAM BHAVAN, POST-BOX NO. --- .**

21. CONSOLIDATED:- Stamp duty paid by Order No. **0215/3071/CR/733/M1**  
**Dated 21-10-2002.**
22. CONSOLIDATED:- Stamp duty paid by Order No. **0315/CR 294/M1**  
**Dated 29-04-2003.**
23. CONSOLIDATED:- Stamp duty paid by Order No. **0315/CR 500/M1**  
**Dated 06-08-2003**
24. CONSOLIDATED:- Stamp duty paid by Order No. **0315/3186/CR 678/M1**  
**Dated 17-11-2003**
25. CONSOLIDATED:- Stamp duty paid by Order No. **0415/2891/CR 530/M1**  
**Dated 30-08-2004**

26. CONSOLIDATED:- Stamp duty paid by Order No. **PMS 2011/PKP/M1 Dated 15-01-2011.**
27. CONSOLIDATED:- Stamp duty paid by Order No. **AMS- 2012/PK-83/M1 Dated 21-02-2012.**
28. CONSOLIDATED:- Stamp duty paid by Order No. **NO. C.R.S 2012/622/Lr. No. 204/M1 Dated 09-10-2012.**
29. CONSOLIDATED:- Stamp duty paid by Order No. **C.R.S 2013/1006/Lr. No. 184/M1 Dated 26-04-2013.**
30. CONSOLIDATED:- Stamp duty paid by Order No. **C.R.S 2013/3647/Lr. No. 590/M1 Dated 30-12-2013.**
31. CONSOLIDATED:- Stamp duty paid by Order No. **2014/2826/CR 440/M1 Dated 16-10-2014.**
32. CONSOLIDATED:- Revenue Stamp Order No. **2015/966/CR 286/M1 Dated 26-05-2015.**
33. CONSOLIDATED:- Revenue Stamp Order No. **2016/1516/CR 824/M1 Dated 24-06-2015.**
34. CONSOLIDATED:- Revenue Stamp Order No. **2016/1516/CR 824/M1 Dated 24-06-2016.**
35. CONSOLIDATED:- Stamp duty paid by Order No. **CSD/108/2017/1126/08 Dated 23-03-2018.**

As above I have lawfully sully owned my ownership land, immoveable property & estate titles, rights, all the place under ***Hindu property No. 125, the Royal Charter awarded under Sections 167, 168 & 169, of the Ordinary Original Civil Jurisdiction the High Court of Judicature at Bombay, provisions under Section 167 (a), (b), (c) and (d), Act No. XXI 1870 Section 2 (a), (b), all "judicial proceeding" of Sections 193, 219, and 228 of the Indian penal Code, owner rights 9-III,-C-3,-33, joint owner "estates: State" account No. 107, Survey No. B6/T, Street Nos. 33-35, 37-39, 72 & 74, Suit No. 56 of 1899 decree order passed on 15-02-1899, Application for Execution under Section 235, passed by the order under Section 245-246, Execution of decree under Section 337 of the Code of Civil Procedure, Certificate No. 339, Recognized by Court in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction on 08-01-1902, owner estate No. 110-111, Collector Assessment No. 3, Assessment record in name on 18-10-1903, Detailed directions for drainage of House at Duncan Road C/N Ward under Section 231, 234. 239, 240 and 243 of the City of Bombay Municipal Act,***

*1888*, issued to Executive Engineer, Drainage, Municipality of Bombay on 27-05-1909. *Intimation of Disapproval under Section 346 of the City of Bombay Municipal Act, 1888*, issued to Bombay Municipality Executive Engineer on 20-08-1909. *Suit No. 652 of 1925 passed by the order & passed by the decree order under the code of civil procedure on 29-01-1925. Form of return of Income and total world income individual status year ending 1946-47, under Sub-Section (1) or (2) Section 22 of the Indian Income-tax Act, 1922*, all payment paid on 31-03-1946. Income-Tax Office issued the letter Seeking interview in connection with assessment of property vide Ref. No. 13559 of 1946. *Your obedient servant, Income-Tax Officer, C Ward. Section I. Bombay on 14-01-1947. B.M.P.P.-J. 522-45-20,000. 1-3 No. CCR 843 of 1947-48, they are your obedient servant, for Assessor & Collector on 25-04-1947. Notice under Section 22(4) and 23(2) of the Indian income-tax Act, 1922, issued to Income-Tax Officer, C Ward. Section I. on 09-12-1949. Fundamental Bill 61 with Bill-cum-receipt 24/II-653, 24/VII-17, 24/VII-172, 24/VII-175, 24/VIII-172, Bill Nos-7493, 7494, 599, 597, 20787, 20788, 658, 8008, 613, 7713, 7811, 7698, 6001 Ward 17(E) Account of Immoveable property 'E' Ward No. E-1513-1515 Street No. 20-22 & Name 6<sup>th</sup> Sushma @ Susama Sukumar Samanta street Description of property House. And Fundamental Bill 61 with Bill-cum-receipt 24/VII-172, 24/VII-175, 24/VII-562, 24/VIII-172 Bill Nos-8560, 8380, 2578, 8777, 2606, 8684, 2585, 2580, 14921, 14922 Ward 9(C) Account of Immoveable property 'C' Ward No. C-720-721 and C-722 Street No. 26-28-30 & Name Dhanji Sushma @ Susama Sukumar Samanta street, Description of property House with Shops, by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888.*

As above with reference to immediately furnish all the instruments, judicial records, registrar books, account, account books, bill, bill books, receipt books, revenue records, **etc.** along with possession of rights in charge deliver me and I appoint of my Houses with Shops Remark full paid by law under Acts passed by the Government of India and by the Government of Bombay, published in the Bombay Government Gazette, from year 1865 to 1879 to the City of Bombay Presidency Municipal Corporation Act 1888.

Kindly look into the matter & do the needful at the earliest.

Thanking you,

(i) सुषुमा सुकुमार सामन्ता SUSHAMA SUKUMAR

SAMANTA

(ii) सुकुमार किशोरी लाल सामन्ता



**CITY OF BOMBAY PRESIDENCY MUNICIPAL CORPORATION, HINDU TITLES AND RIGHTS NAMELY CHARTER SECTION 167 Special Rules Relating to the High Court under Section 652. The High Court of Royal Charter in the exercise of its Ordinary Original Civil Jurisdiction Namely Sections 27, 28, 29, 30 & 34. B.M.P.P.J.-4398-53-55,000. 24-VII/172 G.R. 2580 DT. 07-06-1954 present Judicial Owner**

**I SUSHMA @ MRS. SUSAMA SUKUMAR SAMANTA:**

Corresponding address the City Bombay Presidency Estate Jurisdiction Owner Ward 17(E) & E Street Bombay and Ward 9(C) & C Dhanji, Street, Bombay-3, As "The Collect-ray Registrar Name Dubrajpur No. 198 Collect-ray Registrar No. 84 Revenue Survey Name and Number Dubrajpur 45 Jurisdiction 9," and "30<sup>th</sup> Dhanji, Street, 1<sup>st</sup> floor, office Nos. 2-4, Bombay-3" Tel.: -022-23437034 and 022-24708676 Mob.: 09322234274, E-mail: <hemkopariwar@gmail.com>

**ON MONDAY 29<sup>th</sup> DAY OF JUNE 2020.**

To,

1. Chief Secretary, Government of Maharashtra,  
Civil Secretariat,  
Mumbai/Bombay.
2. Executing Bailiff SHERIFF OF BOMBAY  
PGPN—J-367-SSB-8-99—3,000—1/2 PA4 (Ablong)  
[Spl.—Sheriff Civil 47c. HIGH COURT BOMBAY  
vide dated 20-12-2010

Respected Sir/Madam,

**REFERENCE:- i) Jaisalmer House, Man Singh Road,  
New Delhi Dated 05-12-2019**

**No. L-15012/4/2019-Jus-I Government of India Ministry  
of Law and Justice Department of Justice**

**ii) EXECUTION APPLICATION NO. 484 OF 2010**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**ARBITRATION CASE NUMBER H-262 OF 2008**

**iii) APPLICATION FOR EXECUTION OF DECREE  
CASE NO. 3225 of 2016 ON 27-04-2016**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**ORIGINAL APPLICATION FOR EXECUTION UNDER  
SECTION 235 OF THE CODE OF CIVIL PROCEDURE**

**ALONG WITH**

**ORIGINAL APPLICATION FOR EXECUTION UNDER ORDER  
XXI RULE 11(2) OF THE CODE OF CIVIL PROCEDURE.**

Respected Sir/Madam,

- 1) I am the actual owner of my land, buildings, estates, moveable property & immovable property Suit No. 56 of 1899 was passed by order in the District High Court under Sections 245 and 246 attachment of property decree under Section 337, Execution of decree, certificate under Section 339 of the Code of Civil Procedure, on 18<sup>th</sup> October 1903, declared title, rights and powers under 9-III.,-C-3.,-33, all the "judicial proceeding" of Sections 193, 219, and 228 of the Indian penal Code, Joint Estate under

Section No. **110-111**, all in one "Estate State" Account under Section No. **107**, Award under Section No. **57**, Representative Agreement under Section No. **58**, place in the Hindu property Boundary mark under Section No. **125**, Survey No. **B6/T**, Collector Assessment No. **3**.

And also issued on 27-05-1909 by To P **2863** by Municipality of Bombay Executive Engineer, Drainage detailed directions for drainage of House at Duncan Road C/N Ward under Sections **231**, **234**, **239**, **240** and **243** of the City of Bombay Municipal Act, 1888. P-No. **257** of 1909.

And also issued on 20-08-1909, by Executive Engineer Intimation of Disapproval under Section **346** of the City of Bombay Municipal Act, 1888., P-No. 1609 of 1909 Note.-under *Section 68 of the City of Bombay Municipal Corporation Act, 1888, as Amended, the Municipal Commissioner has Empowered the Executive Engineer to exercise, perform the powers, duties and function conferred and imposed upon and vested in the Commissioner by Section 346 of the said Act.*

And also written file form of return on 14-01-1947, of Income and total world income for individuals, Hindu undivided families, companies, local authorities, firms and other Association of person under Sub-Section (1) or (2) Section 22 of the Indian Income tax Act, 1922. Year ending 1946-47 on 31-03-1946 individual Status See Note 2. Issued by Income-Tax officer, C. Ward. Section I. Bombay.

And also issued on 25-04-1947 by Municipality of Bombay B.M.P.P.J.-522-45-20,000. 1-3 Notice vide No. CCR-**843**/1947-1948 in respect of subject amount of taxes to be recovered from *the tenant under section 147 of the Municipal Act*, for subletting of property 'C' Ward No. 720-721, Street No. 26-30, Dhanji Street, Bombay-3.

And also issued on 25-11-1949 by Income Tax Officer for 'C' Ward Section I, Bombay **Form A** Notice under Section 22(4) of the Indian Income Tax Act, 1922 (XI of 1922) to the owner, requiring to produce accounts and/or documents I.T. 13. MFP-40IT-4659-(M-22)-09-08-46-6,00,000. Along with **Form B** Notice under Section 23(2) of the Indian Income Tax Act, 1922 (XI of 1922) to the owner, requiring to produce accounts and/or documents I.T. 35. MGIPC-S1-252(IT)MFP-(6742/M-64)-9-7-48.

And also payment on 05-01-1951 & 11-11-1953 issued by receipt Form of III.-Corporation tax IV.-Tax on income other than Corporation

tax Invoice of tax paid Invoice Tax paid of Rs. *Five Hundred and Ten & Anna's Four only*, Invoice of Tax paid of Rs. *Three Hundred and thirty four Anna's thirteen only*, into Bombay Reserve Bank on Account income-tax 50-51-52-53. 062 IT-1922. I.T.31. Delete Inappropriate heads. MFP-292IT-6606-(M321)-29-12-49-8,00,000, And also payment on 01-10-1951 issued by Bombay Municipal Corporation this is a Bill-cum-receipt for property taxes, Form No. 24-VII/ 172 B.M.P.P.J.-1230-51-45,000. Account on immoveable property 'C' Ward **9(C)** Ward No. **C-720-721**, Street Section No. **26-28-30**, Dhanji Street, Bombay-3, Description of Property House along with Shop details .

And also payment on 01-10-1952 issued by Bombay Municipal Corporation this is a Bill-cum-receipt for property taxes Form No. 24-VII/172 B.M.P.P.J.—1496- -, . *As per Section 197 of the Bombay Municipal Corporation Act*. It should be got duly discharged on payment. Account on immoveable property 'E' Ward **17(E)** Ward No. **E-1513-1515**, Street Section No. **20-22**, 6<sup>th</sup> Kamathipura, Street Bombay, Description of property House.

And also issued on 20-04-1953 by Bombay Municipal Corporation B.M.P.P.J.-3617-52-50,00 Memo of Transfer of Bills Form No. 103. 11/36 From "E" Ward to "C" Ward the accompanying Bills/ Nos. 19 of 10 are payable by the party who resides or his place of business at 30/34 Dhanji street, Street No....." Ward Inspector Ward Superintendent. Section 5 Memo of Retransfer of -----" Bill Nos. ...." Reasons- Ward Inspector. Ward Superintendent. Dated .....,

And also issued on 18-01-1954 by Public Health Department B.M.P.P.J.-2582-52-10,000. II/653 *Notice under Section 368 of the Municipal Corporation Act, 1888*. As Amended up-to date. No. 2642 of 1953-1954 No. 2643 of 1953-1954 E/ West Ward. In respect of Owner premises No. 20-22 Street, at Kamathipura 6<sup>th</sup> lane, Bombay. "..... *You are hereby warned that if you fail to comply with the above requisitions within seven days from the date of Service of Notice or if there after you fail to comply with the above requisitions or any of them, you will render yourself liable to the penalty or respective penalties prescribed in that behalf by Section 471 of the Act, as so Amended.*

And also issued on 25-07-1956 by Bombay Municipal Corporation (*Drainage Branch*) Notice under Sections 231, 257 and 260 of the

Bombay Municipal Corporation Act, 1888, as Amended up-to-date. in respect of immoveable property owner of Premises No. 20-22, Kamathipura 6<sup>th</sup> lane, Street Bombay, “.....*Thereby warning the owner from selling or transferring or mortgaging the said property after receipt of the notice to show the notice before such sale and to execute definite Agreement with the purchaser to secure the payment of proportion of any such expenses as mentioned in the said notice, which may if necessary be declared to be improvement expenses pursuant to Section 494 of the said Act.*”.

And also issued *on 08-10-1968 right power grant Superseding cover Note No. 19456/69, Collector Registration No. E-2125 & E-1074.*

And also Execution of decree Certificate *No. 339/ 70-71/ 1589/P Petition No. 801 of 1970, issued to General stamp office, on 29-01-1971.*

And also *Estate duty order E.D.I.R. No. M-2410 issued Assistant Collector on 13-03-1970, Insurance policy No. 25818/70, on 01-07-1970.*

And also *Assessment order under Section 16(3) W.T. N.S. II MGIPTC-380-6 W.T./75-76-GIPTC-(C-333)-30-01-76-80,00,000. 5<sup>th</sup> W.T.O, C-I Ward, Bombay, on 27-06-1977.*

And also *No. Tr. (C), SR 58 of 1985-86 issued to Bombay municipal Corporation on 13-12-1985*, above said in present First, Second and Third Schedule title, rights and powers declared as under—

- a) Original Case No. **3503** of 2009 as per Suit No. **3204** of 2009 Deed of Conveyance Bombay-**3/2035/2010** Original Registration **39-M** and **63-M**, on 04-03-2010, in which a consent term was filed in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Court No. 37 order passed by the consent decree dated on 8-3-2010.
- b) Therefore Certificate Ward C **SL-60** No. 7727 and 7728 2010 Application for Process Seal of the Municipal Corporation for Greater Bombay *In the Presidency Magistrate 41 Court Bombay* under Sections **47, 471, 472** of the Bombay Municipal Corporation Act, 1888 on 31-3-2010, Civil-**D-20**, Nos. 0164872, 0164873, 0164874 and 0164875 dated on 5-5-2010 along with **General-113**, Nos. 6774077, 6774078, 6774251 and 6774252, order passed by the Execution of decree for Immoveable property, dated on 16-03-2011.
- c) Original Application for Execution of Drawn-up-decree Case No. **65** of 2013 in the High Court of Judicature at Bombay Ordinary Original

Civil Jurisdiction order passed by the Execution of decree Certificate No. **325** of 2013 Case No. ADJ/M//**7941**/2013 on 29-05-2013 along with Certificate No. **339** of 2014, Case No. ADJ/M/**1813**/2013 Recognized by the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Execution of Decree **3558** of 2014, **9, 5** of 2014, dated 04-06-2014.

- d) Writ petition Case Nos. **2499** of 2012, **598** of 2013, **891** of 2013, **710** of 2014 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Court No. 13, 6, 53 and 31 Order dated from 29-10-2012 to 13-08-2013 and which was disposed of with liberty to approach the appropriate forum or forums passed by the order Writ Petition dated from 30-01-2014 to 21-11-2015.
- e) Original Case Execution in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Application for Execution under Order **XXI**, Rule **11(2)** of the Code of Civil Procedure, prayed under Sections **43 & 54** of the Code of Civil Procedure as per Execution Application No. **233** of 2013, Chamber Summons No. **280** of 2013, Notice No. **345** of 2013, Court Nos. 54, 40, 16A and 21 order passed by the Application for Execution of decree dated on 10-04-2013, 03-07-2013, 11-07-2013, 02-07-2014 and 22-7-2014.
- f) Therefor I have made paid the amounts Rupees 21,40,838/- (*Twenty one Lakhs Forty Thousand Eight Hundred and Thirty Eight Rupees only*) from 01-04-1901 to 31-03-2017 under Sections **82(5)**, **202**, **203 & 279, 181** of 2008-2009, **38** of 2009-2010 **C/91** of 2009-10, **C/74** of 2009-10, **C/62** of 2010-11 Ward 'C' Serial Nos. 28008, 378454, 361165, 352830, 767509 under Sections 202, **207A (2)** of the Bombay Municipal Corporation Act, under Section **82(5) C** of Urban Development Act 1976. **10(A)** of the Maharashtra Education (Cess) Act, 1962, under the Section **24A** the Bombay Finances Act 1932, Bill under Sections **140A(2)** and **200** of the Bombay Municipal Corporation Act 1888. *"To make payment through NEFT: IFSC-SBINOCOLLEC, Beneficiary A/C No: BMCPO CX020345009000, Name-MCGM property tax, please note, payment done through NEFT will be collected against oldest bills first."* BILL-04782244, BILL-04782245, BILL-CUM-RECEIPT ACRO-0638502, BILL NO. ND +W. Fee +M. Penalty +G. Penalty +D.F. BILL-03739543, BILL-

03739573, BILL-03810482, BILL-CUM-RECEIPT ACRO-0638493, BILL NO. ND+W. Fee+M. Penalty +G. Penalty +D.F. SB-00040149, SB-00040150, BILL-CUM-RECEIPT ACRO-2051796 Bill No. ND +W. Fee+M. Penalty+G. Penalty +D.F. BIL07221260, BIL07221261, BILL-CUM-RECEIPT ACRO-1596448 Bill No. ND+W. Fee+M. Penalty+G.Penalty+Discharge. F+Unlawful+Add. Charge, Instrument No. **046507** MICR No. 400018004 and BILL-CUM-RECEIPT ACRO-1596449 Bill No. ND +W. Fee +M. Penalty +G. Penalty +Discharge. F + Unlawful +Add. Charge, Instrument No. **922008** MICR No. 400018004 **Remark full payment** dated on 12-06-2017.

g) Therefor Original Case Chamber Summons No. 1234 of 2018 as per Civil Processes No. 430 of 2018 in Application for Execution of decree Case No. 3225 of 2016 on dated 27-04-2016 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Application for Execution under Section 235 of the Code of Civil Procedure order passed by the Chamber Summons in Application for Execution of decree, dated from 02-05-2017 to 26-04-2018.

2) Therefore Subject: Representation dated 30-09-2019 of Sushma @ Mrs. Susama Sukumar Samanta Bombay. No. L-15012/4/2019- Jus-1 Government of India Ministry of Law & Justice department of Justice dated 05-12-2019. Thereafter as under-

a) Subject: Sushma @ Mrs. Susama Sukumar Samanta Application dated 30-09-2019 Reference: L-15012/4/2019-Jus-1 dated 05-12-2019. Government of Maharashtra bearing No. Sankina-1020/San.Kra.36/Karya-9 Law & Judicial department, dated 09-01-2020.

b) Subject: Application of Shri Sukumar K. Samanta dated 20-12-2019 Reference: The Desk-9 Officer, letter vide Sankina-1020/San. Kra.8/Desk-9 dated 04-01-2020 G.C.P.) H 462 (10,000-5-2011 G.R.G.D. No. 4398, dated 3-7-1916 (Spl. Sheriff Gen. No. /2020 Sheriff's Office Old Secretariat K. B. Pail Marg. Mumbai-32, Sheriff of Mumbai vide No. 75 of 2020, dated 09-01-2020.

c) Subject: Application of Sushma @ Mrs. Susama Sukumar Samanta dated 30-09-2019 Reference: The Desk-9 Officer, letter dated 10-01-2020 bearing No. Sankina-1020/San. Kra.36/Karya-9 dated 10-01-2020 G.C.P.) H 462 (10,000-5-2011 G.R.G.D. No. 4398, dated 3-7-1916 (Spl. Sheriff Gen. No. /2020 Sheriff's Office Old Secretariat K.

B. Pail Marg. Mumbai-32, Sheriff of Mumbai No. 127/2020 dated 14-01-2020.

- 3) Loan Account No. HL0027/ HBO00001439 Execution Application No. 484 of 2010 in Arbitration Case No. H-262 of 2008 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction passed by the order dated on 27-11-2019. Thereafter as under-
- a) Refer: Execution Application No. 484 of 2010 in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Reference: 1) your application dated 16-11-2019 for raising of the attachment. 2) Order dated 27-11-2019 passed by Hon'ble High Court in Execution Application No. 484 of 2010 ( copy of the Order is enclosed herewith for ready reference) G.C.P.) H 462 (10,000-5-2011 G.R.G.D. No. 4398, dated 3-7-1916 (Spl. Sheriff Gen. No. 1813 of 2019 Sheriff's Office Old Secretariat K. B. Pail Marg. Mumbai-32 Sheriff of Mumbai No. /2019 dated 17-12-2019.
  - b) Subject: Reply/Representation to my letter dated 24-12-2019. Reference: In the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction Execution Application No. 484 of 2010 Reliance Asset Reconstruction Reliance Centre, 6<sup>th</sup> Floor, North Wing, Off Western Express Highway, Santacruz (East) Mumbai-55 dated 22-01-2020.
  - c) Reliance Asset Reconstruction Reliance Centre, 6<sup>th</sup> Floor, North Wing, Off Western Express Highway, Santacruz (East) Mumbai-55. **Reference:** FY2019-20/RARC027/ 001 21-01-2020 Handing over Original Agreement for Sale Dated 28<sup>th</sup> July 1999, Document No. BBE 3800 **Ref:** FY2019-20/061219248225 dated 06-12-2019. With the reference to the above subject, we hereby handover the following document:
  - d) Reliance Asset Reconstruction RARC 027 Trust Reliance Centre, 6<sup>th</sup> Floor, North Wing, Off Western Express Highway, Santacruz (East) Mumbai-55 **Reference:** FY2019-20/061219248225 dated 06-12-2019 No Dues Certificate Loan Account No. HL027/HBO 00001439 assigned by Magma Fincorp Limited. We hereby discharge all personal guarantees, if any and also release our charge on the secured assets, if any.

- 4) I have paid a amount of Rupees 1,170/- (Rupees One Thousand One Hundred Seventy only) Chalan No. 3 STATE BANK OF INDIA LALBAUG BR. BSR CODE 0001850 DATED 14-02-2020 ARUN TONDVALKAR-4418956 to the Government of India Ministry of Finance Income Tax Department Office of the Income Tax Officer Ward 7(1)(4) Mumbai issued by the Notice PAN AAACL9670N dated 07-01-2020 DIN & Letter No. ITBA/COM/F/17/2019-20/1023680618(1).

Respected Sir/Madam,

In the above matter the Applicant have made an application dated 24-12-2019 along with notice dated 21-012020 order issued vide dated 22-01-2020 and I have paid a amount of Rupees 1,170/- (Rupees One Thousand One Hundred Seventy only) dated 14-02-2020 as per requisitions to handover physical charges with possession of his ownership legal documents Certified Copy has been Registered under the Indian Registration Act, 1877 and Land, Buildings, Moveable property, Immoveable property, Estate, Assets which was above listed (1) to (4) within 7 days as maximum from receipt of the same which was received by them on - 07-2020. In view of the above it is prayed to that you handover proper reliefs as per the law under the Bombay Government Gazette published from year 1865 to 1888 and from year 1925 to 1937 appropriate relief be provided to the applicant hereby in the open court.

Thanking you,

Yours faithfully,

Sd/-

SUKUMAR KISHORILAL SAMANTA AND  
SUSHMA @ MRS. SUSAMA SUKUMAR SAMANTA.

3- प्रेसिडेंसी लैण्ड को-ओनर:- आल ज्युडिशियल टेरेटरीज के अन्तर्गत आल टु आल हिन्दू, जैन, सिख, बुधिष्ठ तथा ए टु जेड आदिवासी बनवासी इत्यादि।

4- प्रेसिडेंसी का अन्य नाम:-

(i)-इंडियन गवर्नमेंट Indian Govt.

(ii)-भारत BHARAT, B=BOMBAY, H=HINDU, A=AUTHORIED, R= RIGHT, T=TERRITORY

(i)-हिन्दुस्तान : सिन्धुस्तान से बना है हिन्दुस्तान। सिन्धु सभ्यता से हुई है हिन्दुओं की शुरूआत।

5- (i) बाम्बे पोर्ट ट्रस्ट Bombay Port Trust (ii) इंडियन पोर्ट ट्रस्ट Indian Port Trust पूरे विश्व में मात्र लिगल ज्युडिशियल ट्रस्ट हैं। (iii) इंडियन ज्युडिशियल गवर्नमेन्ट उर्फ प्रेसिडेंसी

रायल चार्टर ला नेशनल गवर्निंग आर्गेनाइजेशन पब्लिक  
ज्युडिशियल ट्रस्ट INDIAN JUDICIAL GOVT. @  
PRESIDENCY ROYAL CHARTER LAW-- National  
Governing Organization- Public Judicial Trust.

6— ब्रिटिश लॉ या ब्रिटिश गवर्नमेन्ट क्या है ? ..... उस वक्त  
अर्थात् सन् 1818 के पहले संविधान पास करने और सरकार  
चलाने के लिए बैरिस्टर, गवर्नर, इंजिनियरिंग सालिसिटर्स,  
कलेक्टर-री इत्यादि की आवश्यकता पड़ती थी। अतः उस वक्त  
पश्चिम देशों के लोग ज्यादातर क्वालीफाईड होते थे। अतः उन्हीं  
के सहयोग से ब्रिटिश लॉ या इंडियन रूल्स अर्थात् The  
Governor General of India in Council Act 1818-1819-  
1860-1865-1870-1871-1901-1902-1917-1937 इत्यादि की  
स्थापना की गयी और ग्यारह-ग्यारह महीनों की लीजों पर उन्हीं  
को सरकार चलाने के लिए दिया जाता था। रानी विक्टोरिया भी  
उन्हीं में से एक थी जिसे सरकार चलाने के लिए कन्ट्रैक्ट बेस  
पर दिया गया था। ब्रिटिश इंडिया कोई अलग कंट्री नहीं हैं। वह  
हमारे कंट्री का ही एक ज्युडिशियल स्टेट है। हमारे ज्युडिशियल  
लैण्ड लार्ड अर्थात् राजा या जमींदार ज्यादातर पब्लिक के सामने  
नहीं आते थे वे सिर्फ वैरिष्टरों, गवर्नरों इत्यादि को कन्ट्रैक्ट बेस  
पर सरकार चलाने के लिए दे देते थे। ये समस्त ज्युडिशियल

टेरेटरीज के मुवेबल तथा ईमुवेबल (C.P.C. तथा I.P.C.) प्रापर्टीज के ज्युडिशियल ओनर पहले भी थे और आज भी हैं। इंडियन टेरेटरीज के मुख्य तीन BOMBAY PRESIDENCY-CULCUTTA PRESIDENCY और MADRASH PRESIDENCY के अर्न्तगत पांच ई-स्टेट आता है जो इस प्रकार है:-

- 1- ' द प्रेसिडेंसी टाऊन'
- 2- 'प्रेसिडेंसी टाऊन आफ बाम्बे,
- 3- 'आईसलैण्ड आफ बाम्बे'
- 4- ' द सीटी आफ बाम्बे प्रेसिडेंसी'
- 5- ' द सीटी आफ बाम्बे प्रेसिडेंसी म्युनिसिपल कार्पोरेशन'

7- द्वितीय विश्व युद्ध होने का कारण :- अप्रैल सन् 1939 में मुख्य प्रेसिडेंसी ज्युडिशियल ओनर की अचानक कार एक्सीडेंट में मौत होने के बाद से ही सेकेण्ड वार शुरू हो गया। ज्युडिशियल ई-स्टेट ओनर के नोमनिज अर्थात वारिसदार नाबालिक थे वे सरकार संभालने में असमर्थ थे। पश्चिम देशों से आये हुए गवर्नरों और वैरिस्टरों के बीच एक खास विरोधी कौम के पदाधिकारियों द्वारा गुप्त रूप से पुरी सत्ता पर अधिकार जमा लिया गया। हिन्दु धरती की बजाय पश्चिमी क्षेत्रों के विशेष समुदायों को मिलिट्री फोर्स की कमान सौंप दी गयी थी। मामलों का समझौता करने

की बजाये जलियावाले बाग जैसी तमाम एक के बाद एक धोखाधड़ी की असहनीय हादसों को घटित किया जाने लगा।

### प्रेसिडेंसी फेमिली के वारिसदार :-

अपना नाम – टाईटल और वेशभूषा बदलकर गुमशुदी में कटक-उड़ीसा के पास श्री रामकृष्ण परमहंस के सानिध्य में चले गये। द्वितीय विश्वयुद्ध का दो कारण था, पहला जो इस हमारी धरती के वीर क्रांतिकारी सपूतों का कहना था कि हमारे ज्युडिशियल वारिसदार जहां भी होंगे, एक न एक दिन अवश्य ही आयेंगे और जब तक वे नहीं आ जाते तब तक हम सभी आपस में मिलकर अपनी सरकारें चलायेंगे..... जबकि पश्चिम देशों में एक विशेष कौम के लोग जिसे अंग्रेज कहा जाता था जो मुगल साम्राज्यों से ताल्लुक रखते थे, उनका कहना था कि पुरी धरती पर सिर्फ और सिर्फ उन्हीं की सत्ता चलेगी। पूरे विश्व में आगजनी, खून-खराबा, लूटपाट इत्यादि उग्र रूप ले चुका था। प्रेसिडेसी ओनर के वारिसदार गुमशुदी में जाने से पूर्व नेताजी सुभाष चन्द्र बोस को ऐडमिनिस्ट्रेटर्स, राष्ट्रपति, प्रधानमंत्री इत्यादि (I.A.C.C.J.J.) के पद का पूर्ण अधिकार दे चुके थे किन्तु सुभाष चन्द्र बोस धोखाधड़ी का शिकार हो गये। एक हाईफाई क्वालीफिकेशन और तीनों आर्मीज का चीफ होते हुए भी महात्मा गांधी, जवाहरलाल इत्यादि से इस कदर की दोस्ती रखते थे कि

महात्मा गांधी उनकी जन्म भूमि बंगाल की मिट्टी का मजाकिया चाल चलता था जिसे सुभाष समझ नहीं पाये। वे जब भी गांधी के पास जाते, गांधी उन्हें रोकते हुए अपने समर्थकों से कहता था— अरे हे जल्दी करो, सुभाष बाबू को जल्दी से मच्छी और भात लाकर दो उन्हें जल्दी जाना है....। सुभाष चन्द्र बोस महात्मा गाँधी और जवाहर लाल को एक क्वालीफाईड बैरिस्टर/काउंसिलर की नजर से देखते थे किन्तु ये लोग सुभाष की कमजोरियों में मीठा जहर घोलने का कार्य करते थे जो इनके पतन का कारण बना। अडोल्फ हिटलर कुछ शर्तों के आधार पर सुभाष चन्द्र बोस का साथ दे रहा था उसने साठ हजार कुर्दियों को सेना के रूप में सुभाष को दे दिया था। हिटलर और सुभाष के बीच गम्भीर शर्तें थी। सब मिलाकर अपने आप में सुभाष बिल्कुल अकेले पड़ गये। इनके साथ भी ठीक वही घटना घटित हो गयी जैसे महाराणा प्रताप के भाई मानसिंह, रावण के भाई विभिषण इत्यादि के द्वारा अपने शत्रुओं से संधि कर लेना। सबसे बड़ा गंभीर रहस्य ? यदि सुभाष चन्द्र बोस जिन्दा होते तो सन् 1947 के बाद जवाहर लाल और गाँधी के लिए दिल्ली की कुर्सियों की ओर देखना भी बड़ा खौफ का कारण बनता और यदि सुभाष के मौत की खबर जाहिर कर देते तो आज उन्हें सरकार को मुर्गी और दाल समझने जैसी आजादी न मिल पाती।

प्रधानमंत्री की बजाय इंडियन एक्ट के तहत राष्ट्रपति के सानिध्य में सरकारें चलती और हमारे ज्युडिशियल टेरेटरीज का टुकड़े-टुकड़े होकर के लगभग दो सौ के आस-पास छोटे बड़े राष्ट्र न बनते।

8- ज्युडिशियल क्या है ?..... एक ऐसी असंबेली, जिसमें पूरे विश्व के एक साधारण मुखिया, सरपंच, ग्राम प्रधान, डिप्टी कलेक्टर, आई.ए.एस. पी.ए.एस, गवर्नर, बैरिस्टर, जजेस, मजिस्ट्रेट, राजा-महाराजा, संत महात्माओं इत्यादि से लेकर जंगलों में नंगे रहने वाले हिन्दू जन-जातियों, आदिवासियों, बंजारों इत्यादि के सिनियरों की उपस्थिति में तथा उनके द्वारा उनके राज्यों में बनाये गये नियम कायदे- रूल्स रेगुलेशन इत्यादि को क्रमशः बारी-बारी से प्रत्येक अन्तर्देशिय- अन्तराष्ट्रीय भाषाओं में पढ़कर सुना व सुनाया जाये तथा त्रुटियों को सुधारा जाये। तत्पश्चात् सभी लोगों की उपस्थिति में बैरिस्टरों, गर्वनरों, काउंसिलरों इत्यादि के द्वारा ग्रैण्ड करके द बाम्बे गवर्नमेंट गजट बुक में पब्लिस किया जाये। ग्रैण्ड के रूप में बोली लगाकर एक फिक्स रकम का डिपोजिट किया जाये। इसे कहते हैं ज्युडिशियल यथार्थी पावर। यह C.P.C.-I.P.C. अर्थात् सिविल व दिवानी फौजदारी इत्यादि की यथार्थी पावर के साथ-साथ इस भूखण्ड का भी मालिकाना अधिकार का होना आवश्यक है। अतः उपरोक्त

पांच इंडियन टेरेटरीज ई-स्टेट के अन्तर्गत ए टु जेड सिविल क्रिमिनल, दिवानी-फौजदारी इत्यादि रूल्स व रेगुलेशन के साथ-साथ यह धरती भी ज्युडिशियल ओनर के अन्तर्गत है। पूरे विश्व में यही एक ज्युडिशियल गवर्नमेन्ट है जो तमाम सरकारों से भी सरकार चलाने का टैक्स वसूलती है।

प्रार्थनीय नोट:- मा० महोदय/महोदया, आपके प्रताप/आशीर्वाद और राष्ट्रवादी नागरिकों के सौजन्य से इंडियन ऐक्ट, ब्रिटिश लॉ काउन्सीलर, (बैरिस्टर) प्रेसिडेंसी रूल्स एण्ड रेगुलेशन, इंडियन एडमिनिस्ट्रेटर्स सिविल क्रिमिनल जस्टिस जुरिस्टिडक्शन, द गवर्नर जनरल आफ इंडिया इन काउन्सील ऐक्ट तथा इंडियन ज्युडिशियल गवर्नमेन्ट, सी०पी०सी०- आई०पी०सी०, प्रेसिडेंसी रायल चार्टर ला रूल्स एण्ड रेगुलेशन इत्यादि का जो हमें जनरल नालेज प्रेसिडेंसी फेमिली के सहयोग से और वास्तविक राष्ट्र स्वाधीनता की कानूनी ज्युडिशियल अधिकार के लिए लम्बे वर्षों से अर्थात् सन् 2007 से ही इन द हाईकोर्ट आफ जुडिकेचर ऐट बाम्बे- बाम्बे ज्युडिशियल हाईकोर्ट के अन्तर्गत केसेज, प्रैक्टिस करने, फाईलिंग, कमेन्टमेंट करने इत्यादि की वजह से ग्यान का भंडार अनमोल रत्न प्राप्त हुआ है।

अतः इसके लिए हम प्रेसिडेंसी फेमिली और बाम्बे हाईकोर्ट के आनरेबल प्रोथोनोट्री रजिस्ट्रार जनरल- आई.सी. एण्ड सीनियर

मास्टर, आ० चीफ जस्टिस, वर्जिनल साईड, आ० रजिस्ट्रार जनरल, आ० एडिशनल प्रोथेनोट्री रजिस्ट्रार जनरल एवं सीनियर मास्टर, पूर्व राष्ट्रपति महामहिम श्री प्रणव मुखर्जी ग्रैण्ड दा, आ० जस्टिस फर्स्ट, जैसलमेर हाऊस, नयी दिल्ली, आ० ज्वाइन्ट सेकेटरी-II, गवर्नमेंट आफ इंडिया जैसलमेर हाऊस, नयी दिल्ली, आ० प्रधानमंत्री कार्यालय नयी दिल्ली इत्यादि का बहुत बहुत आभारी हैं।

धन्यवाद

अमर सिंह साईटिस्ट

Prayer Note :-

Hon'ble Sir/Madam, Courtesy of your majesty/ blessing and Nationalist Citizens Indian Act, British Law Counselor (Barristers) Presidency Rules and Regulations, Indian Administrators, Civil Criminal Justice Jurisdiction, The Governor General of India in Counsel & Indian Judicial Government, C.P.C.- I.P.C., Presidency Royal Charter Law etc has been received by with us for Practicing and commentinig on various

types of judicial cases like type of cansestock General knowledge Presidency Family with regards and Long years i.e mining from 2007 etc has received precious gem due to.

So kindly for this, were very very gratefull to the with regards Presidency Family by Honers and Judicial officers Hon'ble Prothonotry Registrar General I.C. & Senior Master, Hon'ble Chief Justice (O.S.), Hon'ble Registrar General, Hon'ble Additional ProthoNotary Registrar General and senior master, Ex. President Hon'ble Shri Pranav Mukharji Grand Da, Hon'ble Justice-I, Jaislmer House, New Delhi, Hon'ble Joint Secreatry-II, Govt. of India, Jaisalmer House, New Delhi, Hon'ble P.M. official department etc.... so we are very grate full to you all.

Amar Singh Scientist

25/07/2020

9- नान ज्युडिशियल गवर्नमेंट :- ऐसी गवर्नमेंट जिसका अपना रूल्स व रेगुलेशन तो है किन्तु उसके पास जिस पर राष्ट्रपति भवन, विधानसभा, लोकसभा, गृह मंत्रालय, रेल मंत्रालय, तमाम

कोर्ट कचहरियों, पुलिस थानों इत्यादि इत्यादि की स्थापना के लिए अपनी जमीन नहीं है। यदि उसकी अपनी सरकार चलाने के लिए संविधान तो है किन्तु वह ज्युडिशियल स्तर पर द बाम्बे गवर्नमेंट गजट बुक के तहत पब्लिस व ग्रैण्ड नहीं हैं।

## **10. Administrative Department & Family Members**

(i) I.A.C.C.J.J. Indian Administrators Civil Criminal Justice Jurisdiction----



Amar Singh Scientist @

Amar Singh s/o Sh. Jagrup Singh

Judicial Village Code No. 488A-LAHUAN KALAN-  
(LAHUAN KALA)

Revenivel Judicial Taluka No. 701-LalGanj, Judicial  
Thana No. 6, Dev Gaon,

Judicial Dack Khana No. (P.O.) 6- Lahuan Kala,

Judicial District No. 11 Division-iii Town 240 at 1891-

Azamgarh- Sea Renj-SAMUDRA

TAL-64 Mts.

Judicial State- United Proviencie (U.P.)

Country :- Indian Govt. Bombay Port Trust

- I. C.M.D.:- S.A.R.C. (Deemed University) Regd No. 4956/2012 Govt. of N.C.T. Delhi, India, Certificate No. INDL 46016889476460K
- II. C.M.D. :- ATOMICAL SHARC PRIVETE LIMITED  
I.D. NO.= AASCA 5436 F \*/@  
I.D.NO. = U73100DL2019 P.T.C. 352989  
2472019  
TAN-DEL A55329B\*/@2472019  
Certificate of Incorporation  
Section 7 Act 2013 (180F2013) Rules 18 Comp. Act.  
Amar J. Singh- Central Registration Center  
Government of India.  
MINISTRY OF CORPORATE AFFAIRS S/D NEW  
DELHI- INDIA
- III. C.M.D. :- ALL INDIA ACTION PRESS  
Action Press of Society Regd N. S/47643/2003 Govt. of  
N.C.T. Delhi of India.

Corresponding Address:-

The City of Bombay Presidency Estate Jurisdiction,  
owner ward 17 (E) & E street Bombay & ward 9 (C) &

C, Dhanji Street, Ist floor, office No. 02-04, Bombay  
400003

Email- presidency govt520@gmail.com

Indianjudicialgovt@gmail.com

ii) Presidency Judicial woner :-

.(i) SUSHAMA SUKUMAR SAMANTA

( In pendrive-----

.(ii) Presidency Judicial Nominees

SUKUMAR KISHORI LAL SAMANTA

( In pen Drive

Governing Body :-

1- Sh. Suresh Jalamsing Valvi (M)

Disn:- Governing Body/Real Indian Citizen

I.D. 01191957 BVUPV 0520 L-H.L.P.-C.M.D.

Address:- GADBADDEV, GALI TALODE, NANDUR

BAR, Maharastra-425413

Valid up:- 30 Dec. 2025



2. Smt. SUSHILA J. VALVI (F)

Disn:- Governing Body/Real Indian Citizen

I.D. 0811959 BWFPV 0328G-H.P.L.-M.D.

Address:- Amar Vidya Colony, TOLODA, NANDUR  
BAR Maharastra-425413

Valid Up:- 30 Dec. 2025



3. Sh. RATHVA A.C. BHAYA LAL (M)

Disn:- Governing Body/Real Indian Citizen

I.D. 0111986N231459700038394- H.L.P.—M.D.

Address:- Rathva Faliya, Medapur, PanchMahal's  
Gujrat-389310

Valid Up : 30 Dec. 2025



4. Sh. AJABSING VIRSING PADVI (M)

Disn:- Governing Body/Real Indian Citizen

I.D. 1091971FNWPP4204 F- H.L.P.- Director

Address:- MU- MAROD, P.O. SHEHI, MARODSHEHI,  
NANDURBAR Maharastra-425416

Valid Up : 30 Dec 2025



5-VAKHAT SING BHAIRAPASING BHAIRATHVA (M)

Disn:- Governing Body/Real Indian Citizen

I.D. 0161965 BEIPRO334 F- H.L.P. Adviser

Address:- 108 Bor Faliya Chuli Muvada, Chotoudepur  
Jetpur Pavi Gujrat-391160

Valid Up : 30 Dec. 2025



6- JAYWANT DHANA PADVI (M)

Disn:- Governing Body/Real Indian Citizen

I.D. 0111953 PKRPP 2098R- H.L.P.- Adviser

Address: Gavhani Pada, P.O. Rajvihar-Talode, Nandur  
Bar, Maharastra-425413

Valid Up : 30 Dec. 2025



7- Ramesh Bahi Kushal Bhai Rathva (M)

Disn:- Governing Body/Real Indian Citizen

I.D. 1861977 ELSPR5971J- H.P.L.- Adviser

Address:- 121 Moriya Faliya Gam Rameshra Malu,  
Panch Mahals, Gujrat-389365

Valid Up : 30 Dec. 2025



8- Radta Bhai Metar Bhai Rathva (M)



Disn:- Governing Body/Real Indian Citizen  
I.D. 011970 ASFPR 2457 R- H.P.L.- Adviser  
Address:- at Chota Nagar, Harakhpur, Vadodara  
Jetpur, Pavi Gujrat-391160

Valid up:- 30 Dec. 2025

9- Jatan Bhai Parsing Bhai Rathva (M)

Disn:- Governing Body/Real Indian Citizen  
I.D. 0511971 BNPPR 4771L-H.L.P. Adviser



Address:-Nuj Fadiyu Medapur, PanchMahal's Gujrat-  
389310

Valid up:- 30 Dec. 2025

10.Vishal Vijay Valvi (M)

Disn:- Governing Body/Real Indian Citizen  
I.D. 03121990 AKDPV 4972H- H.L.P.- Director



Adress:- Gadbad Dev Gali, Talode, NandurBar, Taloda,  
Maharstra-425413

Valid up:- 30 Dec. 2025

11. Malsing Bhai Velu Bhai Rathva (M)

Disn:- Governing Body/Real Indian Citizen



I.D. 0741985 DTDPR 6549 L-H.L.P. Adviser

Address:- Juna Gamun Faliya, Gali Bil, Kantu,  
GHOGAMBA, Panch Mahals, Gujrat-389380

Valid up:- 30 Dec. 2025

12- Brijender M. Singh (M)

Disn:- Governing Body/Real Indian Citizen



I.D. 1521981 CNEPS 8421 C – H.L.P. Director

Address:- Village & Post Firojpur, Kopaganj, Distt.  
Mau (U.P.) 275305

Valid up:- 30 Dec. 2025

13- Shailendra S/o C.D. Singh (M)

Disn:- Governing Body/Real Indian Citizen



I.D. 0151980 DOLPS 9633K- H.L.P.—Director

Adress:- 1/227 Daroga Ji Ka Makan, Gali No. 4,  
Ghanshyam Pur, Dharam, Aligarh-202001 United  
Proviencence- U.P.

Valid up:- 30 Dec. 2025



Santosh J. Verma  
Addsnl H.L.P Real Indian Citizenship



Karan H. Singh  
Addsnl H.L.P Real Indian Citizenship

## **Executive Committee- Gujrat**

1-Vinod Bhai Abhesing Bhai Baria (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0751989 BYVPBO463J- H.L.P. Director



Address:- at 100 HANUMAN FALIYU (GORAD PANI)

GODLI, GHOGHAMBHA PANCHMAHALS GUJRAT-  
389380

Valid up:- 30 Dec. 2025

2- Dinu Bhai Raman Bhai Rathva (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0161971 FAPPR 9035 E- H.L.P.- Director



Address:- at Indira Nagar Ghagretiya, Vadodara,

M.I. Estate, Varodara, Gujrat-390010

Valid up:- 30 Dec. 2025

3- JAM SING LALLU BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0161972 BICPL 6428 A- H.L.P.- Advisor



Address:- S/O NAVA FALIYA, GODALI  
GHOGHAMBHA, PANCHMAHAL's GUJRAT-389380

Valid up:- 30 Dec. 2025

4- VIKRAM BHAI RAMA BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 1561986 FAZPR 6402 R- H.L.P.- Advisor



Address:- at 309 NAVA FALIYA, GODALI. PANCH  
MAHAL's GUJRAT-389380

Valid up:- 30 Dec. 2025

5- RAJESH RANCHHOD BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 16111992 CKFPR 6845 H- H.L.P.-- Advisor



Address:- A-9, Dhaval Park Society, Mai Mandir, Halol  
Panch Mahals, Gujrat-389350

Valid up:- 30 Dec. 2025

6. KALPESH SORSING BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0371987 ANWPR 1560 K- H.L.P.-- Advisor



Address:- Patel Faliya, Harakh Pur, Vadodara, Jetpur,  
Pavi, Gujrat-391160

Valid up:- 30 Dec. 2025

7- JATAN BHAI PARSING BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0511971 BNPPR 4771 L- H.L.P.-- Advisor

Address:- Nuj Fadiyu Medapur, PanchMahal's Gujrat-  
389310



Valid Up : 30 Dec. 2025

8- PRATAP BHAI BHAY JI BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 1571974 ANNPR9016 M- H.L.P.- Advisor

Address:- 24, Darshan Nagar, Kotar Talavadi  
Manjalpur, Vadodara, Gujrat-390011



Valid up:- 30 Dec. 2025

9- MANGA BHAI RAMAN BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 1561980 EMUPR 7829 L- H.L.P.-- Advisor

Address:- at Richhiya- RiniChhia PanchMahal's  
Gujrat-389340



Valid up:- 30 Dec. 2025

10- VADIYA BHAI GAMLA BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0161979 BSYPR 5646 C- H.L.P.- Advisor

Address:- at Rini Chhiya- Rinchhia, PanchMahal's,  
Gujrat-389340

Valid up:- 30 Dec. 2025



11- JIGNESH MALIYA BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0271997EBJPR 1332 A- H.L.P.-- Advisor

Address:- Nava Faliya, Gali Bili, Ghoghamba Kantu,  
PanchMahal's., Gujrat-389380

Valid up:- 30 Dec. 2025



12. MALSING BHAI VELU BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0741985 DTDPR 6549 L- H.L.P.-- Advisor

Address:- Junag Amun Faliya Gali Bili, Kantu  
Ghoghamba, PanchMahal's Gujrat-386380

Valid up:- 30 Dec. 2025



13- Bhavesh Bhai Desing Bhai Rathva (M)

Disn:- Executive Committee/Real Indian Citizen



I.D. 2751997 EJAPR 7613 R- H.L.P.-- Director

Address:- Jamo Riya Faliyu, Sarasawa PanchMahals  
Ghoghamba, Gujrat-389365

Valid up:- 30 Dec. 2025

14- ARVIND BHAI FULA BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0111995 U-GO 40394110- H.L.P.--Director



Address:- Dungar Faliya, Rinchhiya PanchMahal's  
Gujrat-389 340

Valid up:- 30 Dec. 2025

15. DESING BHAI VELIYA BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0111976 DLTPR 5691 K- H.L.P.--Director



Address:- House No. 96, Jamoriya Faliya Sarasava,  
Panch Mahals, Gujrat-389365

Valid up:- 30 Dec. 2025

16. DILIP BHAI BALIYA BHAI RATHVA (M)

Disn:- Executive Committee/Real Indian Citizen



I.D. 2451995 CDSPR 6039 M--H.L.P.-- Advisor

Address:- Tekar Faliya, Mal Mahudi, Ghoghamba  
Kharod, Panch Mahals Gujrat-389365

Valid up:- 30 Dec. 2025

**Executive Committee- Maharashtra:-**

1-TULSI RAM DITYA VALVI (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 011198BZGPV 283IN—H.L.P.-- Advisor

Address:- at Hai Bari P.O. Chinoda Taluka, Talode,  
Distt. NandurBar Maharashtra- 425413

Valid up:- 30 Dec. 2025



2- DASHA RATH RAMJI TADVI (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0111993 AXAPT 3348 K- H.L.P.-- Advisor

Address:- At Umati P.O. Bhangran Pani, Distt Nandur  
Bar, Maharashtra-425452

Valid up:- 30 Dec. 2025



3- Smt/Miss. SUNITA DHAMSING VALVI (F)



Disn:- Executive Committee/Real Indian Citizen  
I.D. 03102001 CAYPV 7487C- H.L.P.-Director  
Address:- at Inchhagavhan P.O. Shivre Dist. Nandur  
Bar Maharastra-425413  
Valid up:- 30 Dec. 2025

4- AAMBALAL CHANDRA SING THAKARE (M)

Disn:- Executive Committee/Real Indian Citizen  
I.D. 1771999 BUNPT 9048 M- H.L.P.-- Advisor



Address:- at BAN, P.O. LAKHAPUR. Distt- NANDUR  
BAR Maharastra-425442  
Valid up:- 30 Dec. 2025

5- MOTI LAL SUKA LAL VALVI (M)

Disn:- Executive Committee/Real Indian Citizen  
I.D. 0431992 APVPV 6174 J- H.L.P.-- Advisor



Address:- at AurangPur- P.O. KUDHAVAD, Distt.  
Nandu bar, Maharastra-425432  
Valid up:- 30 Dec. 2025

6- PRAVIN JAM SING VALVI (M)

Disn:- Executive Committee/Real Indian Citizen



I.D. 17101988 BOAPV 4706 P- H.L.P.-Director

Address:-at KrantiNagar, Devrukh, Sangameshwar

Distt. Ratnagiri, Maharashtra- 415804

Valid up:- 30 Dec. 2025

7- SATISH CHHAGAN DESAI (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0851995 BRSPD5255 J—H.L.P.--Director

Address:- at Pach Mauli, P.O. Pach Mauli, Umarpata,  
Sakir, Dhule-Maharashtra-424306

Valid up:- 30 Dec. 2025



8- GAUTAM AJABSING PADAVI (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 2231996 DZRPP 1848 C—H.L.P.--Director

Address:- at MAROD, P.O. ROHI, TAL- TALODA,  
Distt. NANDURBAR, Maharashtra-425413

Valid up:- 30 Dec. 2025



9- BAHADUR SING K. PADAVI (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 06111983 AUYPP 5667 Q- H.L.P.- Advisor



Address:- at Lobhani, Rajvira, Talode, Distt. Nandur  
Bar Maharashtra-425413

Valid up:- 30 Dec. 2025

10- TAKDIR DHARAM THAKARE (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0112000BVNPT 8088A—H.L.P.-- Advisor

Address :- at Gunjali Mod, Talode

Distt. NandurBar, Maharashtra-425442

Valid up:- 30 Dec. 2025

11- DEVI LAL PISA VALVI (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 124199 BVRPV 2134 B- H.L.P.-- Advisor

Address:- at KARADE, P.O. TULAJA- TALODA.

Distt. NANDUR PUR BAR, Maharashtra-425442

Valid up:- 30 Dec. 2025

12- ARVIND KARMA MORE (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 1431992 CPGPM 1375 B- H.L.P.- Advisor

Address:- at Juwani (F), Tulja Talode, Distt- Nandur

Bar Maharashtra-425442



Valid up:- 30 Dec. 2025

13- VINOD SEGA PAWARA (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 2811998 EUZ PP 6646 E- H.L.P.--Director

Address:- at SOMANA (MUNDALWAD)

DHADGAON, NANDUR BAR, Maharashtra-425414

Valid up:- 30 Dec. 2025



14- KAILAS VEDU MORE (M)

Disn:- Executive Committee/Real Indian Citizen

I.D. 0211996 FUUPM 6039 L- H.L.P.--Director

Address:- at JUWANI, P.O. TULAJA, TALODA,

DIST. NANDUR BAR ,Maharashtra-425442





सत्यमेव जयते

**GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS**

Central Registration Centre

## **Certificate of Incorporation**

[Pursuant to sub-section (2) of section 7 of the Companies Act, 2013 (18 of 2013) and rule 18 of the Companies (Incorporation) Rules, 2014]

I hereby certify that ATOMICAL SHARC PRIVATE LIMITED is incorporated on this Twenty fourth day of July Two thousand nineteen under the Companies Act, 2013 (18 of 2013) and that the company is limited by shares.

The Corporate Identity Number of the company is U73100DL2019PTC352989.

The Permanent Account Number (PAN) of the company is **AASCA5436F** \*/@

The Tax Deduction and Collection Account Number (TAN) of the company is **DELA55329B** \*/@

Given under my hand at Manesar this Twenty fourth day of July Two thousand nineteen .



Digital Signature Certificate  
ALOK TANDON

Deputy Registrar Of Companies

For and on behalf of the Jurisdictional Registrar of Companies

Registrar of Companies

Central Registration Centre

Disclaimer: This certificate only evidences incorporation of the company on the basis of documents and declarations of the applicant(s). This certificate is neither a license nor permission to conduct business or solicit deposits or funds from public. Permission of sector regulator is necessary wherever required. Registration status and other details of the company can be verified on [www.mca.gov.in](http://www.mca.gov.in)

Mailing Address as per record available in Registrar of Companies office:

ATOMICAL SHARC PRIVATE LIMITED

A-138, VIKAS MARG SHAKARPUR, DELHI, East Delhi, Delhi, India,

110092



**Add : A-138, Vikas Marg, Shakarpur, Delhi-110092, Mob: 09222227353, 09222221790**



**PRESIDENT'S SECRETARIAT**  
(PUBLIC-I SECTION)  
**RASHTRAPATI BHAVAN**  
**NEW DELHI - 110004**

**Sl.No.: P1/B/2209170288**

**Date: 22 Sep 2017**

Enclosed please find for appropriate attention a petition Dt:-15 Sep 2017 addressed to the President of India, which is self explanatory.

Action taken on the petition may please be communicated to the petitioner directly under intimation to this Secretariat.

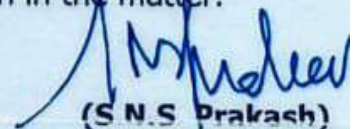
**(S.N.S. Prakash)**  
**Under Secretary**

**To,**  
**JOINT SECRETARY-II TO THE GOVT. OF INDIA**  
**Department of Justice**  
**Jaisalmer House Mansingh Road New Delhi 110011**

**Copy to:**

**Shri AMAR SINGH SCIENTIST**  
**BLDG.NO:-30,DHANJI STREET,**  
**1ST FLOOR, SHOP NO:-4, NEAR**  
**MUMBADEVI TEMPLE BOMBAY**  
**MAHARASHTRA-**

You are further requested to liaise with the aforementioned addressee directly for further information in the matter.

  
**(S.N.S. Prakash)**  
**Under Secretary**

**Serial Number :-**  
**P1/B/2209170288**

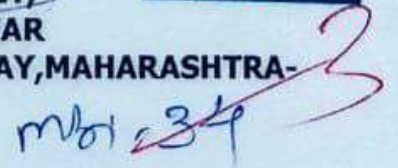
**BOOK POST**  
**ON INDIA GOVERNMENT SERVICE**  
**TO,**

L  
110004 14.10 2017  
9085 00275217

**Shri AMAR SINGH SCIENTIST**  
**BLDG.NO:-30,DHANJI STREET,**  
**1ST FLOOR, SHOP NO:-4, NEAR**  
**MUMBADEVI TEMPLE BOMBAY,MAHARASHTRA-**



**FROM :**  
**President's Secretariat**  
**Rashtrapati Bhavan**  
**New Delhi - 110004.**



**THAKUR AMAR SINGH - FOUNDER / PRESIDENT**

**CERTIFICATE OF REGISTRATION**



**SOCIETIES REGISTRATION ACT XXI OF 1860**

Registration No. S/ 47643 of 2003.

I hereby certify that ACTION PRESS OF SOCIETY

located at A-4/197, SULTAN PURI  
DELHI - 41

has been registered under the "SOCIETIES REGISTRATION ACT (XXI) OF 1860".

Given under my hand at DELHI on this 5<sup>th</sup> day  
of DECEMBER Two Thousand Three.

Registration Fee Rs. 50/- paid.



( J.P.AGRWAL )  
REGISTRAR OF SOCIETIES  
Govt. of N.C.T. of Delhi

क्रांतिकारी  
**राजदूत**

यदा यदा हि धर्मस्य ग्लानिर्भवती भारत ।  
अभ्युत्थानमधर्मस्य तदाऽऽत्मनः सृजाम्यहम् ॥



अयोध्या में श्रीराम मंदिर का निर्माण कार्य यथाशीघ्र

बम्बई - हेमको परिवार,

अयोध्या में श्री राम मंदिर का शिलान्यास इसी वर्ष सन 2017 में यथाशीघ्र ही भव्य सुभारम्भ के साथ किये जाने की योजना है । बताया जाता है कि ठीक उसी राम जन्मभूमि के स्थान पर पहले से अधिक बेहतर और कम समय में निर्माण कार्य पूरा करके हिन्दु श्रद्धालुओं के लिए खोल दिया जायेगा । जुडिसियल ओनर के आदेशानुसार आधिकारिक क्षेत्रों में सन 1939 के बाद जितने भी पौराणिक मंदिर जर्जर अवस्था में अस्त ब्यस्त पड़े हैं सभी का दुरुस्तीकरण कार्य की यथाशीघ्र ही शुरुवात कियेजाने की याजना है ।

**मकर संक्रांति की हार्दिक शुभकामनायें**

मकर संक्रांति के शुभ अवसर पर इस पब्लिकेशन की ओर से सभी पाठकों शुभचिन्तकों को हार्दिक शुभकामनायें :

संपादक

**नव वर्ष 2017 का हार्दिक स्वागत**

नव वर्ष सन 2017 का हम सभी पाठकों तथा राष्ट्र के करोड़ों नागरिकों की ओर से हार्दिक स्वागत करते हैं । राष्ट्र के नाम राष्ट्रीय एकता, अखण्डता तथा पड़ोसी देशों के साथ सदैव शान्ति व्यवस्था बरकरार बनी रहने की कामना करते हैं ।

धन्यवाद :

संपादक



श्रीरामकृष्ण

क्रांतिकारी

हिन्दी पत्रिका विशेषांक :

**राजदूत**

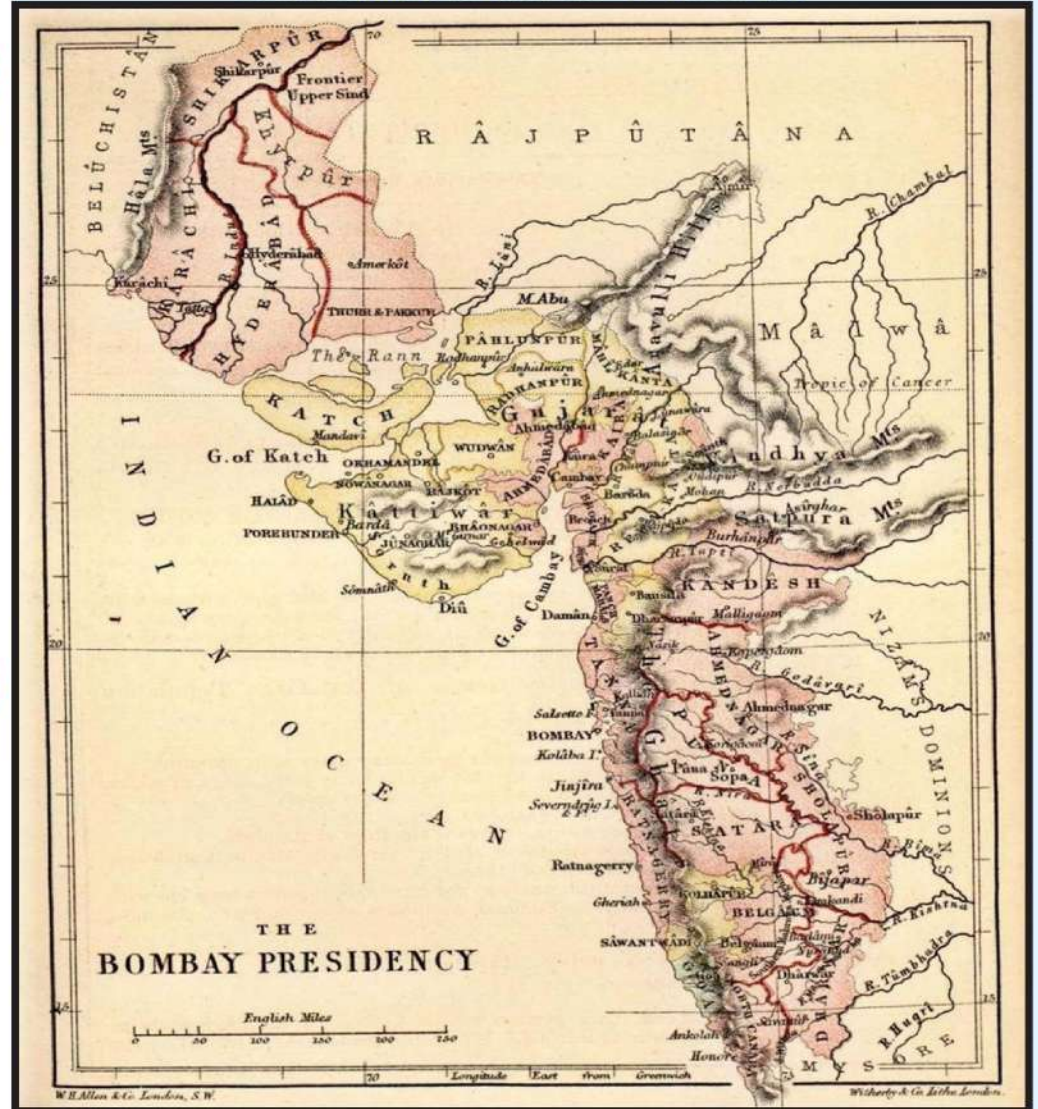
संपादक - अमर सिंह

01-01-2017 to 30-03-2017



मां शर्दा

RNI. : MAHHINO7402-13/01/2009 - TC YEAR : 2017



क्रांतिकारी राजदूत

01-01-2017 to 30-03-2017

क्रांतिकारी राजदूत

प्रिंटिंग कास्ट - 101/-

## उन माताओं का प्रणाम

उन माताओं को प्रणाम वतन के लिए  
जिन्होंने अपने लाल दिये,  
उन नौजवां को प्रणाम, आजादी के लिए  
जिन्होंने अपने बलिदान दिये,  
उन शहीदों को प्रणाम जिन्होंने  
खींची लकीरें अपने खूनो से,  
सरहदे हिन्द की आन के लिए,  
उन माताओं को प्रणाम.....  
जयति जय जय हे! जयति जय जय हे...  
वन्देमातरम! वन्देमातरम!  
गुरु वह गुरु है जो भूंगि कहलाता है  
झाल दे अपने सांचों में  
जो वह श्रुंगी कहलाती है  
पिता वह पिता है जो शहीदे लाल पर गर्व करता है  
परमवीर चक्र से तिरंगे को नमन करता है  
नारी वह नारी है जिनकी कलम सिन्दुरी लिखती है  
रंग लाल तिरंगे का कलंक सुहागन की मिटती है  
धन्य वह मां है जिनकी कोख से लाल जनम लिये  
सौगन्ध भारत माता की जो दुश्मन का दमन किये  
भाई नित हो ऐसा तो रक्तों का हिसाब किये  
सुभाष, भगत, आजाद को शत शत परमान किये  
उस धरती को प्रणाम हिन्द के लिए जिन्होंने  
नित गंगा यमुना की धार दिये  
उन माताओं का प्रणाम जिन्होंने अपने लाल दिये  
जयति जय जय हे! जयति जय जय हे...  
वन्देमातरम! वन्देमातरम!

क  
ल  
म  
की  
श्र  
धरं  
ज  
की  
श  
हि  
कां  
ना

## हमें वह खून चाहिए

हमें वह खून चाहिए जो बहे वतन के लिए,  
हमे वह वीर चाहिए जो लड़े आजादी के लिए  
हमें वह जंग चाहिए जो चले अमन के लिए  
हमें वह बारूद चाहिए, जो जले दुश्मन के लिए  
हमें हर नौजवां पर सुभाष भगत आजाद चाहिए  
जय हिंद! जय हिंद! जय हिंद  
हमें सिर्फ भारत माता भारत माता  
भारत माता का लाल चाहिए.....  
दुश्मन के हर निशां को मिटा देंगे हम आज  
हिंदे चमन के कुर्बानियों पर सजा देंगे हम आज  
अपने लहू के कतरों से कर्ज मां के दूध का  
चुका देंगे हम आज  
हर कदम पर मिलेगी निशानियां  
हिन्दे जवां की मदहोश जवानियां  
ऐ वतन बस तेरे लिए, हर लाल की कहानियां  
शांति अमन को बहा देंगे हम आज  
तिरंगे की आन को सजा देंगे हम आज  
लहू के रंगों में फिजा देंगे हम आज  
धरती को लाल रंगों में सजा देंगे हम आज  
ऐ अमर हिन्द की सेना तुझपे अपनी कुर्बानियां  
वतन की धरती पर रहे कर नित्य अपनी निशानियां  
जय हिंद! जय हिंद! जय हिंद.....

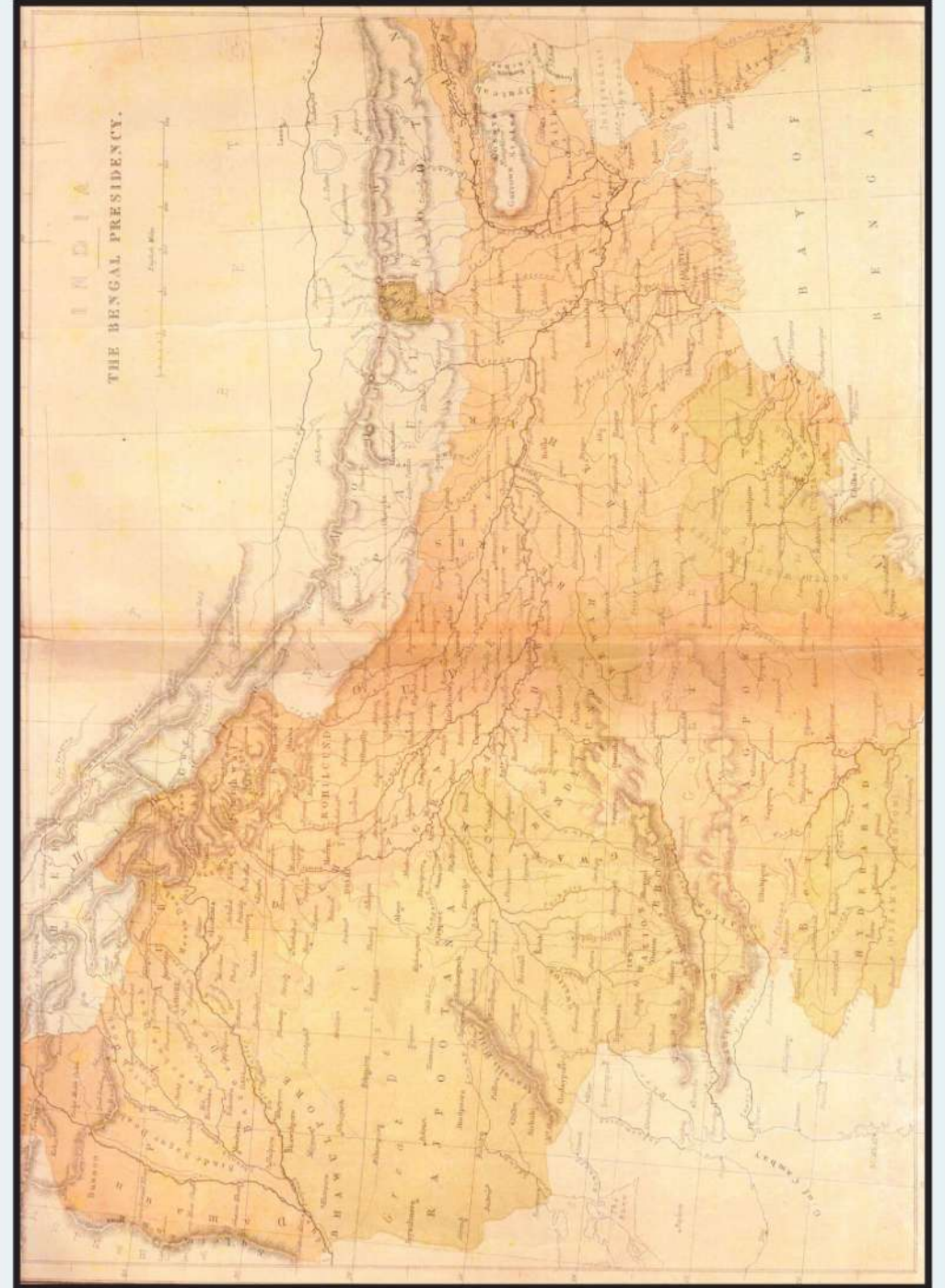
## हिन्दे जवां की कसम, हिन्दोस्तां की कसम

हम हैं वतन के रखवाले सारे जहां की कसम...2  
हिन्द के देशवा में सोने कय चिरइया  
कि स्वर्ग से नित इहां उतरे विहान  
चहकेला पपिहा गाये रे कोयलिया  
धानी रे चुनरिया कि धरती तेरी कीर्ति महान  
अमवा कि बगिया मा नाचे रे मोरनिया  
देखि के सरसो और फूल कय धान  
संग गुजरिया कय तिरछी रे नजरिया  
कि मस्ती में झुमे हो किसान  
हिन्द के देशवा मा माई के दुई हो ललनवा  
एक जवान और एक किसान  
कि स्वर्ग से नित इहां उतरे विहान.....  
अपने ही देशवा में नहर बिजुरिया  
पक्की सड़क और रेल जहाज़  
भारत माता कय दुई हो ललनवा  
एक जवान और एक किसान  
गंगा जमुना कय इहा अमृत धारा  
साधु संतन कय आशीष महान  
शंख घटा से नित होये हो विहान  
कि स्वर्ग से उतरे इहां नित हो विहान.....

-अमर सिंह

## अहो भारत भारि भारत:आदि शक्ति:

त्वमेव द्वीं त्वमेव कर्त्वीं त्वमेव स्रष्टां स्त्रीं  
त्वमेव चामुंडाय मारुकाय शारदे त्वमेव श्च  
मैहरश्चवैष्णोःविन्धः त्वमेव शशिकुलसवितः  
आदि अनादि अंत अनंतः शेष महेश गणेशः  
त्वमेव नव शक्ति नवग्रहयाः धनधान्यधैर्यस्व  
कीर्ति विद्या विजयाः लक्ष्मी आदि अनादि अंतनंतः  
सर्वेसर्व त्वमेव च त्वमेव च सर्व सर्व कोटि नमोस्तुते  
नमोस्तुते नमो नमः ॐ नमो नमो नमः



क्रांतिकारी

विशेषांक :

# राजदूत

RNI : MAHHINO740213/01/2009 - TC YEAR : 2017

वर्ष : 6 अंक : 01.01.2017 से 30.03.2017

संपादक - अमर सिंह

प्रिंटिंग कास्ट - 101/-

स्वत्वाधिकारी मालक मुद्रक प्रकाशक अमर सिंह के द्वारा एक्शन एक्सप्रेस ऑफ पब्लिकेशन के लिए गोगरी ऑफसेट प्रिंटर्स पंप हाऊस अंधेरी (पूर्व), मुंबई - 400 059 से मुद्रित तथा अमर विल्ला जी/4, मथुरादास रोड, कांदीवली (प),

मुंबई - 400 068 से प्रकाशित

RNI : MAHHINO7402

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पत्र व्यवहार का पता : इंद्रलोक, A-3/42 ओल्ड नागरदास रोड, अंधेरी (पूर्व), मुंबई - 400 069

न्यायालय क्षेत्राधिकार - मुंबई

लेखको के विचारों से संपादक का सहमत होना आवश्यक नहीं है, अतः लेखों के लिए मूल लेखक उत्तरदायी है.

संपादकीय

यदा यदा ही धर्मस्य ग्लानिर्भविती भारत।

अभ्युत्थानम् अधर्मस्यातदात्मानम् श्रीज्याय्यम्॥।

भारत के पौराणिक ग्रन्थों में यह लिखा गया है कि इस धरती पर जब जब धर्म की हानि और अधर्म की बढ़ोत्तरी होती है तो धर्म की रक्षा के लिए साक्षात् भगवान को मनुष्य के रूप में अवतार लेकर धर्म की रक्षा करनी पड़ती है। धर्म की रक्षा समस्त मानव जीवन से लेकर पशु पक्षियों सहित पूरे प्रकृति के साथ होती है। यहाँ तक कि धरती माता के साथ होनेवाले अप्राकृतिक उत्पीड़न को भी सहन न कर पाने की स्थिति में धरती की पीड़ा दूर करने के लिए भी भगवान को भिन्न-भिन्न स्वरूपों में अवतार लेना पड़ता है। हमारे पाठकगण क्रांतिकारी राजदूत का यह विशेषांक पढ़कर वास्तव में चौक पड़ेंगे कि सचमुच ही पृथ्वी का एक हिस्सा वर्षों से चोरी हो गया था जो आज अपनी वास्तविक प्रखर निखरता "The City of Bombay Presidency Jurisdiction" के साथ पूरी दुनिया के सामने ठीक उसी प्रकार प्रकट हो रहा है जैसे कि पौराणिक ग्रन्थों में भगवान को बाराह अवतार में पृथ्वी को ढूँढ़कर लाना पड़ा था। जी हाँ ये सच है कि सन 1788 के पूर्व पूरे विश्व में लगभग वर्षों तक मानव जीवन भयंकर अग्नि के आगोश में धधक रहा था। पूरे विश्व में चल रहे सत्याग्रह, खून खराबा, लूटपाट जैसे मचे हुए हाहाकार में देश की जनता डूबी हुई थी। सन 1861 से लेकर 1888 तक कानूनी प्रक्रिया आरंभ हो चुकी थी। सन 1903 से लेकर 1939 तक ठीक ढंग से चलता रहा सन 1945 में कमजोरी का नाजायज फायदा उठाकर कुछ असामाजिक तत्वों ने पूरे विश्व का सम्राट कहा जाने वाले हमारे राष्ट्र का चोरी कर लिया। चोरी किसी संधमारी की तरह से नहीं की गई बल्कि इस संत महात्माओं की धरती पर जहाँ साक्षात् भगवान ने अवतार लिया। इस धरती को किसी शिकारी की भाँति खण्ड-खण्ड करके आपस में बाँट लिये गये यहाँ के नागरिकों के साथ दोस्ती के

नाम पर घात लगाकर हमला किया गया और आजाद होने का झूठा झांसा देकर इंकम टैक्स, सेल्स टैक्स, रोड टैक्स, शौचालय टैक्स, संतान के जन्म लेने के बाद चलने का टैक्स, श्रमसानभूमि का टैक्स, वैट टैक्स इत्यादि जैसे टैक्स वसूल किये जाने की बात तो दूर रही इनके द्वारा नमक का भी टैक्स वसूल किया जा रहा है। किसानों को अपनी ही धरती पर अपने ही खेतों में उगाये गये अन्न से अपने ही घरों में बनाई गई सूखी रोटी नमक और प्याज का टैक्स देने पर विवश होना पड़ा है। हमारी धरती की कोख से पैदा हुए दैविक शक्तियों के साथ आघात लगाकर हिन्दु, जैन, सिख, और बुद्धिष्टों का हनन कर रहे हैं। एक तरफ कसाई बुचड़खानों में गावों को कटने का लायसन्स देते हैं तो दूसरी तरफ राम जन्मभूमि पर मंदिर बनाने की बातें कर रहे हैं? एक तरफ गंगा-यमुना के सफाई का अभियान चलाया जा रहा है तो ठीक उसी क्षेत्रों में दारू शराब बेचे जाने का लायसन्स दिया जाता है। उन्ही के कर्मचारियों द्वारा औद्योगिक कंपनियों से निकले गंदे गटर नालों को सरे आम गंगा-यमुना में ढकेल दिया जाता है। स्वयं नये-नये कानून बनाते रहे और इस धरती के सीने में खन्जर भोंक-भोंक कर सत्तर साल निकाल दिये हों यदि आपको ठीक से इंग्लिश न आती हो तो किसी अच्छे इंग्लिश के विशेषज्ञ से इस विशेषांक की सभी पेजेस पढ़ने का प्रयत्न अवश्य करें। क्योंकि इस संदर्भ में मुंबई उच्च न्यायालय के अतिरिक्त विशेषज्ञों द्वारा पूर्ण सहयोग दिया जा रहा है। सिर्फ इतना ही नहीं मैं अपने देश के लगभग समस्त नागरिकों का हवाला देकर प्रधानमंत्री मा. श्री. नरेंद्र मोदी जी, महामहिम राष्ट्रपति महोदय श्री प्रणव मुखर्जीजी सहित तमाम नेताओं और मिडिया के उच्च अधिकारियों से यह सवाल करूंगा कि सत्तर वर्षों तक नेशन चटर राष्ट्रीय अंतर्राष्ट्रीय सम्राट "The City of Bombay Presidency Jurisdiction" को अंधेरे के गर्दियों में आखिर क्यों छिपाकर रखा गया शायद इसका उनके पास कोई जवाब नहीं होगा कुछ बुद्धजीवी बुजुर्गों ने तो 15 अगस्त 1947 के आजादी को भी शक के दायरे में ला दिया है, फिर हिन्दु, जैन, सिख, बौद्धिष्टों का सिरासन (ताज) "The City of Bombay Presidency Jurisdiction" का चोरी किए जाने की घटना का जिक्र जनता के सामने उजागर क्यों नहीं किया गया? महानुभाव पाठकगण से बयान देते हुए अत्याधिक हर्ष हो रहा है कि मुंबई के फोर्ट मैदान में बस स्टैण्ड की खाली पड़ी सीट पर एक थैली में कुछ फाईलें पड़ी हुई मिली। आसपास के फेरीवालों, बी.ई.एस.टी. कार्यालय इत्यादि लोगों से पूछताछ के बाद जब इसका कोई वारिसदार नहीं मिला तो उन फाईलों को मैं स्वयं ही पढ़ने लग गया। दुसरे दिन मुंबई हाईकोर्ट पहुँच गया। कुछ वकिलों के सहयोग से जब हाईकोर्ट नेट (वेबसाइट) में देखा तो आंखे चौधियां गईं। और एकबार फिर से सुभाषचंद्र बोस इत्यादि जैसे क्रांतिकारी नेताओं की तस्वीरें मानो पूरे ब्रह्माण्ड में चकाचौंध होने लगीं। सिर्फ मैं ही नहीं पूरी दुनिया के लोगों के सामने सबसे बड़ा विकट और त्रिकोणीय सवाल है कि एक वह आजादी जिसका कोई लिखित प्रमाण नहीं है और एक यह आजादी जो पूरे विश्व में राष्ट्रीय सम्राट "The City of Bombay Presidency Jurisdiction" बनकर विश्व के सर्वप्रथम बैरिस्टर की दस्तखत और मुहर के साथ राष्ट्रीय आजादी और मानव अधिकार के लिए मात्र एक अकेला नौजवान अपनी जिन्दगी दांव पर लगाकर "The City of Bombay Presidency Jurisdiction" की आजादी के लिए जंग लड़ रहा था। जिसे मुंबई उच्च न्यायालय द्वारा सन 2010 से लेकर सन 2016 तक के केस/अपिल में पूर्ण अधिकार टाईटल स्पष्ट कर दिया गया है जिसका 24 जनवरी सन 2017 को घोषणा एवम् कब्जा का फाईनल आदेश होना निश्चित हुआ है, यह स्पष्ट है कि अरबों की नागरिकता वाले इस राष्ट्र "The City of Bombay Presidency Jurisdiction" की आजादी के लिए लड़ने वाला व्यक्ति कोई साधारण इंसान नहीं हो सकता। श्री रामकृष्ण परमहंस, माँ शारदा देवी, स्वामी विवेकानंद, रविंद्रनाथ टैगौर, सुभाषचंद्र बोस इत्यादि की धरती पर जन्म लेने वाला महापुरुष अवश्य ही किसी दैविक शक्तियों का अवतार है। हम सभी को रामायण, महाभारत (गीता) में लिखे श्लोक को अवश्य ही दोहराना पड़ेगा और प्रधानमंत्री, राष्ट्रपति महोदय को राष्ट्र के नागरिकों के समक्ष वास्तविक आजादी का स्पष्टीकरण करना पड़ेगा। उच्च न्यायालय, मुंबई में हमेशा तैनात रहने वाले मिडियाकर्मियों को अच्छी तरह से इस केस के बारे में जानकारी होते हुए भी आखिरकार जनता के सामने इसका खुलाशा क्यों नहीं किया जा रहा है क्या उनपर किसी का दबाव पड़ रहा है या कोई खौफ? यह भी एक बड़ा सवाल खड़ा करता है।

ब्रह्मार्पणम् ब्रह्मा हर्विब्रह्मअग्नौ ब्रह्माणहुतम् ।

ब्रह्मोवतेनगन्तव्यम् ब्रह्मकर्म समाधिना ।।

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5<sup>th</sup> April 1870, and was promulgated for general information in the Gazette of India Extraordinary on the 6<sup>th</sup> April 1870:-

Act No. XIV. of 1870.

A Bill for repealing certain enactments which have ceased to be in force, or have become unnecessary.

“Preamble.” WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:-

1. “Enactments in schedule repealed.” The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the prof of any past act or thing.

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

2. “Short title.” This Act may be called “The Repealing Act, 1870.”

**SCHEDULE.**

**PART-I.-STATUTES.**

**YEAR AND CHAPTER. 13 Geo. III. cap. lxxiii.**TITLE. An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe. **EXTENT OF REPEAL. Sections 16, 19, 20, 27, 28, 29, 31, 33, 36, and 38,** from and including the words “and for that purpose” to the end of the Section.

**YEAR AND CHAPTER. 21 Geo. III. cap. lxx.**TITLE. An Act to explain and amend so much of an Act, made in the 13<sup>th</sup> year of the reign of his present Majesty, intitule, An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the Governor General and Council of Bengal, and all officers who have acted under their orders or authority, in the under resistance made to the process of the Supreme Court. **EXTENT OF REPEAL. Sections 9 to 16 (both inclusive), Sections 19 to 26 (both inclusive).**

**YEAR AND CHAPTER. 33 Geo. III. cap. lii.**TITLE. An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and Government of the Towns of Calcutta, Madras and Bombay. **EXTENT OF REPEAL. Sections 61, 137** from and including the words “nor shall it be lawful for any of His Majesty’s subjects” to the end of the section; **Sections 155, and 159.**

**YEAR AND CHAPTER. 37 Geo. III. cap. cxlii.**TITLE. An Act for the better administration of justice at Calcutta, Madras and Bombay; end for prevention British subjects from being concerned in loans to the Native Princes in India. **EXTENT OF REPEAL. Sections 4 to 8 (both inclusive), Sections 15, 17 to 26 (both inclusive), Section 30.**

**YEAR AND CHAPTER. 39 & 40 Geo. III. cap. lxxix.**TITLE. An Act for establishing further regulation for the Government of the British territories in India, and the administration of justice within the same. **EXTENT OF REPEAL. Sections 4, 6, 8, 10, 11, 17, 18, 19, 21, 22, 23, 24.**

**YEAR AND CHAPTER. 53 Geo. III. cap. clv.**TITLE. An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulation for the Government of the said territories, and better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company’s Charter. **EXTENT OF REPEAL. Sections 98, 99, 101, 104, 108, 109, 113, 120.**

**YEAR AND CHAPTER. 54 Geo. III. cap. cv.**TITLE. An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the several Government in the East Indies. **EXTENT OF REPEAL. The whole.**

**YEAR AND CHAPTER. 55 Geo. III. cap. lxxxiv.**TITLE. An Act amend so much of an Act of the 33 year of His present Majesty as relates to fixing the limits of the Towns of Calcutta, Madras and Bombay; and also so much of an Act of the 39 and fortieth year of His present Majesty as relates to granting Letters Administration to the effects of persons dying intestate within the several Presidencies in the East Indies to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subject; and to make provision for the Judges in the East Indies in certain cases. **EXTENT OF REPEAL. The whole Act, except Section 1.**

**YEAR AND CHAPTER. 4 Geo. IV. cap. lxxi.**TITLE. An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His Majesty’s Forces serving in India; for establishing the pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay. **EXTENT OF REPEAL. Sections 8, 9, 10, and 14.**

**SCHEDULE. Continued.**

**YEAR AND CHAPTER. 5 Geo. IV. cap. cviii...**TITLE. An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra. **EXTENT OF REPEAL. Section 2.**

**YEAR AND CHAPTER. 6 Geo. IV. cap. lxxxv.**TITLE. An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the transportation of offenders from the Island of Saint Helena; and for more effectually providing for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel. **EXTENT OF REPEAL. Section 6.**

**YEAR AND CHAPTER. 7 Geo. IV. cap. xxxvii.**TITLE. An Act to regulate the appointment of Juries in the East Indies. **EXTENT OF REPEAL.** So much as has not been repealed.

**YEAR AND CHAPTER. 9 Geo. IV. cap. xxxiii.**TITLE. An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their demeaned owners. **EXTENT OF REPEAL.** The whole Act, except as to the estates of person dying before the 1<sup>st</sup> day of January 1866.

**YEAR AND CHAPTER. 11 Geo. IV. & 1 Wm. IV. cap. lxxv.** TITLE. An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras. **EXTENT OF REPEAL. The whole.**

**YEAR AND CHAPTER. 5 & 6 Wm. IV. cap. vi.**TITLE. An Act to indemnify the Governor General and other persons in respect of certain acts done in the administration of the Government of the British Territories in the East Indies subsequent to the 22<sup>nd</sup> day of April 1834, and to make those Acts valid. **EXTENT OF REPEAL. The whole Act** so far as it relates to British India.

**YEAR AND CHAPTER. 11 & 12 Vic. cap. xxi.**TITLE. An Act to consolidate and amend the Laws relating to insolvent debtors in India. **EXTENT OF REPEAL.** Sections 1, 65, 66 and 67.

**YEAR AND CHAPTER. 17 & 18 Vic., cap. civ.**TITLE. An Act to amend and consolidate the Acts relating to Merchant Shipping. **EXTENT OF REPEAL. Section 9,** so far as it relates to British India.

**PART-II.-ACTS.**

**NUMBER AND YEAR. X. of 1836.** TITLE. Indigo contracts. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XX. of 1836.** TITLE. Revenue Sale Law. **EXTENT OF REPEAL.** Sections 1 and 4.

**NUMBER AND YEAR. IV. of 1837.** TITLE. Land Revenue (Cuttack). **EXTENT OF REPEAL. Section 2.**

**NUMBER AND YEAR. XXXVI. of 1837.** TITLE. Madras Criminal Jurisdiction Act. **EXTENT OF REPEAL. In Section 1 the words and figures "It is hereby enacted that from the 15<sup>th</sup> day of December 1837," and in Section 2 the words "from the said day."**

**NUMBER AND YEAR. XI. of 1838.** TITLE. Amins, Bengal. **EXTENT OF REPEAL. Section 1 and in Section 2 the words 'And it is hereby enacted that.'**

**NUMBER AND YEAR. XVI. of 1838.** TITLE. Bombay Judiciary. **EXTENT OF REPEAL. In Section 1, clause 1, the words 'It is hereby enacted in modification of the rules contained in Chapter VII., Regulation XVII. of 1827 of the Bombay Code that' In Section 5 the words "without further costs of stamps to the parties except on new exhibits if any such should be allowed to be filed," and from and including the words "but if an appeal" to the end of the Section.**

**NUMBER AND YEAR. XIX. of 1838.** TITLE. Bombay Coasting Vessels. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXIX. of 1838.** TITLE. Salt Department, Bengal. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXXII. of 1838.** TITLE. Justice of the Peace. **EXTENT OF REPEAL. Sections 2 and 3.**

**NUMBER AND YEAR. VII. of 1839.** TITLE. Tahsildars, Madras. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXIV. of 1839.** TITLE. Ganjatin and Vizagapatam. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XVI. of 1840.** TITLE. An Act concerning the management of convicts transported to places within the territories of the East India Company. **EXTENT OF REPEAL. Section 4.**

**NUMBER AND YEAR. XI. of 1841.** TITLE. An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company. **EXTENT OF REPEAL. The first 21 words in Section 1, and Section 18.**

**NUMBER AND YEAR. XII. of 1841.** TITLE. An Act for amending the Bengal Code in regard to sales of Land for arrears of Revenue. **EXTENT OF REPEAL. Section 1.**

**SCHEDULE. Continued.**

**NUMBER AND YEAR. XXIX. of 1841. TITLE.** An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same. **EXTENT OF REPEAL. Section 3 down to and including the words 'are repealed, and'**

**NUMBER AND YEAR. XVII. of 1842. TITLE.** An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay. **EXTENT OF REPEAL. Section 1, and in Sections 2 and 3 the words 'and it is hereby enacted that'**

**NUMBER AND YEAR. XI. of 1843. TITLE.** An Act for regulating the service of hereditary officers under the Presidency of Bombay. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XI. of 1844. TITLE.** An Act for the improvement of the administration of justice and dispatch of business in the Supreme Court of Judicature at Fort William in Bengal. **EXTENT OF REPEAL. The whole.**

**NUMBER AND YEAR. XVI. of 1844. TITLE.** An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay. **EXTENT OF REPEAL. Sections 1, 3 and 5.**

**NUMBER AND YEAR. XVIII. of 1844. TITLE.** An Act for better control and management of goals within the Bengal Presidency. **EXTENT OF REPEAL. Section 1, and in Section 2 the words 'And it is hereby enacted that'**

**NUMBER AND YEAR. XX. of 1844. TITLE.** An Act to amend the law relating to advances bona fide made to Agents in trusted with goods, by extending to the territories of the East India Company, in cases Governed by English Law, the provisions of the Statute 5 & 6 Victoria, c. 39, as altered by this Act. **EXTENT OF REPEAL. Section 9.**

**NUMBER AND YEAR. XV. of 1845. TITLE.** An Act for declaring and enacting the privilege of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings. **EXTENT OF REPEAL. Section 6.**

**NUMBER AND YEAR. VIII. of 1846. TITLE.** An Act for determining the duration of the existing Settlement of the North-Western Provinces. **EXTENT OF REPEAL. Section 1 so far as it relates to Hissar, Saharaupore, Moozuffernuggar, Meerut, Bulundshuhur, Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allababad, Goruckpore and Azimghur.**

**NUMBER AND YEAR. I. of 1847. TITLE.** An Act for the establishment and maintenances of Boundary Marks in the North-Western Provinces of Bengal. **EXTENT OF REPEAL. In Section 6 the words and figures "under Act IV. of 1840.**

**NUMBER AND YEAR. IX. of 1847. TITLE.** An Act regarding the assessment of Lands gained from the sea or from rivers by alluvium or dereliction within the Provinces of Bengal, Behar and Orissa. **EXTENT OF REPEAL. Section 8.**

**NUMBER AND YEAR. XX. of 1847. TITLE.** An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein. **EXTENT OF REPEAL. Section 17.**

**NUMBER AND YEAR. IV. of 1848. TITLE.** An Act for regulating Coroner's Juries. **EXTENT OF REPEAL. In Section 2 the words and figures "according to the provisions of Act No. II. of 1839"**.

**NUMBER AND YEAR. XVI. of 1848. TITLE.** An Act to remove certain restrictions on the salt trade. **EXTENT OF REPEAL. The whole.**

**NUMBER AND YEAR. XVIII. of 1848. TITLE.** An Act for the administration of the Estate of the late Nawab of Surat, and to continue privileges to his family. **EXTENT OF REPEAL. Sections 3 and 4.**

**NUMBER AND YEAR. I. of 1849. TITLE.** An Act to provide more effectually for the punishment of offences committed in Foreign States. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. VI. of 1849. TITLE.** For securing Military and Naval pensions and superannuation allowances. **EXTENT OF REPEAL. Sections 1 and 4.**

**NUMBER AND YEAR. XI. of 1849. TITLE.** For securing the Abkaree revenue of Calcutta. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. IX. of 1850. TITLE.** An Act for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay. **EXTENT OF REPEAL. Section 7. In Section 17 the words 'by action of debt or on the case.'**

**NUMBER AND YEAR. XI. of 1850. TITLE.** An Act to amend Act X., 1841. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XII. of 1850. TITLE.** For avoiding loss by the default of Public Accountants. **EXTENT OF REPEAL. Section 6.**

**SCHEDULE. Continued.**

**NUMBER AND YEAR. XIX. of 1850. TITLE.** Concerning the binding of Apprentices. **EXTENT OF REPEAL. Section 6.**

**NUMBER AND YEAR. XXV. of 1850. TITLE.** An Act for the forfeiture to Government of deposits made on incomplete sales of Land under Regulation VIII., 1819, and Act IV., 1846. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXVI. of 1850. TITLE.** An Act to enable improvements to be made in Towns. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXXI. of 1850. TITLE.** An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal. **EXTENT OF REPEAL. Sections 2 and 3.**

**NUMBER AND YEAR. XXXVII. of 1850. TITLE.** For regulating inquiries into the behavior of public servants. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XLIV. of 1850. TITLE.** An Act for consolidating the Board of Customs Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. VI. of 1851. TITLE.** Respecting certain Land in Bombay called Forsa Land. **EXTENT OF REPEAL. The whole.** **NUMBER AND YEAR. VIII. of 1851. TITLE.** An Act for enabling Government to levy tolls on public roads and bridges. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. V. of 1852. TITLE.** An Act for giving effect to the provisions of an Act of Parliament, passed in the 15<sup>th</sup> year of the reign of Her present Majesty, intituled "An Act for Marriages in India." **EXTENT OF REPEAL. Section 26.**

**NUMBER AND YEAR. XV. of 1852. TITLE.** An Act to amend the Law of Evidence. **EXTENT OF REPEAL. Section 14.**

**NUMBER AND YEAR. XVI. of 1852. TITLE.** An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company. **EXTENT OF REPEAL. Sections 10 and 27.**

**NUMBER AND YEAR. XIX. of 1852. TITLE.** An Act for securing the Abkaree revenue of Madras. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXIII. of 1852. TITLE.** To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively. **EXTENT OF REPEAL. The preamble and Section 1.**

**NUMBER AND YEAR. XXIX. of 1852. TITLE.** An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XI. of 1853. TITLE.** An Act to facilitate the removal of Nuisances and encroachments below High-water Mark in the Islands of Bombay and Colaba. **EXTENT OF REPEAL. In Section 7 the words "the East India Company as trustees for."**

**NUMBER AND YEAR. XX. of 1853. TITLE.** An Act to amend the law relating to Pleaders in the Courts of the East India Company. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. V. of 1854. TITLE.** An Act to amend Act No. V. of 1838, relating to the Bengal Bonded Ware-house Association. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. VII. of 1854. TITLE.** An Act for the apprehension, within the territories under the Government of the East India Company of persons charged with the commission of heinous offences beyond the limits of the said Territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them. **EXTENT OF REPEAL. Section 24.**

**NUMBER AND YEAR. XIII. of 1854. TITLE.** An Act to repeal Act No. VI. of 1852, and to make provision for defraying the cost of the Light House on Pedra Branca and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XVI. of 1854. TITLE.** An Act to amend Regulation CI. of 1831 of the Bengal Code. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XVIII. of 1836. TITLE.** An Act relating to Railways in India. **EXTENT OF REPEAL. Section 39.**

**NUMBER AND YEAR. XXIV. of 1854. TITLE.** An Act to prohibit the possession of certain offensive weapons in Malabar. **EXTENT OF REPEAL. In Section 1 from and including the words "and every person" to the end of the section. In Section 2 the words "after such date."**

**SCHEDULE. Continued.**

**NUMBER AND YEAR. XXVII. of 1854. TITLE.** An Act to amend the law relating to the Nazim of Bengal. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXX. of 1854. TITLE.** An Act to provide for the levy of duties of Customs in the Arracau, Pegu, Martabsn, and Tenasserin, Provinces.

**EXTENT OF REPEAL. Sections 1 and 12. NUMBER AND YEAR. XXXI. of 1854. TITLE.** An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. II. of 1855. TITLE.** An Act for the further improvement of the Law of Evidence. **EXTENT OF REPEAL. Section 17.**

**NUMBER AND YEAR. XXII. of 1855. TITLE.** An Act for the regulation of Forts and Port-dues. **EXTENT OF REPEAL. Section 1, and in Section 35 the words "or of the Honourable East India Company," Section 43.**

**NUMBER AND YEAR. XXIV. of 1855. TITLE.** An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts. **EXTENT OF REPEAL. Section 16.**

**NUMBER AND YEAR. XXVI. of 1855. TITLE.** An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors. **EXTENT OF REPEAL. So much of Section 5 as relates to persons dying in the service or in the marine service of the East India Company.**

**NUMBER AND YEAR. XXVIII. of 1855. TITLE.** An Act for repeal of the Usury Laws. **EXTENT OF REPEAL. Sections 1, 7, 8 and the schedule.**

**NUMBER AND YEAR. XXXII. of 1855. TITLE.** An Act relating to embankments. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXXVII. of 1855. TITLE.** An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose. **EXTENT OF REPEAL. Section 6.**

**NUMBER AND YEAR. VIII. of 1856. TITLE.** An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XI. of 1856. TITLE.** An Act for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty and of the East India Company in India. **EXTENT OF REPEAL. In the title and the preamble the words "and of the East India Company."**

**NUMBER AND YEAR. XII. of 1856. TITLE.** An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XIII. of 1856. TITLE.** An Act for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca. **EXTENT OF REPEAL. Section 1 from the beginning down to and including the words "operation, and" And the schedule.**

**NUMBER AND YEAR. XX. of 1856. TITLE.** An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars in the Presidency of Fort William in Bengal. **EXTENT OF REPEAL. Section 1 from the beginning down to and including the words "provided that"**

**NUMBER AND YEAR. XXI. of 1856. TITLE.** An Act to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal. **EXTENT OF REPEAL. Sections 1 and 89.**

**NUMBER AND YEAR. III. of 1857. TITLE.** An Act relating to trespass by Cattle. **EXTENT OF REPEAL. Sections 1 and 22.**

**NUMBER AND YEAR. IV. of 1857. TITLE.** An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay. **EXTENT OF REPEAL. Section 1. In Section 5 the words and figures "within the meaning of Act XXV. of 1836."**

**NUMBER AND YEAR. X. of 1857. TITLE.** An Act to amend Act XXXVII. of 1855. **EXTENT OF REPEAL. Section 1 from the beginning down to and including the words "this Act; and"**

**NUMBER AND YEAR. XIII. of 1857. TITLE.** An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal. **EXTENT OF REPEAL. Section 1.**

**SCHEDULE. Continued.**

**NUMBER AND YEAR. XXIX. of 1857. TITLE.** An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXX. of 1857. TITLE.** An Act for the levy of Port-dues and fees in the Fort of Calcutta. **EXTENT OF REPEAL. Section 7 from the beginning down to and including the words "said date."**

**NUMBER AND YEAR. XXXI. of 1857. TITLE.** An Act for levy of Port-dues and fees in the Port of Bombay. **EXTENT OF REPEAL. Section 6 from the beginning down to and including the words "said date."**

**NUMBER AND YEAR. XXXIV. of 1857. TITLE.** An Act relating to the sale of Ganjah in the Presidency of Bombay. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXXV. of 1857. TITLE.** An Act for the levy of Port-dues in the ports of Moulmein, Rangoon, Kyook Phyoo, Akyad and Chittagong. **EXTENT OF REPEAL. Section 5 from the beginning down to and including the words "said date."**

**NUMBER AND YEAR. II. of 1858. TITLE.** An Act for the levy of Port-dues in certain ports in the Province of Cuttack. **EXTENT OF REPEAL. Section 5. Section 6 from the beginning down to and including the words "said date."**

**NUMBER AND YEAR. III. of 1858. TITLE.** An Act to amend the law relating to the arrest and detention of State Prisoners. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. VIII. of 1858. TITLE.** An Act for the levy of Port-dues and fees in the Port of Kurrachee. **EXTENT OF REPEAL. Section 7. Section 8 from the beginning down to and including the words "said date."**

**NUMBER AND YEAR. XV. of 1858. TITLE.** An Act for the levy of Port-dues in the Port of Aden. **EXTENT OF REPEAL. Section 6 from the beginning down to and including the words "said date."**

**NUMBER AND YEAR. XXVIII. of 1858. TITLE.** An Act for the maintenance of a Police Force for the Port of Madras. **EXTENT OF REPEAL. Section 11.**

**NUMBER AND YEAR. XXXV. of 1858. TITLE.** An Act to make better provision for the care of the Estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XL. of 1858. TITLE.** An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. I. of 1859. TITLE.** An Act for the amendment of law relating to Merchant Seamen. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. III. of 1859. TITLE.** An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds. **EXTENT OF REPEAL. In Section 11 the words "or who shall be appointed Register of Deeds," and the words "and Registers of Deeds respectively."**

**NUMBER AND YEAR. VIII. of 1859. TITLE.** An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter. **EXTENT OF REPEAL. In Section 382 the words "in any Court of Judicature established by Royal Charter or" Section 387.**

**NUMBER AND YEAR. X. of 1859. TITLE.** An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal. **EXTENT OF REPEAL. Sections 1 and 167.**

**NUMBER AND YEAR. XI. of 1859. TITLE.** An Act to improve the law relating to sales of Land for arrears of revenue in the Lower Provinces under the Bengal Presidency. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XII. of 1859. TITLE.** An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XIV. of 1859. TITLE.** An Act to provide for the limitation of suits. **EXTENT OF REPEAL. Sections 18, 21 and 23, and in Section 19, the proviso..**

**NUMBER AND YEAR. XVII. of 1859. TITLE.** An Act to amend the law for the realization of revenue from Abkeree in the Island of Bombay. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XX. of 1859. TITLE.** An Act for the suppression of outrages in District of Malabar in the Presidency of Fort Saint George. **EXTENT OF REPEAL. Section 1.**

**SCHEDULE. Continued.**

**NUMBER AND YEAR. XXII. of 1859. TITLE.** An Act to amend Act I. of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay). **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXIV. of 1859. TITLE.** An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George. **EXTENT OF REPEAL. Sections 2 and 3 and the schedule down to and including the words "said clause."**

**NUMBER AND YEAR. XXV. of 1859. TITLE.** An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal. **EXTENT OF REPEAL. Section 19.**

**NUMBER AND YEAR. II. of 1860. TITLE.** An Act amend the law relating to the carriage of Passengers by Sea. **EXTENT OF REPEAL. In Section 1 the words and figures "under Act XV. of 1842," "under Act XXI. of 1844," "under Act XXXI. of 1855."**

**NUMBER AND YEAR. VIII. of 1860. TITLE.** An Act for regulating the establishment and management of Electric Telegraphs in India. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXIII. of 1860. TITLE.** An Act to amend Act XXI. of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal). **EXTENT OF REPEAL. Section 1, from the beginning down to and including the word 'repealed,' and the schedule.**

**NUMBER AND YEAR. XXV. of 1860. TITLE.** An Act for levy of Port-dues in the Port of Bassein. **EXTENT OF REPEAL. Section 5 from the beginning down to and including the words "said date."**

**NUMBER AND YEAR. XXVIII. of 1860. TITLE.** An Act for the establishment and maintenance of boundary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George. **EXTENT OF REPEAL. Sections 1 and 33.**

**NUMBER AND YEAR. XXXI. of 1860. TITLE.** An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases. **EXTENT OF REPEAL. Sections 1, 52 and 55.**

**NUMBER AND YEAR. XLV. of 1860. TITLE.** The Indian Penal Code. **EXTENT OF REPEAL. In Section 5 the words "or of the East India Company, or of any Act for the Government of the Indian Navy."**

**NUMBER AND YEAR. XLVI. of 1860. TITLE.** An Act to authorize and regulate the emigration of Native labourers to the French Colonies. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XLVIII. of 1860. TITLE.** An Act to amend Act XIII. of 1856 (for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca). **EXTENT OF REPEAL. Section 1, from the beginning down to and including the words "repealed and"**

**NUMBER AND YEAR. L. of 1860. TITLE.** An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. X. of 1861. TITLE.** An Act to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter. **EXTENT OF REPEAL. The whole.**

**NUMBER AND YEAR. XIV. of 1861. TITLE.** An Act to remove certain tracts of country in the Rohilkund Division from the jurisdiction of the tribunals established under the general Regulations and Acts. **EXTENT OF REPEAL. In Section 4 the words "shall not call for the futwah of its law officer and" Section 7.**

**NUMBER AND YEAR. XVI. of 1861. TITLE.** An Act for licensing and regulating stage carriages. **EXTENT OF REPEAL. Section 22.**

**NUMBER AND YEAR. XVII. of 1861. TITLE.** An Act to amend Act XIV. of 1843 (for regulating the Customs duties in the North-Western Provinces). **EXTENT OF REPEAL. Section 3. In the preamble from and including the words "and whereas due notice" down to and including the words "hereinafter provided"**

**NUMBER AND YEAR. XIX. of 1861. TITLE.** An Act to provide for a Government Paper Currency. **EXTENT OF REPEAL. Section 1. In Section 2 the words 'After the passing of this Act,' and the words "except the Banks of Bengal, Madras and Bombay, up to the said 1<sup>st</sup> day of March 1862, and "**

**NUMBER AND YEAR. XXIII. of 1861. TITLE.** An Act to amend Act VIII. of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter). **EXTENT OF REPEAL. Sections 1 and 43.**

**NUMBER AND YEAR. XXV. of 1861. TITLE.** An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter. **EXTENT OF REPEAL. Section 445, except so far as it empowers the Governor General in Council to extend the Act.**

**SCHEDULE. Continued.**

**NUMBER AND YEAR. IV. of 1862. TITLE.** An Act for regulating the Bank of Bengal. **EXTENT OF REPEAL. Sections 1 and 42, and the Second proviso in Section 11.**

**NUMBER AND YEAR. XIII. of 1862. TITLE.** An Act to provide for a new Silver and a new Copper Coinage. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XX. of 1862. TITLE.** An Act to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain Sections of Act VIII. of 1859 in the said High Court. **EXTENT OF REPEAL. Sections 7, 11 and 12.**

**NUMBER AND YEAR. XXIII. of 1862. TITLE.** An Act to amend Act XI. of 1862 (to amend the duties of Customs on goods imported and exported by sea). **EXTENT OF REPEAL. The whole.**

**NUMBER AND YEAR. I. of 1863. TITLE.** An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory. **EXTENT OF REPEAL. Sections 1 and 28.**

**NUMBER AND YEAR. VI. of 1863. TITLE.** An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India. **EXTENT OF REPEAL. Sections 2 and 230.**

**NUMBER AND YEAR. VIII. of 1863. TITLE.** An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XII. of 1863. TITLE.** An Act to bring the Purgunnahs of Mahoba and Jeitpore, in the District of Eumcerpore, under the operation of the General Regulations. **EXTENT OF REPEAL. Sections 2, 3, 4, 5, 6.**

**NUMBER AND YEAR. XV. of 1863. TITLE.** An Act to amend Act I. of 1859 (for the amendment of the law relating to Merchant Seamen). **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XIX. of 1863. TITLE.** An Act to consolidate and amend the law relating to the partition of Estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal. **EXTENT OF REPEAL. Section 1, and the 1<sup>st</sup> 8 words of Section 2. Section 50.**

**NUMBER AND YEAR. XX. of 1863. TITLE.** An Act to enable the Government to divest itself of the management of Religious Endowments. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XXIV. of 1863. TITLE.** An Act to amend Act I. of 1863 (to define the Jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory). **EXTENT OF REPEAL. Sections 4 and 5.**

**NUMBER AND YEAR. VII. of 1864. TITLE.** An Act for regulating the importation and manufacture of alimentary salt in the territories administered by the Chief Commissioner of the Central Provinces. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XII. of 1864. TITLE.** An Act to give further effect to the provisions of Act IV. of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah). **EXTENT OF REPEAL. Section 2.**

**NUMBER AND YEAR. XIII. of 1864. TITLE.** An Act to consolidate and amend the laws relating to the emigration of Native labourers. **EXTENT OF REPEAL. Sections 1 and 84, and Schedule A.**

**NUMBER AND YEAR. XVII. of 1864. TITLE.** An Act to constitute an Office of Official Trustee. **EXTENT OF REPEAL. Section 2.**

**NUMBER AND YEAR. XXII. of 1864. TITLE.** An Act to make provision for the Administration Military Cantonments. **EXTENT OF REPEAL. Sections 2, 37, and the schedule.**

**NUMBER AND YEAR. XXIV. of 1864. TITLE.** An Act relating to the Administration of certain Districts under the Government of the Lieutenant Governor of the North-Western Provinces. **EXTENT OF REPEAL. Section 15.**

**NUMBER AND YEAR. XXVIII. of 1864. TITLE.** An Act to provide for the extension of Act XXI. of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal) to the Provinces under the control of the Lieutenant Governor of the Panjab. **EXTENT OF REPEAL. Section 3.**

**NUMBER AND YEAR. XI. of 1865. TITLE.** An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the Ordinary Original Civil Jurisdiction of the High Courts of Judicature. **EXTENT OF REPEAL. Section 2, from the beginning down to and including the words "Provided that" And from and including the words "and all suits" down to the end of the Section.**

**SCHEDULE. Continued.**

**NUMBER AND YEAR. XIII. of 1865. TITLE.** An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their Original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns. **EXTENT OF REPEAL.** In Section 9 the words "From and after the date on which this Act shall come into operation," and in Sections 22, 23, 24 and 44, the words "From and after the commencement of this Act," Sections 45 46.

**NUMBER AND YEAR. XIV. of 1865. TITLE.** An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces. **EXTENT OF REPEAL.** Section 24.

**NUMBER AND YEAR. XV. of 1865. TITLE.** An Act to define and amend the law relating to Marriage and Divorce among the Parsees. **EXTENT OF REPEAL.** In Section 7 the words "who may be the Registrar appointed under Act XVI. of 1864 (to provide for the registration of assurances.)" In Section 53 the words "shall commence and take effect on the 1<sup>st</sup> day of September 1865, and"

**NUMBER AND YEAR. XIX. of 1865. TITLE.** An Act to define the jurisdiction of the Courts of Judicature of the Panjab and its Dependencies. **EXTENT OF REPEAL.** Sections 24 and 25.

**NUMBER AND YEAR. XX. of 1865. TITLE.** An Act to amend the law relating to Pleaders and Mookhtars. **EXTENT OF REPEAL.** Section 3 and the 1<sup>st</sup> schedule.

**NUMBER AND YEAR. IV. of 1866. TITLE.** An Act to amend the constitution of the Chief Court of Judicature in the Panjab and its Dependencies. **EXTENT OF REPEAL.** Sections 45, 52 and 54.

**NUMBER AND YEAR. V. of 1866. TITLE.** An Act to provide a summary procedure on Bills of Exchange, and to amend in certain respects the Commercial Law of British India. **EXTENT OF REPEAL.** In Section 2, the words "From and after the 1<sup>st</sup> day of May 1865."

**NUMBER AND YEAR. X. of 1866. TITLE.** The Indian Companies' Act. **EXTENT OF REPEAL.** Sections 219, 220, 221 and 222, and the 3<sup>rd</sup> schedule.

**NUMBER AND YEAR. XI. of 1866. TITLE.** An Act to repeal Act No. IV. of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company). **EXTENT OF REPEAL.** The whole.

**NUMBER AND YEAR. XIV. of 1866. TITLE.** The Indian Post Office Act, 1866. **EXTENT OF REPEAL.** In Section 1 the words "shall come into operation on the 1<sup>st</sup> day of May 1866," And Section 3..

**NUMBER AND YEAR. XX. of 1866. TITLE.** The Indian Registration Act, 1866. **EXTENT OF REPEAL.** Section 3, and Section 98 from the beginning down to and including "notwithstanding." Section 102.

**NUMBER AND YEAR. XXII. of 1866. TITLE.** An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimulgerry and Aurungabad. **EXTENT OF REPEAL.** In Section 1, the words "From and after the passing of this Act."

**NUMBER AND YEAR. XXVI. of 1866. TITLE.** An Act to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province. **EXTENT OF REPEAL.** Section 2.

**NUMBER AND YEAR. XXVII. of 1866. TITLE.** An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in Mortgagees and trustees in cases to which English law is applicable. **EXTENT OF REPEAL.** Section 1.

**NUMBER AND YEAR. XII. of 1867. TITLE.** An Act to amend the law relating to the custody of prisoners within the local limits of the Original Jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay. **EXTENT OF REPEAL.** Section 2 and the schedule.

**NUMBER AND YEAR. XVIII. of 1867. TITLE.** An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhansi Division. **EXTENT OF REPEAL.** Section 2.

**NUMBER AND YEAR. XXIV. of 1867. TITLE.** An Act to consolidate and amend the law relating to the office and duties of Administrator General. **EXTENT OF REPEAL.** Section 2 and the schedule.

**NUMBER AND YEAR. XXV. of 1867. TITLE.** An Act for the Regulation of Printing-presses and News-papers, for the preservation of Copies of Books Printed in British India, and for the Registration of such Books. **EXTENT OF REPEAL.** Sections 2 and 33.

**NUMBER AND YEAR. XXXIV. of 1867. TITLE.** An Act to repeal Act No. XIX. of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable. **EXTENT OF REPEAL.** The whole.

**NUMBER AND YEAR. XXXV. of 1867. TITLE.** An Act to provide temporary assistance to the Financial Commissioner of the Panjab. **EXTENT OF REPEAL.** The whole.

**SCHEDULE. Continued.**

**NUMBER AND YEAR. III. of 1868. TITLE.** An Act to authorize the Local Government of the Panjab to invest any person with the powers of an Assistant Commissioner or Tahsildar. **EXTENT OF REPEAL. Section 3.**

**NUMBER AND YEAR. VIII. of 1868. TITLE.** An Act for repealing certain enactments which have ceased to be in force or have become unnecessary. **EXTENT OF REPEAL. The whole.**

**NUMBER AND YEAR. XI. of 1868. TITLE.** An Act to exempt Timber and Woods from Import Duty. **EXTENT OF REPEAL. The whole.**

**NUMBER AND YEAR. XIII. of 1868. TITLE.** An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. XVI. of 1868. TITLE.** An Act to consolidate and amend the law relating to Principal Sadr Amins, Sadr Amins, and Munsifs in the Bengal, and for other purposes. **EXTENT OF REPEAL. Section 1 and the schedule.**

**NUMBER AND YEAR. XVII. of 1868. TITLE.** An Act to appoint a Commission to enquire into the failure of the Bank of Bombay. **EXTENT OF REPEAL. The whole.**

**NUMBER AND YEAR. XVIII. of 1868. TITLE.** An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes. **EXTENT OF REPEAL. Section 5.**

**NUMBER AND YEAR. XIX. of 1868. TITLE.** An Act to consolidate and amend the law relating to Rent in Oudh. **EXTENT OF REPEAL. Section 2.**

**NUMBER AND YEAR. XX. of 1868. TITLE.** An Act to give validity to the levy of certain duties in Lucknow. **EXTENT OF REPEAL. The whole.**

**NUMBER AND YEAR. XXIII. of 1868. TITLE.** An Act to give validity to certain Abkari Rules in British Burmah. **EXTENT OF REPEAL. In the preamble the words "and to indemnify all officers, farmers, and other persons who have acted under them, or under any such rules previously published or enforced under the same authority." And Section 2.**

**NUMBER AND YEAR. XXV. of 1868. TITLE.** An Act to define the jurisdiction of the Courts in Coorg. **EXTENT OF REPEAL. Section 24.**

**NUMBER AND YEAR. XXVIII. of 1868. TITLE.** An Act to define and amend the law relating to the tenancy of Land in the Panjab. **EXTENT OF REPEAL. Section 4.**

**NUMBER AND YEAR. II. of 1869. TITLE.** An Act for the appointment of Justices of the Peace. **EXTENT OF REPEAL. Section 2 and the schedule.**

**NUMBER AND YEAR. III. of 1869. TITLE.** An Act for the maintenance of the Rural Police in the North-Western Provinces. **EXTENT OF REPEAL. Section 2.**

**NUMBER AND YEAR. V. of 1869. TITLE.** The Indian Articles of War. **EXTENT OF REPEAL. Part I., clause (c), paragraphs 1, 2, and 3.**

**NUMBER AND YEAR. VI. of 1869. TITLE.** An Act to amend the law relating to the Emigration of Native labourers. **EXTENT OF REPEAL. Sections 10 and 11.**

**NUMBER AND YEAR. VII. of 1869. TITLE.** An Act to give validity to certain Rules relating to Forests in British Burmah. **EXTENT OF REPEAL. In the preamble the words "and to indemnify the officers and other persons who have acted under them;" Section 2.**

**NUMBER AND YEAR. VIII. of 1869. TITLE.** An Act further to amend the Code of Criminal Procedure. **EXTENT OF REPEAL. Section 2, paragraph 1.**

**NUMBER AND YEAR. XI. of 1869. TITLE.** An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay. **EXTENT OF REPEAL. Section 2.**

**NUMBER AND YEAR. XIV. of 1869. TITLE.** An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay. **EXTENT OF REPEAL. Section 2 and the schedule.**

**NUMBER AND YEAR. XVIII. of 1869. TITLE.** An Act for imposing Stamp Duties on certain Instruments. **EXTENT OF REPEAL. Section 2 and the schedule.**

**NUMBER AND YEAR. XX. of 1869. TITLE.** An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers. **EXTENT OF REPEAL. Section 3.**

**SCHEDULE. Continued.**

**NUMBER AND YEAR. XXII. of 1869. TITLE.** An Act to remove the Garo Hills from the jurisdiction of the tribunals established under the General Regulation and Acts, and for other purposes. **EXTENT OF REPEAL. Sections 2 and 3.**

**NUMBER AND YEAR. XXIV. of 1869. TITLE.** An Act to enhance the Price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay. **EXTENT OF REPEAL. Section 1.**

**NUMBER AND YEAR. VII. of 1870. TITLE.** The Court Fees' Act. **EXTENT OF REPEAL. Section 2 and the 3<sup>rd</sup> schedule.**

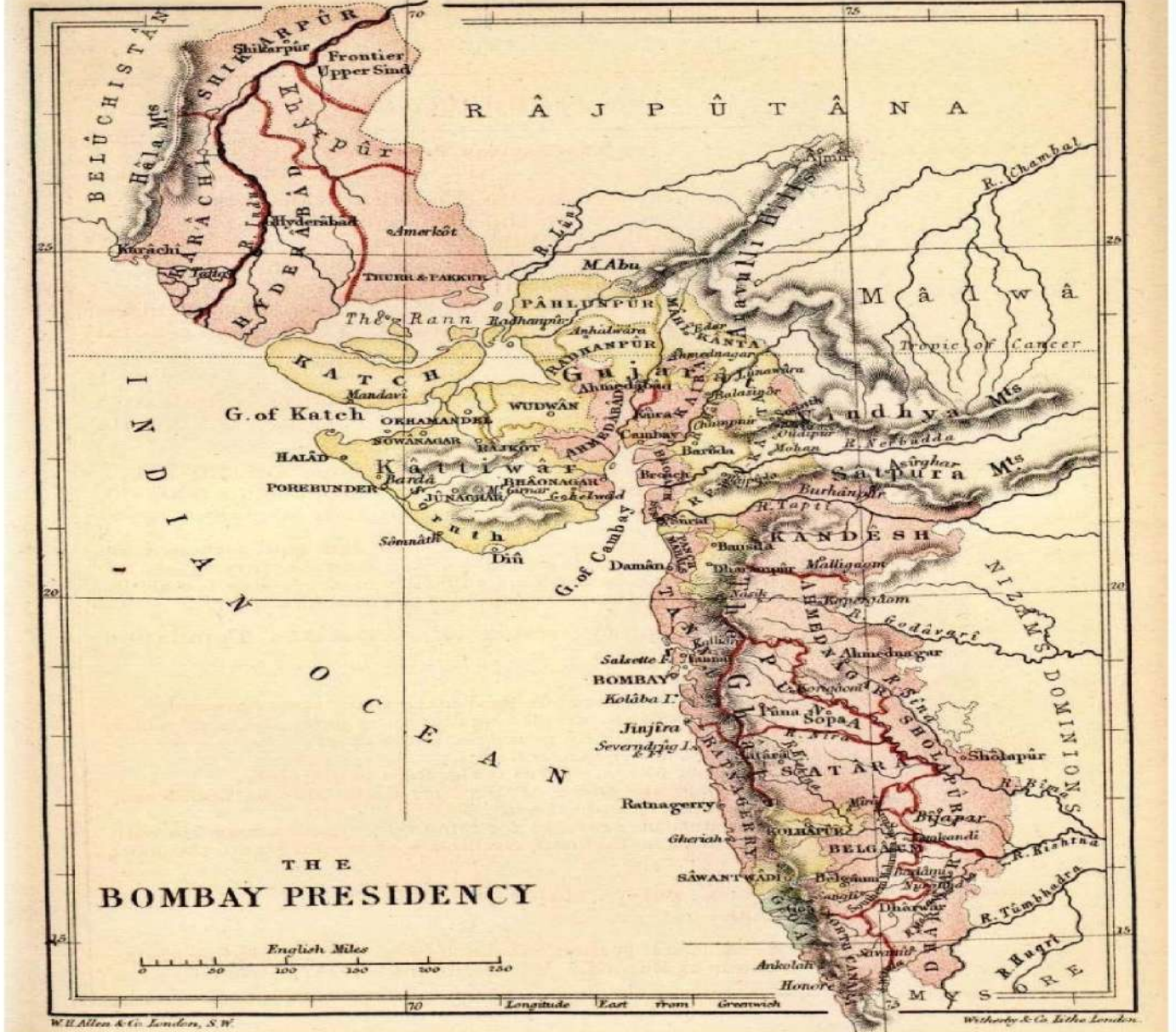
WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

SCHEDULE. Continued.



THE TERRITORIES OF THE BOMBAY HINDU AS SUCH THE HINDU PRESIDENCY COUNTRY UNDER-III, C-3, 33, CODE-I&IC, MUNICIPAL CORPORATION WARD-E TO C-I, C-II, C-III, C-IV, AS THE PRESENT ORIGINAL LEGAL OWNER OF THE HEREDITARY A HINDU JOINT A FAMILY OWNERS, "MANAGER" RIGHT, TITLES, CIVIL & JUDICIAL POWERS HINDU PROPERTY NUMBER-125, JOINT ESTATE ACCOUNT NUMBER-107, GRANT, AWARD SECTION-57, AND ORIGINAL AGREEMENT UNDER SECTION-58, SURVEY NUMBER-86/T, ESTATE NUMBERS-110-111, THE COLLECTOR ASSESSMENT NUMBER-3, ESTATE WARD-9(C) HOUSE WITH SHOPS PREMISES-26-30, 72&74, AND ESTATE WARD-17(E) HOUSE, PREMISES-29-32, 33-35, 37-39, FROM-S, 1/53 INTIMATION OF DISAPPROVAL UNDER SECTION-346 OF THE CITY OF BOMBAY MUNICIPAL ACT, 1888, P NO. 1609 OF 1909, UNDER SECTION-68 THE CITY OF BOMBAY MUNICIPAL ACT, 1888, AS AMENDED, THE MUNICIPAL COMMISSIONER HAS EMPOWERED THE EXECUTIVE ENGINEER, TO EXERCISE, PERFORM AND DISCHARGE THE POWERS, DUTIES AND FUNCTIONS CONFERRED AND IMPOSED UPON AND VESTED IN THE COMMISSIONER BY SECTION-346 OF THE SAID ACT, DATED 20<sup>TH</sup> AUGUST 1909, WARD 'C' -C-720-721, BY THE BOUNDARIES IMMOVABLE PROPERTY ACCOUNTS 'C' AND WARD 'E' -E-1513-1515, BY THE BOUNDARIES IMMOVABLE PROPERTY ACCOUNTS 'E', A HINDU MANAGER FAMILY TRUSTEE JOINT OWNERSHIP PROPERTIES RIGHT, TITLE CIVIL AND JUDICIAL POWERS CONVEYANCE REGISTRATION NO. E-2125 AND E-1074, AS B.M.P.P.J.-3617-52-50,800, MEMO OF THE TRANSFER OF BILLS FORM NO. 103, 11/36 FROM "F" WARD TO "C" WARD, SECTION NO. 5, WARD INSPECTOR SD/-, WARD SUPERINTENDENT, GRANTED AS SAME HANDOVER DATED 20<sup>TH</sup> APRIL 1953 AND 11<sup>TH</sup> NOVEMBER 1953, OF THE AMENDED BY THE CHAPTERS I TO XVI, SCHEDULES A TO Y & INDEXES A TO Y OF THE BILL OF 1865, INDIAN ACTS, OTHER ACTS AND BOMBAY ACTS OF 1870 TO 1879, THE BOMBAY MUNICIPAL CORPORATION ACT, 1888 AS AMENDED UP TO DATE, WON OWNER SUIT NUMBER 3204 OF 2009 NOTICE OF MOTION NO. 4306 OF 2009 IN SUIT NO. 3204 OF 2009 PASSED BY THE TERMS OF CONSENT TERMS ORDER DATED 08-03-2010 AS A CONSENT DECREE CERTIFICATE NUMBER 325/2013, AND CERTIFICATE NUMBER 339/2014, CONSENT DECREE NO. 5/2014, PASSED BY THE ORDINARY ORIGINAL CIVIL JURISDICTION OF THE HIGH COURT OF JUDICATURE AT BOMBAY, GRANT BY THE PRESENT COMPETENT CONTROLLING AUTHORITY, DATED 04-06-2014.



Sushma @ Susama Sukumar Samanta

Corresponding address the Presidency Town of City Bombay Estate, Owner Jurisdiction ward 9(C) and ward 17(E) Street Nos. 20-22, 26-30, at Building No. 30, Dhanji, Street, 1<sup>st</sup> Floor., Office Nos. 2-4, Bombay-3, Tel.: -022-23437034, Mob.: 09322234274, E-mail: <chemkopariwar@gmail.com>

Ref.

Date: 15-12-2016.

Sub: IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CHAMBER SUMMONS NO. 1355 OF 2016  
IN  
EXECUTION APPLICATION (L) NO. 916 OF 2015  
IN  
SUIT NO 3204 OF 2009

**SCHEDULE. Continued.**

**ADDITION**

**APPLICATION FOR EXECUTION UNDER SECTION 235 OF THE CODE OF CIVIL PROCEDURE AFFIDAVIT IN SUPPORT OF EXECUTION APPLICATION**

Sushma Samanta )... Plaintiff/Applicant

**Versus**

Ashok Suryakant Z averi (Since deceased) and 3 Ors. )...Defendants/Respondents

AND

The Bombay Municipal Corporation VI/68-69 under )  
Authorizations of City of Bombay Presidency )....Respondent

**Ref:** Court No. 20/45P.C.: 1. Not on board Upon mentioning, taken on board.

2. The High Court Legal Services Committee, Mumbai, shall appoint Mr. ShyamMehta, Senior Advocate, as legal aid Counsel to appear on behalf of Ms. Suhama Samanta in the above Chamber Summons. Order passed by the Shri Justice S. J. Kathawalla. Dated 21-09-2016. Form A Section 24, as Appointment Order No. HCLSC/ LA/1967/2016 Dated 29-09-2016

To,  
The Registrar/ Prothonotary & Senior Master,  
the Ordinary Original Civil Jurisdiction of the  
High Court of Judicature at Bombay,  
Court Room No. 23.

Respected Sir,

Be please to place the above matter before His Lordship the Hon`ble Mr. Justice S. J. Kathawalla on 24<sup>th</sup> January 2017 for final hearing of the aforementioned Chamber Summons. With Taking Possession. power to take possession in cases of urgency. Under Part II.-Acquisition. Section 17 of Act No. X. of 1870.

Dated this 15<sup>th</sup> day of December, 2016

Yours faithfully.

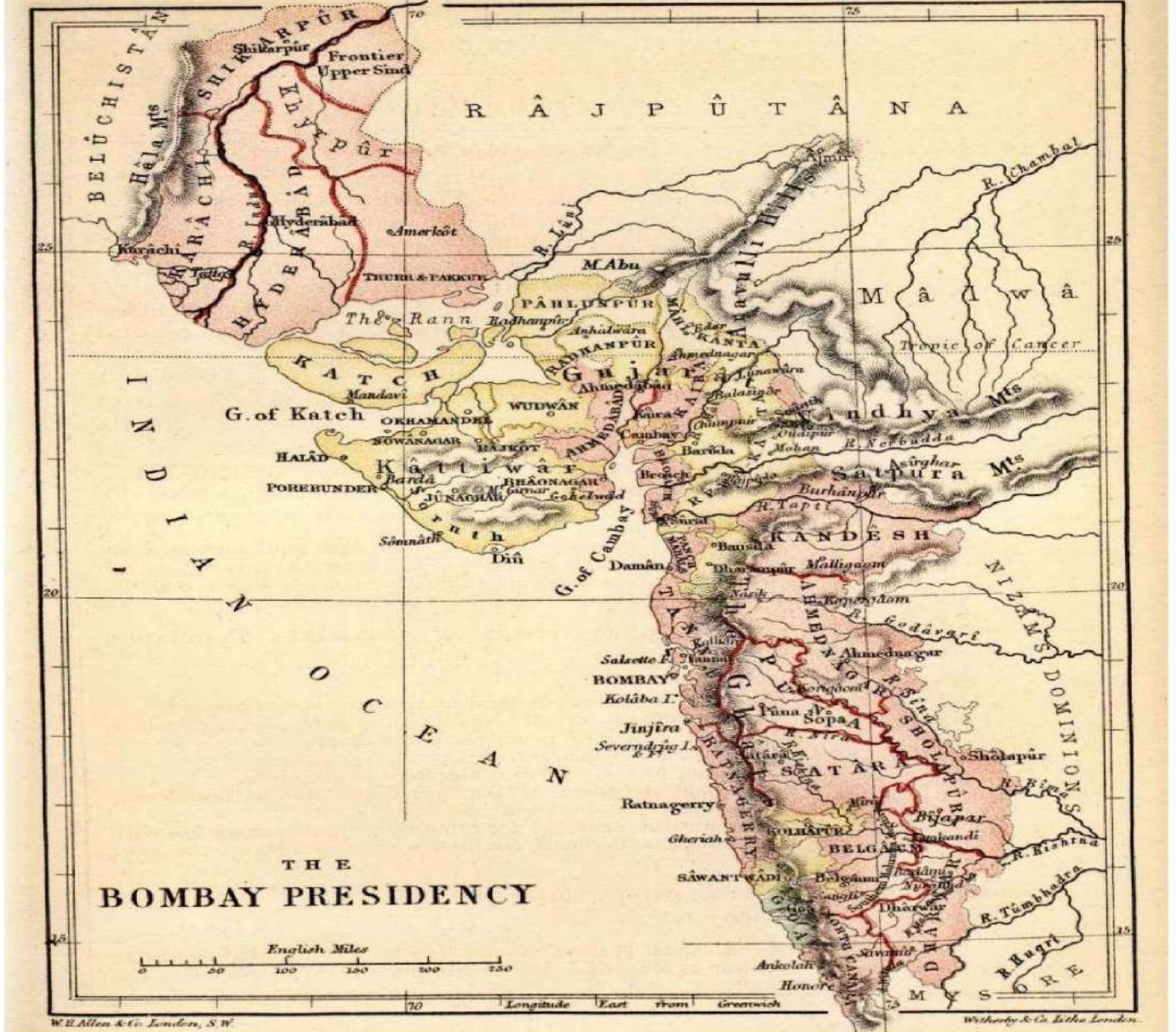
Sd/-

Sushma @ Susama Sukumar Samanta  
Party-Appears-in-Person

SCHEDULE. Continued.



THE TERRITORIES OF THE BOMBAY HINDU AS SUCH THE HINDU PRESIDENCY COUNTRY UNDER-III, C-3, 33, CODE-I&IC, MUNICIPAL CORPORATION WARD-E TO C-I, C-II, C-III, C-IV, AS THE PRESENT ORIGINAL LEGAL OWNER OF THE HEREDITARY A HINDU JOINT A FAMILY OWNERS, "MANAGER" RIGHT, TITLES, CIVIL & JUDICIAL POWERS HINDU PROPERTY NUMBER-125, JOINT ESTATE ACCOUNT NUMBER-107, GRANT, AWARD SECTION-57, AND ORIGINAL AGREEMENT UNDER SECTION-58, SURVEY NUMBER-86/T, ESTATE NUMBERS-110-111, THE COLLECTOR ASSESSMENT NUMBER-3, ESTATE WARD-9(C) HOUSE WITH SHOPS PREMISES-26-30, 72&74, AND ESTATE WARD-17(E) HOUSE, PREMISES-29-32, 33-35, 37-39, FROM-S, 1/53 INTIMATION OF DISAPPROVAL UNDER SECTION-346 OF THE CITY OF BOMBAY MUNICIPAL ACT, 1888, P NO. 1609 OF 1909, UNDER SECTION-68 THE CITY OF BOMBAY MUNICIPAL ACT, 1888, AS AMENDED, THE MUNICIPAL COMMISSIONER HAS EMPOWERED THE EXECUTIVE ENGINEER, TO EXERCISE, PERFORM AND DISCHARGE THE POWERS, DUTIES AND FUNCTIONS CONFERRED AND IMPOSED UPON AND VESTED IN THE COMMISSIONER BY SECTION-346 OF THE SAID ACT, DATED 20<sup>TH</sup> AUGUST 1909, WARD 'C' -C-720-721, BY THE BOUNDARIES IMMOVABLE PROPERTY ACCOUNTS 'C' AND WARD 'E' -E-1513-1515, BY THE BOUNDARIES IMMOVABLE PROPERTY ACCOUNTS 'E', A HINDU MANAGER FAMILY TRUSTEE JOINT OWNERSHIP PROPERTIES RIGHT, TITLE CIVIL AND JUDICIAL POWERS CONVEYANCE REGISTRATION NO. E-2125 AND E-1074, AS B.M.P.P.J.-3617-52-50,806, MEMO OF THE TRANSFER OF BILLS FORM NO. 103, 11/36 FROM "E" WARD TO "C" WARD, SECTION NO. 5, WARD INSPECTOR SD-, WARD SUPERINTENDENT, GRANTED AS SAME HANDOVER DATED 20<sup>TH</sup> APRIL 1953 AND 11<sup>TH</sup> NOVEMBER 1953, OF THE AMENDED BY THE CHAPTERS I TO XVI, SCHEDULES A TO Y & INDEXES A TO Y OF THE BILL OF 1865, INDIAN ACTS, OTHER ACTS AND BOMBAY ACTS OF 1870 TO 1879, THE BOMBAY MUNICIPAL CORPORATION ACT, 1888 AS AMENDED UP-TO DATE, WON OWNER SUIT NUMBER 3204 OF 2009 NOTICE OF MOTION NO. 4306 OF 2009 IN SUIT NO. 3204 OF 2009 PASSED BY THE TERMS OF CONSENT TERMS ORDER DATED 08-03-2010 AS A CONSENT DECREE CERTIFICATE NUMBER 325/2013, AND CERTIFICATE NUMBER 339/2014, CONSENT DECREE NO. 5/2014, PASSED BY THE ORDINARY ORIGINAL CIVIL JURISDICTION OF THE HIGH COURT OF JUDICATURE AT BOMBAY, GRANT BY THE PRESENT COMPETENT CONTROLLING AUTHORITY, DATED 04-06-2014.



Sushma @ Susama Sukumar Samanta

Corresponding address the Presidency Town of City Bombay Estate, Owner Jurisdiction ward 9(C) and ward 17(E) Street Nos. 20-22, 26-30, at Building No. 30, Dhanji, Street, 1<sup>st</sup> Floor., Office Nos. 2-4, Bombay-3, Tel.: -022-23437034, Mob.: 09322234274, E-mail: <chemkopariwar@gmail.com>

Ref. Date: 06-12-2016.

To,  
Shri Shyam Mehta Senior Advocate,  
5A, Sindhu House,  
3/5 Nanabhai Lane,  
Fort Bombay-1  
Mob.No. 9820038287

**SCHEDULE. Continued.**

**Sub: IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CHAMBER SUMMONS NO. 1355 OF 2016**

**IN  
EXECUTION APPLICATION (L) NO. 916 OF 2015**

**IN  
SUIT NO 3204 OF 2009  
ADDITION**

**APPLICATION FOR EXECUTION UNDER SECTION 235 OF THE CODE OF CIVIL PROCEDURE AFFIDAVIT IN  
SUPPORT OF EXECUTION APPLICATION**

Sushma Samanta )... Plaintiff/Applicant

**Versus**

Ashok Suryakant Zaveri (Since deceased) and 3 Ors. )...Defendants/Respondents

AND

The Bombay Municipal Corporation VI/68-69 under )  
Authorizations of City of Bombay Presidency ).....Respondent

**Ref:** P.C.: 1. Not on board Upon mentioning, taken on board.

2. The High Court Legal Services Committee, Mumbai, shall appoint Mr. Shyam Mehta, Senior Advocate, as legal aid Counsel to appear on behalf of Ms. Suhama Samanta in the above Chamber Summons. Order passed by the Shri Justice S. J. Kathawalla. Dated 21-09-2016. Appointment Order No. HCLSC/LA/1967/2016 Dated 29-09-2016

Respected Mr. Shyam Mehta Senior Advocate,

**I.** As per **Dated-15-12-1899** In the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction **Suit Number 56 of 1899** passed by the order & decree.

**Dated-08-01-1902** Application for Execution under **Section-235** passed by the order decree under **Sections-245 & 246.**

**Dated-18-10-1903** Passed by the order Execution of decree under **Section-337** of the Code of Civil Procedure. **Estate Nos. 110-111.** Dated 18<sup>th</sup> October, 1903.

**Dated-27-05-1909** Issue to A. M. I. C. E., Deputy Executive Engineer, Drainage For Executive Engineer. **To P 2863 of 27-05-9 D-VI/31 MUNICIPALITY OF BOMBAY. DETAILED DIRECTIONS FOR DRAINAGE OF HOUSE NO.....Street.....Ward.** (See **Sections 231, 234, 239, 240** and **243** of the City of Bombay Municipal Act, 1888, as Amended by the City of Bombay Municipal (Amendment) Act, 1905.). **P No. 257 of 1909.**

**D**

**House-Owners desiring to drain their premises by a pipe-drain instead of an open-drain.**

“.....

**NOTE.-**A person occupying any building before arrangements necessary for the effectual drainage of such buildings are carried out in accordance **with Municipal requirements will render himself liable to a penalty of Rupees. 500 under Section-234 of the City of Bombay Municipal Act, 1888.** General rules for the laying of pipe-drains, erection of all cast-iron pipes and their fittings and testing the same.”

**Dated-20-08-1909.** Issue to the Deputy Health Officer remarks. Letter sent by the issue *Superintendent, S. & B. 20 W Division. M. INST. C. E., M. I. MECH. E., &c., Executive Engineer, Bombay Municipality.*

**FORM--S.**

**1/53**

**Intimation of Disapproval under Section-346 of the City of Bombay Municipal Act, 1888. P-No. 1609 of 1909-1910 MEMORANDUM MUNICIPAL OFFICE BOMBAY, 20<sup>th</sup> August 1909.**

With reference to your Notice, dated the 4<sup>th</sup> August 1909 and delivered on the same date and the Plans, Section, Specification and Description and further particulars and details of your building at.....furnished to me under your..... dated the ..... 190 ,

**I beg to inform you that, I cannot approve the building or work proposed to be erected or executed, and I therefore hereby formally intimate to you under Section 346 of the City of Bombay Municipal Act, 1888,** as amended by the City of Bombay Municipal (Amendment) Act, 1905, my disapproval thereof by reason:

(a) That proper gutters and down-pipes are not intended to be put up to prevent water dropping from the eaves of the roof on the public street.

(b) That the drainage work generally is not intended to be executed in accordance with the Municipal requirements. Detailed Directions for Drainage will be forwarded to you hereafter.

**SCHEDULE. Continued.**

(c) That the water arrangement is not intended to be carried out in accordance with the accompanying instructions for the same.

Subject to your so modifying your intentions as to obviate before mentioned objections and meet my requirements, but not otherwise, you will be at liberty to proceed with the said building or work at any time before the **20<sup>th</sup> day of August 1910** but not so as to contravene any of the provisions of the said Act, as Amended as aforesaid, or any by-law made under that Act at the time of force.

It is to be understood that the foundations must be excavated down to hard soil and that this intimation gives no right to build upon ground which is not your property.

The positions of the Nathans and other appurtenances in the building should be so arranged as not to necessitate the laying of drains inside the building.

Your attention is drawn to the notice on the reverse.

**B. G. Press-126-3.08**

**NOTE.**-Under **Section 68** of the *City of Bombay Municipal Act, 1888, as Amended, the Municipal Commissioner has empowered the Executive Engineer, to exercise, perform and discharge the powers, duties and functions conferred and imposed upon and vested in the Commissioner by Section 346 of the said Act.*

**Under by-law No. 5 the Commissioner has fixed the following levels:-**

“Every person who shall erect a new domestic building shall cause the same to be built so that every part of the plinth shall be-

“(a) Not less than 2 feet above center of *the adjoining street at the nearest point at which the drain from such building can be connected with the sewer then existing or thereafter to be laid in such street.*

“(b) Not less than 2 feet above every portion of the ground within 5 feet of such building.

“(c) Not less than 88 feet 5 inches above Town Hall Datum.”

**NOTES.**-The Municipal Commissioner considers that certain alterations to the building(particulars whereof are stated in the accompanying memo)are necessary to render it fit for human habitation. It must therefore be understood that if these alterations be not carried out, the house will be declared unfit for human habitation and prohibited from being used as a dwelling, **pursuant to the authority in that behalf vested in the Commissioner by Government under the Epidemic Diseases Act, 1897.**

**2** **Dated-25-04-1947.** Issue to your obedient Servant, for Assessor & Collector. **B.M.P.P.J.-1230-51-45,000, 1-3** Bombay Municipality **Form No. 24-VII/172** Bearing **843** of 1947-48 Sub:-Amount of taxes to be recovered from the tenant under **Section 147** of the Municipal Act for subletting of property **C ward No. 720-21, Street No. 26-30, Dhanji Street.**

**Dated-01-10-1951.** Issue to Assessor & Collector. **BOMBAY MUNICIPAL CORPORATION, B.M.P.P.J.-1230-51-45,000.** Bill Page No. 8642 for property taxes, for 1951-52 Form No. **24-VII/172 Ward 9(C) C-720 & 721** House with shops **Streets 26-30, Dhanji Street. Bill No. 8560.**

**I.-APPEAL AGAINST TAXES,** The time within which an appeal may be preferred under **Section 217** of the Bombay Municipal Corporation Act.

**II.-INSTRUCTIONS REGARDING DRAWBACKAND REFUND IN RESPECT OF VACANCIES,** (1) Applications for one-fifth drawback of the General Tax under **Section 158(2)** are required to be made during the months of June and December every year. Copies of the Drawback Rules are available at the Assessor and Collector's office. (2) Refund of taxes on account of vacancies is allowed subject to the provisions of **Sections 174 to 179** in respect of a building or land or a floor of a building or self-contained flat or block or godown or shop, ".....

**III.-PROOF OF PAYMENT,** "Rate-payers are warned that mere production of a bill will not be accepted as a proof of payment unless it is accompanied by the relevant Receipt.

**N.B.-**Please communicate any change in your address to facilitate presentation of Bills to you in due time."

**Dated-01-10-1952.** Issue to Assessor & Collector. **BOMBAY MUNICIPAL CORPORATION, B.M.P.P.J.-1496-.....-** ... Page No. 17300 Bill for property taxes, for 1951-52 As per **Section 197** of the Bombay Municipal Corporation Act. **Form No. 24-VII/172** This is a Bill-Cum-Receipt. It should be got duly discharged on payment Period **1-10-1952 to 31-3-1953** Ward **17(E) E-1513-1515** House **Streets 20-22, Bill No. 7493.,**

**I.-APPEAL AGAINST TAXES,** The time within which an appeal may be preferred under **Section 217** of the Bombay Municipal Corporation Act.

**II.-INSTRUCTIONS REGARDING DRAWBACKAND REFUND IN RESPECT OF VACANCIES,** (1) Applications for one-fifth drawback of the General Tax under **Section 158(2)** are required to be made during the months of June and December every year. Copies of the Drawback Rules are available at the Assessor and Collector's office. (2) Refund of taxes on account of vacancies is allowed subject to the provisions of **Sections 174 to 179** in respect of a building or land or a floor of a building or self-contained flat or block or go down or shop, ".....

**N.B.-**Please communicate any change in your address to facilitate presentation of Bills to you in due time."

**Dated-20-04-1953.** Issue to Ward Inspector SD/-, Ward Superintendent, B.M.P.P.J.-**3617-52-50,000. MEMO OF THE TRANSFER OF BILLS FROM NO. 103., 11/36** From "E" Ward to "C" Ward. **Section No. 5,** Addressed to **30/34Dhanji Street,**

**SCHEDULE. Continued.**

**Dated-18-01-1954.** Issue to Head Supervisor, B.M.P.P.-J.-2582-52-10,000. **II/653 PUBLIC HEALTH DEPARTMENT NOTICE OF DEMAND Nos. 2462 & 2463** Notice under **Section 368** of the Municipal Corporation Act, 1888, as Amended up-to-date. "..... Owner premises No. **20-22.** "..... Behalf by **Section 471** of the Act, "....."

**Dated-27-12-1954.** Issue to Municipal Commissioner for Greater Bombay, B.M.P.P.-J.-3143-54-30,000. **BOMBAY MUNICIPAL CORPORATION 'E' No. 2414** of 1954-1955, Special Notice in pursuance of **Section 167** of the Bombay Municipal Corporation Act. Ward No. **E-1513-15**, Owner of House premises **Street Nos. 20-22,**

*You are hereby informed that the Assessment Book has been Amended under the provisions of Section 167 of the Bombay Municipal Corporation Act, by (a), (b), (c), (d),* Bombay Municipal Commissioner's Office.,

**Dated-25-07-1956.** With All these original documents and all judicial documents, are in control Issue of the Assistant Engineer, Drainage-( )-KBG./500-Cs./3-11-55. Drainage Engineer, (Maintenance). Municipal Commissioner for Greater Bombay. **BOMBAY MUNICIPAL CORPORATION** (Drainage Branch) under Notice Nos. 1 & 1A Drainage Nos. 1001-N & 1001 issue of the Notice under **Sections 231, 257 and 260** of the Municipal Corporation Act, 1888, as Amended up-to-date.

".....  
House of the Owners premises **Street Nos. 20-22**  
".....

Whereas upon an inspection and examination made under the provisions of the City of Bombay Municipal Corporation Act, 1888, as Amended up-to-date, And whereas pursuant to the provisions of Section 231 of the Bombay Municipal Corporation Act, the Following works are, with the approval of the Standing Committee of this Corporation under S.C.R. No. 1962 of 15-1-2-54 or 15-12-54 in my opinion, urgently necessary to be executed by you and other owners of the several other premises,

".....  
Any such expenses as aforesaid which may eventually be claimed from you and may, if necessary, be declared to be improvement expenses pursuant to **Section 494** of the said Act and as such a charge upon the said property."

As per interest of justices-

**3** I described clearly and particularly evidence **PRINCIPAL ACT OF AMENDED BILL OF THE CODE OF CIVIL PROCEDURE 1865.-PREAMBLE.** WHEREAS it is expedient to consolidate and amend the law relating to the Procedure of the Courts of Civil Judicature in British India; It is enacted as follows:-

".....

**CHAPTER II.-OF THE JURISDICTION OF THE COURTS., Suits for immovable property situate in single District, but within jurisdictions of different Courts., SECTION 20.** If the suit be for immovable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within whose jurisdiction any portion of the property is situate, provided that, in respect of the value of the property in suit, the entire claim be cognizable by such Court. In such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same, and the District Court, after hearing the objections, if any, of the defendant, may grant such authority.

**ACT NO. XII, OF 1879.-Amendment of Section 139., CODE 20., In Section 139, for the words and figures "production of which has been called for under section 138 and which has not been produced" the words and figures "which should have been, but has not been, produced in accordance with the requirements of section 138" shall be substituted.**

**CHAPTER-IV.-OF INJUNCTIONS. Injunction to restrain repetition or continuance of breach., SECTION 139.,** In any suit for restraining the defendant from committing a breach of contract of other injury and whether damages be claimed in the suit or not, the plaintiff may at any time after the commencement of the suit, and either before or after judgment, apply to the Court for an injunction to restrain the defendant from the repetition or the continuance of the breach of contract or wrongful act complained of, or the committing of any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right. Such injunction may be granted by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to the Court shall seem proper. In case of disobedience, an injunction granted under this Section or Section 135 may be Enforced By the imprisonment of the defendant or the attachment of his movable property or both.

**CHAPTER-IV.-OF INJUNCTIONS. Cases in which an injunction to stay waste &c., may be granted., SECTION 135.,** If it be shown to the satisfaction of the Court that any property which is in dispute in a suit is in danger of being wasted, damaged or alienated by any part to the suit, the Court may issue an injunction to such party, commanding him to refrain from doing the particular act complained of, or threatened, or give such other order for the purpose of staying and preventing the wasting, damaging or alienation of the property as to the Court may seem meet.

**CHAPTER-IV.-OF INJUNCTIONS. When the Collector may be appointed receiver., SECTION 138.,** If the property be land revenue to Government, and the Court shall consider that the interest of those concerned will be promoted by the management of the Collector, the Court may appoint the Collector to be Receiver and Manager of such land, unless the Government shall by any general order prohibit the appointment of Collector for such purpose, or shall in any particular case prohibit the appointment of the Collector to be such Receiver and Manager.

**CHAPTER II.-OF THE JURISDICTION OF THE COURTS., Suits for immovable property situate in different Districts., SECTION 21.** If the immovable property be situate within the limits of different Districts, the suit may be brought in any Court otherwise competent to try it, within whose jurisdiction any portion of the property is situate. In such case the Court in which the suit is brought shall apply to the High Court for authority to proceed with the same. If the suit is brought in any Court subordinate to a District Court, the application shall be submitted through the District Court to which such Court is subordinate. The High Court after hearing the objections, if any, of the defendant, may grant such authority.

**ACT NO. XII, OF 1879.- Amendment of Section 207., CODE 21., In Section 207, for the words "or numbers" to the end the following words shall be substituted (namely):-**

**"or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers."**

**CHAPTER-IV.-OF THE SETTLEMENT OF ISSUES. Amendment of issues. Additional issues., SECTION 207.,** The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it shall think fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

**CHAPTER II.-OF THE JURISDICTION OF THE COURTS., Suits for immovable property situate in Districts subject to different High Courts., SECTION 22.** If the Districts within the limits of which the immovable property is situate, are subject to different High Courts, the application shall be submitted to the High Court to which the District in which the suit is brought is subordinate; and such High Court may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

**ACT NO. XII, OF 1879.-Amendment of Sections 211 and 212., CODE 22.,In Section 211, for the words "land or other," the words "the recovery of possession of immovable" shall be substituted; to the same section the words "together with interest on such profits" shall be added; and section 212 before the word "immovable" the words "the recovery of possession of " shall be inserted.**

**CHAPTER-IV.-WHEN THE SUIT MAY BE DISPOSED OF AT THE FIRST HEARING. If one of several defendants be not at issue with the plaintiff of any question of law or fact., SECTION 211.,** Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or fact, the Court may at once give judgment for or against such defendant, and the suit shall proceed only against the other defendants.

**CHAPTER-IV.-WHEN THE SUIT MAY BE DISPOSED OF AT THE FIRST HEARING. If the parties are at issue on questions of law or fact., Court may determine the issues and give judgment., SECTION 212.,** When the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court shall be satisfied that no further argument or evidence than such as the parties can at once supply is required upon any such of the issues of law or of fact as may be sufficient for decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issue or issues, and if the finding thereon is sufficient for the decision may pronounce judgment accordingly, whether the summons shall have been issued for the settlement of issues only or for the final disposal of the suit; otherwise the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence or for such further argument as the case may require.

**CHAPTER-III.-GENERAL RULES. Declaratory suit., SECTION 26.,** No suit shall be open to objection on the ground that a merely declaratory decree or order is sought thereby; and it shall be lawful for the Courts to make binding declarations of right, whether present or future, without granting consequential relief:

Provided that no Court shall make any such decree or order unless it could, if required, act upon it by giving consequential relief.

A trustee may institute a suit to obtain a declaration of the respective rights of the persons interested in the trust estate.

**ACT NO. XII, OF 1879.- Amendment of Section 229., CODE 26., In Section 229, for the words "Native Prince or State in India" the words "Foreign Prince or State" shall be substituted.**

**CHAPTER-IV.-SERVICE OF SUMMONS ON PERSONS REQUIRED TO CIVIL EVIDENCE OR PRODUCE DOCUMENTS. Service to be on witness, or adult male member of his family., SECTION 229.,** Whenever it may be practicable, the service of the summons shall be upon the person thereby required to attend; but when such person cannot be found, the service may be made on an adult male member of his family residing with him.

**CHAPTER-III.-GENERAL RULES. Appearances, Acts and applications may be in persons, by recognized agent or by Advocate., SECTION 27.,** Any appearance, act or application in or to any Court, made or done by a party to a suit in such Court, may, except when otherwise expressly provided by this Code, be made or done by the party in person or by his recognized agent, or by an Advocate duly appointed to act on his behalf: Provided that any such appearance shall be made by the party in person if the Court shall so direct.

**ACT NO. XII, OF 1879.-Amendment of Section 230.,CODE-27., In Section 230, Clause (b), for the words "the payment of money or the delivery of property by installments—the date of the default in paying or delivering the installment" the following words shall be substituted (namely):"Any payment of money, or the delivery of any property, to be made at a certain date—the date of the default in making the payment or delivering the property." shall be inserted.**

**CHAPTER-IV.-SERVICE OF SUMMONS ON PERSONS REQUIRED TO CIVIL EVIDENCE OR PRODUCE DOCUMENTS.** *When summons cannot be served, to be returned to Court.*, SECTION 230., When the person required to attend cannot be found and there is no adult male member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from which is issued with an endorsement thereon that he has been unable to serve it.

**CHAPTER-III.-GENERAL RULES.** *Each of several plaintiffs or defendants may authorize any other to appear, plead and act for him, Authority to be in writing, signed and filed.*, SECTION 28., When there are more plaintiffs than one, any one or more of them may be authorized to appear, plead and act for any other of them; and in like manner when there are more defendants than one, any one or more of them may be authorized to appear, plead and act for any other of them: Provided that the authority shall be in writing signed by the parties giving it, and shall be filed in Court.

**ACT NO. XII, OF 1879.-Amendment of Section 232., CODE 28.** *In Second proviso to Section 232, after the word "Decree" the words "for money" shall be inserted.*

**CHAPTER-IV.-SERVICE OF SUMMONS ON PERSONS REQUIRED TO CIVIL EVIDENCE OR PRODUCE DOCUMENTS.** *Service of summons on witness resident in another jurisdiction.*, SECTION 232., If the person required to attend be resident within the jurisdiction of any Court other than that in which the suit is pending, the summons shall be transmitted by the Court in which the suit is pending to any Court other than a High Court having jurisdiction at the place where the witness resides, by which it can be most conveniently served; and the Court to which the summons is sent shall, upon receipt thereof, deliver the same to the proper Officer of such Court, to be served in the manner above directed. Upon the return of the summons by the serving officer, it shall be sent to the Court from which it originally issued.

**CHAPTER-III.-GENERAL RULES.** *Recognized agents.*, 1<sup>st</sup>.-Persons holding powers of attorney from parties out of jurisdiction., 2<sup>nd</sup>.-Persons carrying on trade or business for parties out of jurisdiction., 3<sup>rd</sup>.-Persons authorized to act for Government., 4<sup>th</sup>.-Person specially appointed by Government to prosecute or defend a suit for Prince or Chief., 5<sup>th</sup>.-Persons specially authorized by infirm persons to appear, sue or defend., 6<sup>th</sup>.-Persons specially authorized to act for women exempt from appearing., SECTION 29. The recognized agents of parties by whom such appearances, acts and applications may be made or done are-

1<sup>st</sup>.-Persons holding general powers of attorney from parties not within the jurisdiction of the District Court within the limits of which the appearance or application is made, authorizing them to make and do such appearances, acts and applications on behalf of such parties.

2<sup>nd</sup>.-Persons carrying on trade or business for and in the names of parties not within the jurisdiction of the District Court within the limits of which the appearance, act or application is made or done in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, acts and applications.

3<sup>rd</sup>.-Persons being ex-officio or otherwise authorized to act for Government in Respect of any judicial proceeding.

4<sup>th</sup>.-Persons specially appointed by an order of Government, at the request of any Sovereign Prince or independent Chief, whether residing within or without British India, to prosecute or defend a suit on his behalf.

5<sup>th</sup>.-Persons holding special powers of attorney from parties who by reason of bodily infirmity are unable without risk or serious inconvenience to attend the Court in person, authorizing them to appear, sue, or defend in a particular suit.

6<sup>th</sup>.-Persons holding special powers of attorney from women exempt under Section 41 from appearing in Court authorizing them to appear, sue or defend in a particular suit.

**ACT NO. XII, OF 1879.-Amendment of Section 235., CODE 29.** *In Section 235, for the words "in manner hereinbefore provided for the verification of complaints," the following words shall be substituted (namely):-"by the applicant or by some other person proved to the satisfaction of the Court, to be acquainted with the facts of the case."*

**CHAPTER-III.-EXEMPTION FROM PERSONAL APPEARANCE.** *Recognized agents.*, SECTION 41., Women, who according to the customs and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

**ACT NO. XII, OF 1879.-Amendment of Section 268., CODE 41.** *For the last paragraph of Section 268, the following shall be substituted (namely):-*

*"In the case of the salary of a public officer or the servant of Railway Company, the attachment shall be made by a written order requiring the officer whose duty it is to disburse the salary to withhold every month such portion as the Court may direct, until the further orders of the Court.*

*"A copy of every such order shall be fixed up in a conspicuous part of the Court-House, and shall be served on the officer so required.*

*"Every such officer may from time to time pay into Court any portion so withheld, and such payment shall discharge the Government or the Railway Company, as the case may be, as effectually as payment to the judgment-debtor."*

**CHAPTER-IV.-OF THE EXAMINATION OF WITNESSES.** *Court may record remarks on demeanour of witnesses.*, SECTION 268., The Court may record such remarks as it may think material respecting the demeanour of any witness while under examination.

**CHAPTER-III.-GENERAL RULES. Service of process on recognized agent., SECTION 30.** Processes served on a recognized agent relative to a suit shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct. The provisions of this Code relative to the service of process on a party to a suit shall be applicable to the service of process on such recognized agent.

**ACT NO. XII, OF 1879.-Amendment of Sections 236 and 237., CODE 30.** In Sections 236 and 237, for the words "If the application be," the words "Whenever an application is made" shall be substituted.

**CHAPTER-IV.-OF THE EXAMINATION OF PARTIES AS WITNESSES. Party appearing in person may be examined as witness., SECTION 236.** When a party to a suit appears in person at any hearing of the suit, he may be examined as a witness, either on his own behalf or on behalf of any other party to the suit, in the same manner as if he were not a party.

**CHAPTER-IV.-OF THE EXAMINATION OF PARTIES AS WITNESSES. Special application to enforce appearance of party as witness., SECTION 237.** If a party to a suit shall require to enforce the appearance of any other party thereto as a witness, he shall make a special application to the Court for an order requiring the appearance of such party, and shall show, to the satisfaction of the Court, sufficient ground in support of such application, otherwise a summons shall not be issued.

**CHAPTER-III.-GENERAL RULES. Agent to receive process., His appointment to be in writing and to be filed in Court., SECTION 34.** Besides the recognized agents described in Section 29, any person residing within the jurisdiction of the Court may be appointed an agent to receive processes. The appointment of such agent shall be in writing, signed by the principal, and the original appointment, or a copy thereof if the appointment be a general one, shall be filed in Court.

**ACT NO. XII, OF 1879.-Amendment of Section 252., CODE 34.** In Section 252, for the words "If no such property can be found and the judgment-debtor," the words "If no such property remains in the possession of the judgment-debtor, and he" shall be substituted.

**CHAPTER-IV.-QUESTIONS RESPECTING RELIGION OR CUSTOM. Procedure where case in which a District Court shall have given an opinion comes on appeal before such Court., SECTION 252.** When any case in which the District Court shall have given an opinion on a question referred to it under Section 243 shall come in appeal before such Court, and the same point shall arise upon the hearing of such appeal, the opinion so given shall be treated as bidding upon the Court. Provided that if the Judge shall see reason to alter such opinion, or if the parties to the suit agree in requiring him to refer the point for the decision of the High Court, he may refer such point accordingly with his own opinion thereon.

**CHAPTER-IV.-QUESTIONS RESPECTING RELIGION OR CUSTOM. Provision as to question arising in Court subordinate to District Court, relating to the law of the religion or customs of any suitor., SECTION 243.** In any suit pending in any Court subordinate to the District Court, in which any question relating to the law of the religion or the established customs of the parties or any of them shall arise, the Court may either take the evidence of any person learned in such law or customs, or may refer to any recognized authority thereupon, or may receive from any of the parties, a written opinion of any other person quoting or referring to any such authority; or the Court may, of its own accord, or on the application of any of the parties refer the question, with a statement of such of the circumstances of the case as may appear necessary for the elucidation of the same, for the opinion of the District Court.

**CHAPTER XIV.-SPECIAL RULES RELATING TO THE HIGH COURTS. Sections 27, 28, 29, 30 and 34, not to apply to High Court., SECTION 652.** The following Sections shall not apply to the High Court in the exercise of its Ordinary Original Civil Jurisdiction namely, Sections 27, 28, 29, 30 and 34.

**CHAPTER-IV.-SERVICE OF SUMMONS ON PERSONS REQUIRED TO CIVIL EVIDENCE OR PRODUCE DOCUMENTS. Time and manner of service to be endorsed on summons., SECTION 231.** The serving Officer shall, in all cases in which the summons has been served, endorse on the original summons the time when and the manner in which it was served.

**CHAPTER-IV.-SERVICE OF SUMMONS ON PERSONS REQUIRED TO CIVIL EVIDENCE OR PRODUCE DOCUMENTS. If witness appears attachment may be withdrawn., SECTION 234.** If, on the attachment of his property, such person shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as it shall deem fit.

**CHAPTER-IV.-OF THE EXAMINATION OF PARTIES AS WITNESSES. Written declaration in support of cause shown., SECTION 239.** In support of the cause shown, the Court shall receive any declaration in writing of the party on unstamped paper, if signed by him and verified in the manner hereinbefore provided for the verification of plaints.

**CHAPTER-IV.-OF THE EXAMINATION OF PARTIES AS WITNESSES. If on sufficient cause shown, order to issue., SECTION 240.** If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to appear and give evidence.

**CHAPTER-IV.-OF QUESTIONS RESPECTING RELIGION OR CUSTOM.** *Provision as to question arising in Court subordinate to District Court, relating to the law of the religion or customs of any suitor.*, SECTION 243. In any suit pending in any Court subordinate to the District Court, in which any question relating to the law of the religion or the established customs of the parties or any of them shall arise, the Court may either take the evidence of any person learned in such law or customs, or may refer to any recognized authority thereupon, or may receive from any of the parties, a written opinion of any other person quoting or referring to any such authority; or the Court may, of its own accord, or on the application of any of the parties refer the question, with a statement of such of the circumstances of the case as may appear necessary for the elucidation of the same, for the opinion of the District Court.

**CHAPTER-IV.-ATTENDANCE OF WITNESSES AND CONSEQUENCE OF NON-ATTENDANCE.** *Consequences of refusal to give evidence or produce documents.*, SECTION 257. If any person attending or being present in Court shall, without lawful excuse, refuse to give evidence, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit him to Jail for such time as it may deem proper, unless he shall, in the mean time, consent to give his evidence or to produce the document. If after the expiration of such time he shall persist in his refusal, the Court may proceed to deal with him according to the provisions of the Indian Penal Code or any other law for the punishment of persons refusing to give evidence.

**CHAPTER-IV.-OF THE INSTITUTION OF SUITS.** *Shop-Book, &c., to be produced.*, SECTION 68. If the document on which the plaintiff sues be an entry in shop-book or other book, the plaintiff shall produce the book to the Court, together with a copy shall bear the stamp prescribed for petitions where a stamp is required for petitions.

**CHAPTER-V.-APPLICATION FOR EXECUTION.** *Notice of Application to be given to representative.*, SECTION 346. Notice of an application under the last preceding Section shall be given to the person named therein as the representative of the deceased or as the person in charge of his Estate, and if the Court after hearing such representative or other person against the application, shall think proper to grant the same, the execution may be proceeded with against such representative or Estate.

**ACT NO. XII, OF 1879.-Amendment of Section 68.**, CODE-14. In Section 68, for the word "Cognizable" the word "Heard" shall be substituted.

**CHAPTER-II.-OF THE JURISDICTION OF THE COURTS.** *Transfer of suits.*, SECTION 14. The District Court may withdraw any suit instituted in any Court subordinate to such District Court, and try the suit itself, or transfer it for trial to any other such subordinate Court competent in respect of the amount or value of the subject of the suit to try the same.

**ACT NO. XII, OF 1879.-Amendment of Section 406.**, CODE-68. In Section 406, for the word "shall" the words "may, if he thinks fit," shall be substituted.

**CHAPTER-V.-OF SALES IN EXECUTION OF DECREES.** *Time of sale.*, SECTION 406. Except in the case of articles of a perishable nature (which may be sold at once), no sale shall take place until *after the expiration of at least 30 days in the case of Immovable property, and of at least 15 days in the case of Movable property*, calculated from the date on which the notification shall have been affixed in the Court-house of the Judge ordering the sale.

**CHAPTER-VI.-OF PAUPER SUITS.**, *Court may institute local enquiry.*, SECTION 494. Previously to passing a final order in the case, the Court may, if it think fit, institute a local enquiry in the manner laid down in Chapter IV. Regarding the property of the petitioner or regarding the amount or value of any property claimed."

As per interest of justices-

4. I, say that as set out in detailed, the Presidency Town, Presidency Town of Bombay, and Island of Bombay, Bombay Presidency of the City of Bombay Presidency Municipal Corporation, my joint ownership property all tips of land, Agricultural lands, estate, immovable properties, rights, titles, **Civil & Judicial powers** and physical possession, Collector Registrar, Registration Conveyance Nos. **E-1074** And **E-2125** Hindu Inhabitant, Jeweller, at present Bearing **ADJ/M/1813/2013** of Certificate No. **339/14** and Decree No. **5/2014** dated 04-06-2014, *are in the present control of the appropriate forum or forums concerned Authorities under Bombay Act No. XX of 1933.* 1 For Statement of Objects and Reasons, see Bombay Government Gazette, 1933, Pt. V., pp., 973-074; and for Proceedings in Council, see Bombay Legislative Council Debates, 1933, Vol. XXXVIII. **THE PRESIDENCY-TOWN** as modified to **THE GREATER BOMBAY IN** Bombay Act No. **XVII of 1945** [THE GREATER BOMBAY LAWS AND THE BOMBAY HIGH COURT (DECLARATION OF LIMITS) ACT, 1945.] [15<sup>th</sup> August 1945] Amended by Bom. 52 of 1947. Amended by Bom. 8 of 1950. Adapted and modified by the Adaptation of Laws Order, 1950. Amended by Bom. 57 of 1956.

WHEREAS it is expedient to extend the limits of the City of Bombay by including therein some portion of the Bombay Suburban District;

AND WHEREAS it is necessary to constitute the whole of the said area into an area hereinafter called the Greater Bombay;

AND WHEREAS **Clause 11** of the Letters Patent of the High Court of Judicature at Bombay dated the **28<sup>th</sup> December 1865** provided that the said High Court shall have and exercise **Ordinary Original Civil Jurisdiction** within such local limits as may from time to time be declared and prescribed by any law made by **the Governor of Bombay in Council**;

**SCHEDULE. Continued.**

AND WHEREAS under the provisions of the Government of India Act, 1935, the Provincial Legislature of Bombay is competent to declare and prescribe the local limits of such jurisdiction:

AND WHEREAS *the Governor of Bombay has assumed to himself under the Proclamation dated the 4<sup>th</sup> November 1939 issued by him under Section 93 of the Government of India Act, 1935, the powers vested by or under the said Act in the Provincial Legislature:* NOW THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:-

1. (1) This Act may be called the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945.

(2) It shall come into force with effect from such date *1<sup>st</sup> day of October 1945 vide, G.N. H.D. No. 1007/4-VII, dated 30<sup>th</sup> August 1945.*

As This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. [State] Government may, by Notification in the *Official Gazette*, appoint.

4. (1) *The enactments mentioned in Schedule D and all notifications, orders, schemes, rules, forms and by-laws made, issued or prescribed thereunder shall cease to apply to, or to be in force in the areas specified in "2" These words and figures were substituted for the word and figure "Part II" by Bom. 8 of 1950, s. 2. "3" These words and figures were substituted for the word and figures "Parts II and III" by Bom. 57 of 1956, s. 4. of Schedule A. [2. 3. Parts II, III and IV]*

(2) *Nothing in Sub-section (1) shall affect,-*

(a) *The right of any competent authority to direct that any enactment, notification, order, scheme, rule, form or by-law referred to in the said sub-section shall apply to or be in force in the areas referred to in the said sub-section or to make, issue or prescribe any notification, order, scheme, rule, form or by-law under any such enactment; or*

(b) *The operation of any such enactment, notification, order, scheme, rule, form or by-law before the commencement of this Act; or*

(c) *Any right, privilege, obligation or liability acquired, accrued or incurred under any such enactment, notification, order, scheme, rule, form or by-law before the commencement of this Act.*

"1" Section 4A was inserted by Bom. 8 of 1950, s. 3.

5. (1) *The High Court shall have and Exercise Ordinary Original Civil Jurisdiction within the areas for the time being comprised in Greater Bombay.*

(2) *Save as otherwise provided in this Act, nothing in Sub-section (1) shall affect*

(a) *The jurisdiction of the High Court as a Court of Admiralty or Vice Admiralty under Clauses 32 and 33 of the Letters Patent under the Territorial Waters Jurisdiction Act, 1878, or otherwise exercisable by it in connection with prize matters or other maritime questions arising in India;*

(b) *Any right or liability of any Government or any local authority or person, except in regard to the exercise of jurisdiction and any legal consequences thereof.* As under -

The Original Law Act passed by the Government of India and Passed by the Government of Bombay. Published in the Bombay Government Gazette. 1879.

**ACT NO. XVII OF 1879.-CHAPTER-IV.-OFINSOLVENCY. *Scheduled debts discharged.* SECTION 32. *When the balance available for distribution among the scheduled creditors under Section 356 of the said Code has been distributed, the claims of such creditors shall be deemed to have been discharged, except as regards the right to share in the profits of any property managed by the Collector under Section 29 or let by him under Section 30.***

**PRINCIPAL ACT OF AMENDED BILL OF THE CODE OF CIVIL PROCEDURE 1865.-CHAPTER-V.-MEASURES REQUIRED IN CERTAIN CASES PRELIMINARY TO THE ISSUE OF THE WARRANT. *Procedure after issue of notice.* SECTION 356. *If the person to whom notice is issued under the last preceding Section shall not appear, or shall not show cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed. If such person shall offer any objection to the enforcement of the decree, the Court shall pass such order as may appear to be proper.***

**ACT NO. XVII OF 1879.-CHAPTER-IV.-OFINSOLVENCY. *Immovable property not to vest in receiver, but may be managed for benefit of creditors.* SECTION 29. *No immovable property of the insolvent shall vest in the receiver; but the Court may direct the Collector to take into his possession, for any period not exceeding 7 years from the date on which the receiver has been appointed, any immovable property to the possession of which the insolvent is entitled, and which, in the opinion of the Collector, is not required for the support of the insolvent and the members of his family dependent on him, and, subject to any rules the Local Government may from time to time make in this behalf, to manage the same for the benefit of the creditors, by letting it on lease or otherwise:***

*Provided that if the insolvent or his representative in interest at any time pay into Court the balance of the schedule debts then unpaid, he shall, subject to any rights created in favour of other persons by Collector, be entitled to recover possession of such property.*

*A Collector managing property under this Section shall during the management have all the powers which the Owner might as such have legally exercised, and shall receive and recover all rents and profits of such property, and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by an Owner, all powers possessed by a Collector for securing and recovering the land-revenue due to Government except the powers mentioned in the Bombay Land-Revenue Code, 1879, Section 150, Clauses (b), (d) and (e).*

**SCHEDULE. Continued.**

Nothing in this Section shall authorize the Court to direct the Collector to take into his possession any houses or other buildings belonging to and occupied by an agriculturist.

**THE LAND REVENUE IN THE PRESIDENCY OF BOMBAY. BOMBAY ACT NO. V. OF 1879.-CHAPTER-XI.-RECOVERY OF ARREARS.** *Process for recovery of arrears.* SECTION 150. An arrear of land revenue may be recovered by the following processes:-

(b) By forfeiture of the occupancy or alienated holding in respect of which the arrear is due under Section 153;

**CHAPTER-XI.-FORFEITURE OF OCCUPANCY OR ALIENATED HOLDING.** *The occupancy or alienated holding for which arrear is due may be forfeited.* SECTION 153. The Collector may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due, to be forfeited to Government, and sell or otherwise dispose of the same under the provisions of Sections 56 and 57, and credit the proceeds, if any, to the defaulter's accounts.

(d) By sale of the defaulter's immovable property under Section 155;

**CHAPTER-XI.-SALE OF DEFAULTER'S PROPERTY.** *Sale of defaulter's immovable property.* SECTION 155. The Collector may also cause the right, title and interest of the defaulter in any immovable property other than the land on which the arrear is due to be sold.

(e) By arrest and imprisonment of the defaulter under sections 157 and 158;

**CHAPTER-XI.-ARREST AND IMPRISONMENT.** *Arrest and detention of defaulter. Imprisonment in Civil Jail. Defaulters not to be detained in custody longer than debtors may be detained by the Civil Court.* SECTION 157. At any time after an arrear becomes due, the defaulter may be arrested and detained in custody for 10 days in the office of the Collector or of a Mamlatdar or Mahalkari, unless the revenue due, together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued, and the cost of his subsistence during detention, is sooner paid.

If, on the expiry of 10 days, the amount due by the defaulter is not paid, then, or if the Collector deem fit on any earlier day, he may be sent by the Collector with a warrant, in the form of Schedule C, for imprisonment in the Civil jail of the District:

Provided that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of decree of a Civil Court for a debt equal in amount to the arrear of revenue due by such defaulter.

**CHAPTER-XI.-ARREST AND IMPRISONMENT.** *Power of arrest by whom to be exercised.* SECTION 158. The Commissioner may, with the sanction of the Governor in Council, from time to time, declare by what officers, or class of officers, the powers of arrest conferred by Section 157 may be exercised, and also fix the costs of arrest and the amount of subsistence-money to be paid by Government to any defaulter under detention or imprisonment.

**ACT NO. XVII OF 1879.-CHAPTER-IV.-OF INSOLVENCY.** *Secured debts.* SECTION 30. When any scheduled debt is secured by a mortgage of any portion of the insolvent's immovable property, the Court may direct the Collector, if he can obtain a premium equal to the amount of such debt by letting such property for a term not exceeding 20 years, to let such property, and, if he cannot so obtain such premium, to sell such property under Section 325 of the Code of Civil Procedure. Where property is let under this Section, the premium shall be applied to the payment of the debt, and the rent, if any, shall for a period of 7 years from the date of such letting be paid to the receiver and thereafter to the insolvent or his representative in interest. When property is sold under this Section, the sale proceeds shall be applied, first, to the payment of the debt; and the balance, if any, shall be paid to the receiver.

**PRINCIPAL ACT OF AMENDED BILL OF THE CODE OF CIVIL PROCEDURE 1865.-CHAPTER IV.-OF JUDGMENT AND DECREE.** *Certified copies of decree and judgment to be furnished.* SECTION 325. Certified copies of the decree and judgment or of either the decree or judgment shall be furnished to the parties on application to the Court, and on the production of the necessary stamp paper for making such copies where a stamp is required by law.

The application may be made either orally or by writing on unstamped paper. Copies of the decree and judgment may be taken on the same sheet of stamp paper if it be capable of containing them.

**ACT NO. XVII OF 1879.-CHAPTER-IV.-OF INSOLVENCY.** *Appeals barred.* SECTION 33. No appeal shall lie from any order passed under this chapter except orders passed in exercise of the power conferred by Section 359 of the Code of Civil Procedure.

**PRINCIPAL ACT OF AMENDED BILL OF THE CODE OF CIVIL PROCEDURE 1865.-CHAPTER-V.-MEASURES REQUIRED IN CERTAIN CASES PRELIMINARY TO THE ISSUE OF THE WARRANT.** *Court may summon and examine other persons as to property liable to be seized.* SECTION 359. The Court may, of its own motion or at the instance of any person interested in the enquiry, summon any other person whom it may think necessary and examine him in respect to any property liable to be seized in satisfaction of the decree, and may require the person summoned to produce any document in his possession or power relating to such property.

**ACT NO. XVIII OF 1879.-CHAPTER-VII.-PENALTIES.** *On persons illegally practicing as Pleaders, Mukhtars or Revenue-agents.* SECTION 32. Any person who practices in any Court or Revenue-office in contravention of the provisions of Section 10 or Section 20 shall be liable, by order of such Court or the officer at the head of such office, to fine not exceeding 10 times the amount of the stamp required by this Act for a certificate authorizing him so to practice in such Court or office, and, in default of payment, to imprisonment in the Civil jail for a term which may extend to 6 months.

**SCHEDULE. Continued.**

He shall also be incapable of maintaining any suit for, or enforcing any lien with respect to, any fee or reward for, or with respect to, anything done or any disbursement made by him as Pleader, Mukhtar or Revenue-agent whilst he has been contravening the provisions of either of such sections.

**ACT NO. XVIII OF 1879.-CHAPTER-III.-OF PLEADERS AND MUKHTARS.** *No person to practice as Pleaders or Mukhtar unless qualified. Revenue-agents may appear, plead and act in Munsifs' Courts in suits under Bengal Act VIII of 1869.* **SECTION 10.** *Except as provided by this Act or any other enactment for the time being in force, no person shall practice as a Pleader or Mukhtar in any Court not established by Royal Charter unless he holds a certificate issued under Section 7 and has been enrolled in such Court or in some Court to which it is subordinate:*

*Provided that persons who have been admitted as Revenue-agents before the 1<sup>st</sup> day of January 1880, and hold certificates, as such, under this Act in the territories administered by the Lieutenant-Governor of Bengal may be enrolled in manner provided by Section 9 in any Munsif's Court in the said territories, and on being so enrolled may appear, plead and act in such Court in suits under Bengal Act No. VIII of 1869 (to amend the procedure in suits between Landlord and Tenant) or under any other Act for the time being in force regulating the procedure in suits between landholders and their tenants and agents.*

**ACT NO. XVIII OF 1879.-CHAPTER-III.-OF PLEADERS AND MUKHTARS.** *Certificates to Pleaders and Mukhtars.* **SECTION 7.** *On the admission, under Section 6, of any person as a Pleader or Mukhtar, the High Court shall cause a certificate, signed by such officer as the Court from time to time appoints in this behalf, to be issued to such person authorizing him to practice up to the end of the current year in the Courts, and, in the case of a Pleader, also the Revenue-offices specified therein. At the expiration of such period, the holder of the certificate, if he desires to continue to practice, shall, subject to any rules consistent with this Act which may, from time to time, be made by the High Court in this behalf, be entitled to have his certificate renewed by the Judge of the District Court within the local limits of whose jurisdiction he then ordinarily practices, or by such officer as the High Court, from time to time, appoints in this behalf.*

*On every such renewal, the certificate then in possession of such Pleader or Mukhtar shall be cancelled and retained by such Judge or officer. Every certificate so renewed, shall be signed by such Judge or officer, and shall continue in force up to the end of the current year. Every Judge or officer so renewing a certificate shall notify such renewal to the High Court.*

**ACT NO. XVIII OF 1879.-CHAPTER-III.-OF PLEADERS AND MUKHTARS.** *Power to make rules as to qualification, &c., of Pleaders and Mukhtars. Publication of rules.* **SECTION 6.** *The High Court may, from time to time, make rules consistent with this Act as to the following matters (namely):-*

(a) *The qualifications, admission and certificates'' of proper persons to be Pleaders of the subordinate Courts, and of the Revenue-offices situate within the local limits of its appellate jurisdiction, and, in the case of a High Court not established by Royal Charter, of such Court;*

(b) *The qualifications, admission and certificates of proper persons to be Mukhtars of the subordinate Courts, and, in the case of a High Court not established by Royal Charter, of such Court;*

(c) *The fees to be paid for the examination and admission of such persons; and*

(d) *The suspension and dismissal of such Pleaders and Mukhtars.*

*All such rules shall be published in the local official Gazette, and shall thereupon have the force of law: Provided that in the case of rules made by a High Court not established by Royal Charter such rules have been previously approved by the Local Government.*

**ACT NO. XVIII OF 1879.-CHAPTER-III.-OF PLEADERS AND MUKHTARS.** *Mukhtars on enrolment may practice in Courts.* **SECTION 9.** *Every Mukhtar holding a certificate issued under Section 7 may apply to be enrolled in any Civil or Criminal Court mentioned therein and situate within the same limits; and, subject to such rules as the High Court may from time to time make in this behalf, the presiding Judge shall enroll him accordingly; and thereupon he may practice as a Mukhtar in any such Civil Court and any Court subordinate thereto, and may (subject to the provisions of the Code of Criminal Procedure) appear, plead and act in any such criminal Court and any Court subordinate thereto.*

**ACT NO. XVIII OF 1879.-CHAPTER-IV.-OF REVENUE-AGENTS.** *No person to act as agent in Revenue-offices unless qualified.* **SECTION 20.** *Except as provided by this Act or any other enactment for the time being in force, no person, other than a Pleader duly qualified under the provisions hereinbefore contained, shall practice as a Revenue-agent in any Revenue-office, unless he holds a certificate issued under Section 18 and has been enrolled in such office or some other office to which it is subordinate:*

*Provided that any person duly authorized in this behalf may, with the sanction of the Chief Controlling Revenue Authority, or of an officer empowered by the Local Government in this behalf, transact all or any business in which his principal may be concerned in any Revenue-office.*

*The sanction mentioned in this section may be general or special, and may at any time be revoked or suspended by the Authority or officer granting the same.*

**ACT NO. XVIII OF 1879.-CHAPTER-IV.-OF REVENUE-AGENTS.** *Certificates to Revenue-agents.* **SECTION 18.** *On the admission of any person as a Revenue-agent under Section 17, the Chief Controlling Revenue Authority shall cause a certificate, signed by such officer as such authority from time to time appoints in this behalf, to be issued to such person, authorizing him to practice up to the end of the current year in such Revenue-offices as may be specified therein.*

**SCHEDULE. Continued.**

*At the expiration of such period, the holder of the certificate, if he desires to continue to practice, shall be entitled to have his certificate renewed by the Secretary of Chief Controlling Revenue Authority, or by any other officer authorized by such authority in that behalf.*

*On every such renewal, the certificate then in the possession of such Revenue-agent shall be cancelled and retained by such Secretary or other officer.*

*Every certificate so renewed shall be signed by such Secretary or other officer and shall continue in force to the end of the current year. Every officer so renewing a certificate shall notify the renewal to the Chief Controlling Revenue Authority.*

**ACT NO. XVIII OF 1879.-CHAPTER-IV.-OF REVENUE-AGENTS. *Power to make rules as to be qualifications, &c., of Revenue-agents. Publication of rules.*, SECTION 17. The Chief Controlling Revenue Authority may, from time to time, make rules consistent with this Act as to the following matters (Namely):-**

- (a) *The qualifications, admission and certificates of proper persons to be Revenue-agents;*
- (b) *The fees to be paid for the examination and admission of such persons;*
- (c) *The suspension and dismissal of such Revenue-agents; and*
- (d) *Declaring what shall be deemed to be their functions, powers and duties.*

*All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.*

**ACT NO. XVIII OF 1879.-CHAPTER-VII.-PENALTIES. *On suspended or dismissed Pleader, &c., failing to deliver certificate.*, SECTION 33. Any Pleader, Mukhtar or Revenue-agent failing to deliver up his certificate as required by Section 26 shall be liable, by order of the Court, Authority or officer to which or to whom, or according to whose orders the delivery should be made, to a fine not exceeding 200 rupees, and, in default of payment, to imprisonment in the Civil jail for a term which may extend to 3 months.**

**ACT NO. XVIII OF 1879.-CHAPTER-V.-OF CERTIFICATES. *Dismissed practitioners to surrender Certificates.*, SECTION 26. When any Pleader, Mukhtar or Revenue-agent is suspended or dismissed under this Act, he shall forthwith deliver up his certificate to the Court or officer at the head of the office before or in which he was practicing at the time he was so suspended or dismissed, or to any Court or officer to which the High Court or Chief Controlling Revenue Authority (as the case may be) orders him to deliver the same.**

**BILL NO. 18 of 1879.-CHAPTER-IV.-SUPPLEMENTARY. *Exemption from house-cess under Road-cess and Public Works Act*, SECTION 32., No person who pay any tax under this Act shall, so long as he continues to pay the same, be liable to pay any installment of Road-cess or Public works cess on his house under Part IV. of Bengal Act X. of 1871 or Section 7 of Bengal Act II. of 1877 when such installment falls due after the 1<sup>st</sup> day of April 1880.**

At present ruling Government and State Government powers of this bye-law as under  
Commentary on

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATION ACT, 1949  
CHAPTERS I TO XXXI, SECTIONS 1 TO 493**

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATION ACT, 1949  
Act LIX of 1949**

WHEREAS it is expedient to Provide for the establishment of municipal corporations for certain larger urban areas in the state of Maharashtra with a view to ensure a better municipal government of the said larger urban areas; it is hereby enacted as follows:-

NOTES

**PREAMBLE.** The Act is intended to provide for the establishment of Municipal Corporations for certain larger areas in the Maharashtra State with a view to ensure a better Municipal Government of the said larger

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**CHAPTER-XIV.-STREETS., *Projections and Obstructions., Commissioner may, without notice, remove anything erected, deposited or hawked or exposed for sale in contravention of Act.*, SECTION 231.** The Commissioner may, without notice, cause to be removed,-

- (a) any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture which shall be created or set up in or upon or over any street or upon or over any open channel, drain, well or tank contrary to the provision of this Act after the appointed day;
- (b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon from or to any place in contravention of this Act;
- (c) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

**CHAPTER-XV.-BUILDING REGULATIONS., Commencement of work., Supervision of buildings and works., SECTION 257.** Every person who intends to erect a new building or execute any such work as is described in section 254, shall erect the building or execute the work in such manner, under such supervision, through such qualified agency, and subject to such conditions and restrictions as may be prescribed by the bye-laws.

**CHAPTER-XV.-BUILDING REGULATIONS., Commencement of work., Proceedings to be taken in respect of building or works Commenced contrary to rules or bye-laws., SECTION 260.** (1) If the erection of any building or the execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the rules or bye-laws, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 264, shall-

(a) by written notice, require the person who is erecting such building or executing such work or has erected such building or executed such work in or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down; or

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed altered or pulled down, the Commissioner may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

**CHAPTER-XIV.-STREETS., Projections and Obstructions., Prohibition of tethering of animals in public streets., SECTION 233.** (1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or households, in any public street.

(2) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer who shall deal therewith as with an animal found straying.

**CHAPTER-XIV.-STREETS., Temporary Erections on Streets during Festivals., Commissioner may permit booths, etc. to be erected on streets on festivals., SECTION 234.** With the concurrence, in any area for which a Commissioner of Police has been appointed, of the Commissioner of Police or any officer nominated by him and elsewhere, of the District Magistrate or any officer nominated by him, the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.,

**CHAPTER-XIV.-STREETS., Provisions concerning Execution of Works in or near to Streets., Streets when broken up for any municipal purposes to be restored without delay., SECTION 235.,** Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the Corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

**CHAPTER-XIV.-STREETS., Provisions concerning Execution of Works in or near to Streets., Commissioner may close streets in which work is in progress., SECTION 236.** (1) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed or traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.,

(2) No person shall, without the permission of the Commissioner or without others lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

**CHAPTER-XIV.-STREETS., Provisions concerning Execution of Works in or near to Streets., Commissioner to provide for traffic, etc. pending execution of municipal work in any street., SECTION 237.** Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall, so far as may be reasonable practicable, make adequate provisions for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water-supply, or means of lighting which may be interrupted by reason of the execution of the said work.,

**CHAPTER-XIV.-STREETS., Provisions concerning Execution of Works in or near to Streets., Precautions to be taken for public safety whilst municipal works are in progress in any street., SECTION 238.** (1) Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall-

**SCHEDULE. Continued.**

(a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(b) have any place where the soil or pavement has been opened or broken up fenced and guarded;

(c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 236 for so long as such place shall be continued open or broken up or such bars, chains or posts shall remain set up.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring timber or fence or remove or extinguish any light employed or set up for any of the purposes of this section.

**CHAPTER-XIV.-STREETS., Provisions concerning Execution of Works in or near to Streets., Streets not to be opened or broken up and building materials not to be deposited thereon without permission.,**

**SECTION 239.** No person other than the Commissioner or a municipal officer or servant shall without the written permission of the Commissioner or without other lawful authority-(a) open, break up, displace, take up or make any alteration in, or cause any injury to the soil or pavement, or any wall, fence, posts, chain or other material or thing forming part of any street;

(b) deposit any building materials in any street; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bark, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or (c) of sub-section (1) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

(3) except in cases in which permission has been applied for under clause (b) of sub-section (1) for the deposit of building materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (1) or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (2).

**CHAPTER-XIV.-STREETS., Provisions concerning Execution of Works in or near to Streets., Precautions for public safety to be taken by persons to whom permission is granted under section 239.,**

**SECTION 240.** Any person to whom any permission is granted under section 239 shall at his own expense, cause the place where the soil or pavements has been opened or broken up or where he has deposited building materials, or set up any scaffold; erection or other thing, to be property fenced and guarded, and, in all cases in which the same is necessary to prevent accidents shall cause such place to be well lighted during night.

**CHAPTER-XIV.-STREETS., Provisions concerning Execution of Works in or near to Streets., Buildings at corners of streets., SECTION 243.,**

(1) The Commissioner may, with the approval of the Standing Committee, require by written order the corner of any building which has already been erected or which is to be newly erected or which is to be reconstructed or repaired and which is situated at the junction of two or more streets to be rounded or splayed off to such height and in such manner as he may determine and may also in such order impose such conditions as he deem necessary as to the construction of a compound wall or fence or hedge or any other structure whatsoever or the planting or retention of any tree on the premises appurtenant to such building.

(2) Compensation shall be paid by the Commissioner for any loss or damage caused by the issued of an order under sub-section (1)."

**SCHEDULE-D**

**CHAPTER-I.-ELECTION RULES., Municipal Election Roll., Election Roll to be kept for public inspection., RULE 1.** Printed copies of the municipal election roll shall be kept for public inspection in the chief municipal office and such other places as the Commissioner may think fit.

**CHAPTER-I.-ELECTION RULES., Municipal Election Roll., RULE 2.....**

**CHAPTER-I.-ELECTION RULES., Municipal Election Roll., RULE 3.....**

**CHAPTER-I.-ELECTION RULES., Municipal Election Roll., RULE 4.....**

**CHAPTER-I.-ELECTION RULES., Municipal Election Roll., RULE 5.....**

**CHAPTER-I.-ELECTION RULES., Municipal Election Roll., RULE 6.....**

**CHAPTER-I.-ELECTION RULES., Elections of Councilors., Dates of nominations., RULE 7.** (1) The nomination of candidates for general ward election of councilors shall be fixed by the Commissioner to take place on such day in the three months immediately preceding the date on which the term of office of the councilors elected at the last preceding general elections is due to expire under section 6 as he shall think fit.

(2) The nomination of candidates for elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

**CHAPTER-I.-ELECTION RULES., Elections of Councilors., Notice to be given of day fixed for nomination of candidates at ward elections., RULE 8.** The date of publication of notice of programmed of election, by the State Election Commission shall not be more than *eight day of the authentication of ward rolls.* Such date shall be published by the State Election Commission in the *Official Gazette* and also by an advertisement in not less than two local newspapers.

**CHAPTER-I.-ELECTION RULES., Elections of Councilors., Provisions regarding nomination of candidates., RULE 9.** (1) A person who is qualified to be elected as a Councilor under the provisions of the Act may be nominated as a candidate at the ward election.

(2) The form of every nomination paper shall be prescribed by the State Election Commission, which shall be supplied by the Returning Officer to any voter, *on payment of the price which shall be fixed by the State Election Commission.*

(3) Nomination papers dully filled in shall be submitted by the prospective candidate to the Returning Officer concerned, *either in person* or by his proposer or seconder, between 11-00 A.M. and 3-00 P.M. *during the first seven days, starting from the first day of filing of nomination papers and on the eight day,* which shall be the last day for filing of nominations, between 11-00 A.M. and 2-00 P.M.

(4) Any person who is qualified to vote and whose name is included in the voter's list of the ward for which is candidate is seeking nomination may subscribe as a proposer or seconder:

Provided that, no such voter shall subscribe as a proposer or, as the case may be, seconder for more than one nomination paper:

Provided further that, if a voter subscribes as a proposer or, as the case may be, seconder for more than one nomination paper, all such nomination papers except the first received by the Returning Officer, shall be treated as invalid and shall be liable to be rejected by the Returning Officer:

Provided also that, the same candidate may file, more than one but not exceeding four nomination papers for the same seat, subscribed by different proposers and seconders.

(5) A candidate contesting a seat reserved for the candidates belonging to the Scheduled Castes. Scheduled tribes or the Backward Class of citizens, shall not be deemed to be qualified to be elected unless he files a declaration along with his nomination papers, specifying particularly the cast to which he belongs and that the said caste is declared as a Scheduled Caste, or as the case may be, Scheduled Tribe or Backward Class of Citizens.

(6) Where the election are to be held for more than one wards of the City, a person duly qualified to be nominated may context election in any of those wards: Provided that, the same candidate shall not contest election for more than one seat in a particular ward.

(7) On receipt of the nomination paper under *sub-rule (3)*, the Returning Officer shall enter on the same its serial number and the date and time on which it is delivered to him. The Returning Officer shall also inform the person delivering the nomination paper the day, time and place fixed for the scrutiny of nominations and shall certify that the intimation has been so delivered. The Returning Officer shall also cause to be affixed in some conspicuous place of his office, the day, time and place fixed for scrutiny of nominations.

(8) The date of scrutiny of nomination papers shall be the next day following the last date of filing of nomination papers. The candidates along with one proposer each and one other person duly authorized, may attend the scrutiny of nominations. The Returning Officer shall give such persons all reasonable facilities for examination of nominations.

(9) On the date fixed for the scrutiny of the nominations the Returning Officer shall examine the nomination papers and shall decide objection if any, and may, either on such objections or on his own motion, after such summary enquiry as he thinks necessary, reject any nomination paper on any of the following grounds, namely:-

(a) that the candidate is not qualified to be elected or is disqualified under the Act;

(b) that the proposer or seconder is not duly qualified to nominate the candidate;

(c) that there is failure or comply with any provision of the Act or rules made thereunder or any order of the State

Election Commission;

(d) that the identity of the candidate or, as the case may be, of the proposer or seconder. *Can not be established*

*with their election number as specified in the nomination paper;*

(e) that the signature of the candidate or, as the case may be, the proposer or seconder, on the nomination paper, is

*not genuine or that the same is obtained by fraud.*

(f) if a candidate has *filed more than one nomination papers, nothing contained in clauses (c), (d) and (e) shall apply to his other nomination papers and his nomination shall not be rejected only on the ground that one of his nomination papers has been rejected under this rule.*

**SCHEDULE. Continued.**

(10) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of substantial nature.

(11) The scrutiny of the nomination papers shall be held on the date fixed in that behalf and no adjournment shall be allowed except when the proceedings are disturbed by natural calamities, riots or such other circumstances beyond the control of the Returning Officer: Provided that, where there is any objection to the filing of nomination paper of a candidate by the Returning Officer or some other person, the candidate concerned may be allowed time up to the next following working day, to rebut the same and Returning Officer shall record his decision on such adjourned day.

(12) The result of the scrutiny of nomination papers shall be recorded by the Returning Officer on each nomination paper and if the nomination paper is rejected, the reasons for such rejection shall also be recorded.

(13) Immediately after scrutiny of the nomination papers is over, the Returning Officer shall prepare a list of validly nominated candidates and shall affix the list on his notice board and shall also record the date and time when it was so affixed.

**CHAPTER-I.-ELECTION RULES., Elections of Councilors., Deposit by candidates., RULE 10.** (1)

On or before the date appointed for the nomination of candidates for a ward election, each candidate shall deposit or cause to be deposited with the Returning Officer the *sum of rupees three thousand in cash* and no candidate shall be deemed to be duly nominated unless such deposit is made: Provided that, when a seat is reserved for the candidates belonging to the Scheduled Castes or Scheduled tribes or Backward Class of the citizens, or as the case may be, for woman, the amount that may be so deposited by such candidate shall be fifty per cent of the amount mentioned above: Provided also that, where the candidate has filed more than one nomination papers for the same sent not more than one deposit shall be required to be made under this rule.

(2) The deposit shall be returned if,-

(a) the candidate is declared or is deemed to be duly elected,

(b) the candidate signifies his intention in *writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates not to contest the election.*

(c) the nomination of the candidate is declared invalid,

(d) the candidate dies, after the scrutiny of nomination papers and before the commencement of the poll,

or

(e) *the candidate fails to be elected but secures valid votes in excess of the number specified in sub-rule (4).*

(3) The deposit shall be returned to the person by whom it was made. If a candidate dies before the day fixed for the poll, the deposit, if made by him, *shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.*

(4) *If a candidate is not elected and if the number of valid votes polled by him does not exceed one-eights of the total number of valid votes polled divided by the number of councilors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.*

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under rule 39:

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation.

**CHAPTER-I.-ELECTION RULES., Elections of Councilors., Poll to be taken when a ward election is contested and names of validly nominated candidates to be published., RULE 11.** (1) Subject to any general or special direction issued by the State Election Commission, the Returning Officer shall on the day immediately following the last day of withdrawal of candidature, allot and assign to each contesting candidate a symbol in the manner specified by the State Election Commission.

(2) The decision of the Returning Officer in assigning any symbol, under the preceding sub-rule, shall be final.

(3) After allocation of the symbols, the returning Officer shall publish a list of the contesting candidates arranged according to the alphabetical order beginning with surnames (in respect of candidates having surnames) *followed by their names and address as stated in the nomination paper.*

(4) After allocation of symbols, a poll, if necessary shall be taken on a day which shall not be *earlier than the tenth day after the date appointed for allotment of symbols.*

**CHAPTER-I.-ELECTION RULES., Elections of Councilors., Provisions respecting contested ward elections., RULE 12.** With respect to the contested *ward* elections the following provisions shall have effect, namely:-

(a) votes shall be given by ballot and in person; no votes shall be received by proxy;

(b) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-rule (2) of rule 11 as having been validly nominated;

(c) no votes shall be received from any person whose name is not enrolled in the ward roll as a vote of the ward for which the election is being held;

- (d) .....
- (e) every elector shall be entitled to give the same number of votes as there are seats in his ward;
- (f) .....
- (g) where an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of these candidates to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;
- (h) If a candidate is elected councilor for more than one seat, he shall, *within three days after receipt of written notice thereof from the Commissioner chose*, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive;
- (i) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same.
- (j) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate and shall cause lists to be prepared for each ward specifying the names of all candidates, and the number of valid votes given each candidate; in accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be *supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.*

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Hours of commencement and close of poll.*, RULE 13.** The Commissioner shall fix the hour at which polling shall commence and the hour at which it shall close on the date fixed under rule 11 for taking a poll.

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Polling stations and presiding officers.*, RULE 14.** (1) The Commissioner shall select for each ward as many polling stations as he thinks necessary and shall publish, in such manner as he deems sufficient, a list showing the polling stations so selected and the polling areas for which they have respectively been selected.  
(2) The Commissioner shall appoint a presiding officer for each polling station and such other persons, hereinafter referred to so polling officer, to assist the presiding officer as he thinks necessary.  
(3) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.  
(4) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorized in this behalf by the Commissioner.

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Duties of presiding officer.*, RULE 15.** (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other person except,-  
(a) the polling officers, the candidates and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate and authorized in this behalf by the Commissioner;  
(b) the polling officers or other public servants on duty; and  
(c) such other person as the presiding officer may from time to time admit for the purpose of identifying electors.  
(2) The presiding officer shall close the polling station at the hours fixed in that behalf under rule 13, and shall not thereafter admit any elector into the polling station:  
Provided that, all electors present at the polling station before it is closed shall be allowed to cast their votes.  
(3) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer, and his decision shall be final.

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Removal from polling station for misconduct.*, RULE 16.** If any person misconducts himself at a polling station or fails to obey the lawful order of the presiding officer or the polling officer performing the duties of the presiding officer he may immediately, by order of the presiding officer or such polling officer, be removed from the polling station by any police officer or by any other person authorized in writing by the presiding officer or such polling officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day:  
*Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.*

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections.,* RULE 17.....**

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Voting compartment.,* RULE 18.** Each polling station shall be furnished with such number of compartments, in which elector can record their votes screened from observation, as the Commissioner thinks necessary.

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Supply of election materials and ballot boxes.,* RULE 19.** The Commissioner shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, as *many ballot boxes as may be necessary, and copies of the election roll or of such part thereof as contain the names of the electors entitled to vote at such polling station.*

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Sealing of ballot boxes.,* RULE 20.** Every ballot box shall be so constructed that the ballot papers can be introduced therein, *but cannot be withdrawn therefrom,* without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Procedure before ballot paper is delivered to elector.,* RULE 21.** Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the election roll, shall be called out and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the election roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

*On the counterfoil shall be entered the name of the ward and the name or distinctive number of the polling station and the signature or thumb impression of the elector.*

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Voting.,* RULE 22.** The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station, and there, make a mark on the ballot paper with the instrument supplied for the purpose either at the place provided for putting a cross or on or near the name and symbol of the candidate for whom he intends to vote, and fold it up so as to conceal his vote, and shall put his ballot paper, so folded up, into the ballot box. *Every elector shall vote without number delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.*

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Assistance to electors.,* RULE 23.** The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Identity of electors.,* RULE 24.** *At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such polling station, and shall, if so required by a candidate or polling agent, put to the elector the following questions:-*

- (1) Are you the person enrolled as follows (reading the whole entry from the roll) ?and
- (2) Have you already voted at the present election in this ward ?and at a general election—
- (3) Have you already voted at this election in any other ward ?and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and at a general election, the third question also in the negative.

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Form of ballot paper.,* RULE 25.** (1) The ballot paper shall be in Form B.

(2) The ballot papers shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

**CHAPTER-I.-ELECTION RULES., *Voting in ward Elections., Tendered votes.,* RULE 26.** If the person representing himself to be a particular elector named on the election roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other elector. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall, instead of being placed in the ballot box, be given to the presiding officer and endorsed by him with the name of the elector and his number on the election roll and the name of the ward to which the election roll relates, and shall be set aside in a separate packet and shall not be counted by the Commissioner. The name of the elector and his number on the election roll and the name or distinctive number of the polling station to which the election roll relates shall be entered in a list in Form C which shall bear the heading "Tendered Votes List". *The person tendering such ballot paper shall sign his name and address thereon or, if he is unable to write, affix his thumb impression against the entry in that list.*

**SCHEDULE. Continued.**

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Challenged votes.,* RULE 27.** If any polling agent declares and undertake to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form D) his name and address or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification., *If such person, on being questioned in the manner provided in rule 24, answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation.* The presiding officer shall make a note of the circumstances and of his decisions on the list, of challenged votes: Provided that a deposit of Rs. 20 may be demanded for each such challenge which shall be forfeited if, on inquiry, the challenge is found to be frivolous and not made in good faith.

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Spoilt ballot papers.,* RULE 28.** An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt ballot paper, and the latter shall, *together with its counterfoil be marked as cancelled by the presiding officer.,*

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Voting by officers on duty at polling stations.,* RULE 29.** (1) A presiding officer, polling officer or polling agent for other public servant, who is on any duty connected with the election at or near a polling station, at which he is not entitled to vote, shall, if he is certified by the Commissioner to be entitled to vote at the election for the ward in connection with which he is employed or for any other ward, be allowed to record his vote at that polling station.,

*The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the election roll for that ward in which that polling station is situate.* A certificate issued under this rule shall be in Form E.

(2) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-rule (1) to the Commissioner who shall cause such ballot paper to be included among the valid ballot paper of *the appropriate ward.,*

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Dispatch of ballot papers.,* RULE 30.** The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into *separate parcels and seal with his own seal and seal of such candidates or agents as may desire to affix their seal:-*

- (1) each ballot box in use at each polling station unopened but with the key attached;
- (2) the unused ballot papers;
- (3) the tendered ballot papers;
- (4) the spoilt ballot papers;
- (5) the marked copy of the election roll;
- (6) the counterfoils of the ballot papers;
- (7) the tendered votes list; and
- (8) the list of challenged votes; and shall after endorsing on each packet a description of its contents deliver such packets to the Commissioner.

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Statement to be sent to commissioner with ballot papers.,* RULE 31.** The packets shall be accompanied by a statement in Form F made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, *and ballot papers dealt with under rule 29.*

**CHAPTER-I-ELECTION RULES., *Voting in ward Elections., Postponement of poll, adjournment of poll.,* RULE 32.** Notwithstanding anything contained in this Act, the Commissioner may for sufficient cause to be recorded in writing, postpone the date or extend the period fixed for the polling. *In emergencies such as disturbance of the public peace, the presiding officer may, with the previous approval of the Commissioner, close the poll and announce an adjournment of the poll to a subsequent day.* The subsequent date to which polling is postponed or adjourned shall be notified in such manner as the Commissioner thinks fit.

**CHAPTER-I-ELECTION RULES., *Scrutiny and Counting of Votes and Declaration of Results., Appointment of date, time and place for counting of votes.,* RULE 33.** The Commissioner shall, as soon as may be practicable after the close of the poll, give notice in writing to all candidates of the date, time and place fixed by him for the counting of votes.

**CHAPTER-I-ELECTION RULES., *Scrutiny and Counting of Votes and Declaration of Results., Who may be present at the counting of votes.,* RULE 34.** (1) No person shall be allowed to be present at the counting of votes except the Commissioner and such persons as he may appoint to assist him in counting the votes, the candidates, *and one representative of each candidate authorized in writing by the candidate in this behalf.*

**SCHEDULE. Continued.**

(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

**CHAPTER-I.-ELECTION RULES., *Scrutiny and Counting of Votes and Declaration of Results., Procedure to be followed at the counting of votes.*, RULE 35.** *On the day and at the time appointed under rule 33 the Commissioner shall proceed as follows:-*

(a) the ballot box or boxes relating to each polling station or the envelopes containing the ballot paper, as the case may be, shall be opened one after another and the Commissioner shall take out the ballot papers therefrom, count them or cause them to be counted, and record the number thereof in a statement; *such statement shall not be shown to any candidate or representative of a candidate;*

(b) the Commissioner shall then mix together all the ballot papers so taken out and distribute them in convenient bundles to the persons appointed to assist in counting the votes;

(c) When the ballot papers have been so distributed, but not before, the Commissioner shall allow the candidates and *their representative reasonable opportunity to inspect*, without handing the ballot papers, and shall on every ballot paper which is wholly or partially rejected, endorse *the word "Rejected"* if any candidate or representative present questions the correctness of the rejection, he shall also record on the ballot paper, the grounds for the rejection.

No candidate or representative shall be allowed to see the serial number on the back of any ballot paper;

(d) the Commissioner shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets, and other documents relating to the election under *his own seal and the seals of such candidates or representatives as may desire to affix them, and shall cause adequate precautions to be taken for their safe custody;*

(e) when the counting of the votes has been completed, the Commissioner shall, subject to the provisions of rule 12, forthwith declare the result of the election.

**CHAPTER-I.-ELECTION RULES., *Scrutiny and Counting of Votes and Declaration of Results., Grounds of rejection of ballot paper.*, RULE 36.** (1) A ballot paper shall be rejected if-

(a) the number of votes recorded thereon exceeds the number of seats to be filled;

(b) no vote is recorded thereon;

(c) more than one vote has been recorded against the name of any one candidate;

(d) it is void for uncertainty;

(e) it bears any mark by which the elector can be identified.

(2) *The decision of the Commissioner as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.*

**CHAPTER-I.-ELECTION RULES., *Scrutiny and Counting of Votes and Declaration of Results., Verification.*, RULE 37.** The Commissioner shall not open the sealed packets of the tendered votes, the marked copy of the election roll or the counterfoils of the ballot papers. *He shall verify the statement submitted by the presiding officer under rule 31 by comparing it with the number of counted ballot papers and rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under rule 29, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.,*

**CHAPTER-I.-ELECTION RULES., *Scrutiny and Counting of Votes and Declaration of Results., Return.*, RULE 38.** The Commissioner shall then prepare and certify a return setting forth:-

(1) the result of the verification referred to in rule 37;

(2) the names of the candidates for whom valid votes have been given;

(3) the number of valid votes given for each candidate;

(4) the name of the candidate elected;

(5) the number of votes declared, invalid; and

(6) the number of tendered votes given, and shall permit any candidate or his representative duly authorized under rule 34 to take a copy or an extract from such return.

**CHAPTER-I.-ELECTION RULES., *Scrutiny and Counting of Votes and Declaration of Results., Declaration of results of elections.*, RULE 39.** (1) *The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place in the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate under the signature of the Commissioner.*

(2) The names of the persons elected to be councilors shall be published, as soon as may be, in the *Official Gazette.*

**CHAPTER-I.-ELECTION RULES., *Disposal of Ballot Papers., Custody of election Papers.*, RULE 40.** The Commissioner shall, after declaring the result, retain in his custody the packets and return referred to in rules 37 and 38 and all other documents relating to the election.

**CHAPTER-I-ELECTION RULES., Disposal of Ballot Papers., Production and inspection of election papers., RULE 41.** While in the custody of the Commissioner the packets of ballot papers, whether counted, rejected or tendered, of the counterfoils thereof, and of the marked copy of the election roll, shall not be opened and their contents shall not be inspected or **PRODUCED EXCEPT UNDER THE ORDER OF THE JUDGE**, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee as the Corporation may prescribe; and any person, on compliance with such conditions and on payment of such fee, shall be entitled to obtain a copy or copies thereof or any part thereof.

**CHAPTER-I-ELECTION RULES., Disposal of Ballot Papers., Destruction of election papers., RULE 42.** The packets referred to in rule 41 and all other documents relating to the election shall be retained for a period of one year, and shall thereafter be destroyed, **SUBJECT TO ANY DIRECTION TO THE CONTRARY GIVEN BY THE JUDGE.**

**CHAPTER-I-ELECTION RULES., General Provisions., Power of Commissioner or presiding officer to overlook printing or clerical errors in election roll., RULE 43.** If a question arises for the decision of the Commissioner or a presiding officer under these rules whether an entry in the election roll related to a particular person, the Commissioner or presiding officer, as the case may be, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person notwithstanding any clerical or printing errors therein.

**CHAPTER-I-ELECTION RULES., General Provisions., Certain powers, etc., not to be delegated by Commissioner., RULE 44.** Notwithstanding anything contained in section, 69, it shall be lawful for the Commissioner to authorize any municipal officer or servant to exercise any of the powers or perform any of the functions conferred or imposed upon or vested in him by rules 3, 4(i), 5, 7, 8, 9, 11, 12 and 39.

**CHAPTER-I-ELECTION RULES., General Provisions., Powers of Commissioner in case of difficulty., RULE 45.** If any difficulty arises as to the holding of any election under this Act, the Commissioner may do anything not inconsistent with the Act or rules which appears to him to be necessary for the proper holding of the election.

**CHAPTER-I-ELECTION RULES., General Provisions., Decisions given by Commissioner final., RULE 46.** Subject to the provisions of section 16 and rule 2, all decisions given by the Commissioner under the powers conferred on him by the rules in this Chapter shall be final.

**CHAPTER-VI-DUTIES AND POWER OF THE MUNICIPAL AUTHORITIES AND OFFICERS., Respective functions of the several Municipal Authorities., Municipal officers may be empowered to exercise certain of the powers, etc., of the Commissioner or the Transport Manager., SECTION 69.** (1) subject to the provisions of sub-section (2) and (3), any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner or the Transport Manager by or under any of the provisions of this Act may be exercised, performed or discharged, under the control of the Commissioner or the Transport Manager, as the case may be, and subject to his revision and to such conditions and limitations, if any, as may be prescribed by rules, or as he shall think fit to prescribe in a manner not inconsistent with the provisions of this Act or Rules, by any municipal officer whom the Commissioner or the Transport Manager generally or specially empowers by order in writing in this behalf; and to the extent to which any municipal officer is so empowered the word "Commissioner" and the words "Transport Manager" occurring in any provision in this Act, shall be deemed to include such officer.

(2) The Commissioner shall not, except with the prior approval of the Standing Committee, make an order under sub-section (1) affecting his powers, duties or functions under any of the following sections, sub-sections and clauses, namely:-10(1)(h), 12(1), 18(1), 26(2), 43(2), 43(4), 43(5), 51(2), 67(3)(b), 67(3)(c), 67(3)(d), 71(2), 73, 77, 78(1), 85, 86, 87, 90, 92(2), 94, 95, 121, 122, 125, 126,130(1)(b), 131(1), 134, 137, 144, 152, 154, 160, 174, 176, 177, 188, 195, 196, 197, 201, 205, 207, 208, 209, 210, 212, 213, 214, 216, 220, 224, 232, 243, 268, 269, 270, 272(2), 273, 274, 275, 275(1), 277, 278, 281, 298, 300, 301, 303, 304, 305, 310, 317, 319, 321, 322, 323, 324, 325, 328, 329, 330, 331, 332, 363, 364, 371(2) 373, 386(2), 439(3), 439(4), 441, 442, 445, 466, 481, except clause (a) of sub-section (1).

(3) The Transport Manager shall not, except with the prior approval of the Transport Committee, make an order under sub-section (1) affecting his powers, duties or functions under any of the following provisions, namely:-

43(5), 67(4)(b), 67(4)(c), 71(2), 73, 97, 344, 346, 348, 354, 355, 356, 358, 362, 481, except clause (a) of sub-section (1).

**CHAPTER-II-CONSTITUTION., Election of Councilors., Election Petitions., SECTION 16.** (1) if the qualification of any person declared to be elected a councilor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the State Election Commissioner of a nomination, or of the improper reception or refusal of a vote, or by reason of a material irregularity in the election proceedings corrupt practice, or any other thing materially affecting the result of the election, any person enrolled in the municipal election roll may *at any time within ten days after the result of the election has been declared submit an application to the Judge for the determination of the dispute or question.*

**SCHEDULE. Continued.**

(2) The State Election Commissioner may, if it has reason to believe that an election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed by order in writing, authorize any officer of the Commission to make an application to *the Judge at any time within one month after the result of the election has been declared for a declaration that the election of the returned candidate or candidates is void.*

(3) The Judge shall decide the applications made under sub-section (1) or (2) after holding an inquiry in the manner provided by or under this Act.

**Explanations.**-For the purposes of this section-

(1) "corrupt practice" means one of the following practices, namely:-

(a) any gift offer or promise by a candidate or his agent or by any person with the connivance of a candidate or his agent of any gratification, pecuniary or otherwise, to any person whomsoever, with the object directly or indirectly of inducing a person to stand or not to stand as, or to withdraw from being a candidate at an election or a voter to vote or refrain from voting at an election or as a reward to a person for having so stood or not stood or for having withdrawn his candidature or a vote for having voted or refrained from voting;

(b) any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent with the free exercise of any electoral right, including the use of threats of injury of any kind or the creation or attempts to create fear of divine displeasure or spiritual censure, but not including a declaration of public policy or a promise of public action or the mere exercise of legal right without intent to interfere with a legal right;

(c) the procuring or abetting or attempting to procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person whether living or dead or in a fictitious name or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other ward, he is not entitled to vote;

(d) the removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent;

(e) the publication by a candidate or his agent or by any other person with the connivance of the candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(f) the application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or another ward, he is entitled not to vote, or

(h) the receipt of, or agreement to receive, any gratification of the kind described in paragraph (a) as a motive or reward for doing or refraining from doing any of the acts therein specified.

(2) a corrupt practice shall not be deemed to have been committed in the interests of a returned candidate if the Judge is satisfied that it was of a trivial and limited character which did not affect the result of the election, that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agent, that it was committed without the sanction or connivance or contrary to the orders of the candidate or his agents, and that the candidate and his agents took all reasonable means for preventing the commission of corrupt practices at the election.

**SCHEDULE-D**

**CHAPTER-II-PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, etc., Proceeding of the Corporation., Provisions regulating Corporation's proceedings., RULE 1.** (a) There shall be in each month at least one ordinary meeting of the Corporation which shall be held not later than the twentieth day of the month;

(b) the first meeting of the Corporation after general elections shall be held as early as conveniently may be on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent date to be fixed by the Commissioner;

(c) the day, time and place of meeting shall in every other case be fixed by the Mayor or in the event of the office of Mayor being vacant, or of the death or resignation of the Mayor or of his ceasing to be a councilor, or of his being incapable of acting, by the Deputy Mayor, or failing both the Mayor and the Deputy Mayor, by the Chairman of the Standing Committee;

(d) the Mayor or, in such event as aforesaid, the Deputy Mayor may, whenever he thinks fit, and shall upon a written requisition signed by not less than one-fourth of the whole number of councilors or by not less than four members of the Standing Committee, call a special meeting and every meeting of the Corporation shall except for special reasons to be mentioned in the notice convening the meeting, be held in the chief municipal office;

(e) every meeting shall be open to the public, unless a majority of the councilors present thereat decide by a resolution which shall be put by THE PRESIDING the presiding authority of his own motion or **AT THE REQUEST OF ANY COUNCILOR PRESENT, WITHOUT PREEVIOUS DOSCUSSION, THAT ANY INQUIRY OR DELIBERATION PENDING BEFORE THE CORPORATION IS SUCH AS SHOULD BE HELD IN PRIVATE, PROVIDED THAT THE PRESIDING AURTORITY MAY AT ANY TIME CAUSE ANY PERSON TO BE REMOVED WHO INTERRUPTS THE PROCEEDINGS;**

**SCHEDULE. Continued.**

(f) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councilors present, inclusive of the presiding authority, falls short of one-third of the whole number of councilors, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting, or if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum present thereat or not;

(g) every meeting shall be presided over by the Mayor, if he is present at the time appointed for holding the same, and if the office of Mayor is vacant or if the Mayor is absent, by the Deputy Mayor or, in the absence of the Deputy Mayor, by such one of the councilors present as may be chosen by the meeting to be Chairman for the occasion;

(h) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget estimate, in pursuance, of a written requisition signed by not less than four members of the Standing Committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(i) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat other than questions under section 44 and shall be given by the Municipal Secretary by advertisement in at least one local newspaper having a substantial circulation and, as far as practicable, a copy of such notice shall be sent by ordinary post to the last known address of every councilor;

(j) any councilor who desires at any meeting to bring forward any business, *other than any questions under section 44*, or to make any substantive proposition which is not already specified in the notice of such meeting shall give written notice of the same to the Municipal Secretary *at least three clear days before the day fixed for the meeting*; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said Secretary in a local newspaper not later than the day previous to the meeting;

(k) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (i) and any *questions asked under section 44*, or urgent business not specified in the said notice which the Standing Committee, Transport Committee or the Commissioner deem it expedient to bring before the meeting and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (f) or which is not in support of the recommendation of the Standing Committee, Transport

Committee or Commissioner with reference to any urgent business brought by any of those authorities respectively before the meeting: Provided that no such urgent business as aforesaid shall be brought before any meeting, unless at least three-fourth of the councilors present at such meeting, such three-fourth being not less than one-fourth of the whole number of councilors, assent to its being brought forward thereat;

(l) at meeting called on a requisition of urgency and during the discussion at any meeting of a budget estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget estimate, as the case may be; and no proposition involving any change in the taxes which the Standing Committee proposes to impose or at fares or charges which the Transport Committee proposes to levy or an increase or decrease of any item of expenditure in a budget estimate, shall be made or discussed at any meeting at which such budget estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (i) or in the supplementary announcement, if any, published under clause (j) or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (m) has been fulfilled;

(m) any meeting may, with the consent of a majority of the councilors present, be adjourned from time to time to a later hour on the same day or to any other day, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business or proposition remaining undisposed of at the meeting from which the adjournment took place:

Provided that at any adjourned meeting at which a budget estimate is under consideration a proposition involving any change such as is described in clause (l) may be made and discussed notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled, namely:-

(i) that written notice of such proposition has been given at the meeting from which the adjournment took place;

(ii) that the adjournment has been for not less than two clear days; and

(iii) that a special announcement of the proposition has been given by the Municipal Secretary (who shall be bound to give such announcement) in a local daily newspaper not later than the day previous to the adjournment meeting;

(n) a minute of the names of the councilors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up kept by the Municipal Secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councilor free of charge and by any other person on payment of a fee of *eight annas*;

**SCHEDULE. Continued.**

(o) every question other than the question whether the Standing Committee, Transport Committee or Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councilors present and voting on that question, unless otherwise provided in or under this Act, the presiding authority having a second or casting vote when there is an equality of votes;

(p) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration be not less than for councilors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(q) when a poll is taken, the vote of each councilor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councilors voting respectively for or against the proposition shall be recorded in the minute-book;

(r) no resolution passed by the Corporation shall be modified or *cancelled within three months after the passing thereof*, except by a resolution supported by not less than one-half of the whole number of councilors or by such larger number of councilors as may be required by this Act in any particular case and passed at a meeting whereof notice shall have been given fulfilling the requirements of clause (h) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

**CHAPTER-II-PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, etc., Proceeding of the Corporation., Power to order withdrawal of councilor., RULE 2.**

(1) The presiding authority shall preserve order and may direct any councilor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation and such councilor shall do so forthwith and shall absent himself during the remainder of the day's meeting.

(2) if any *councilor is ordered to withdraw a second time within fifteen days*, the presiding authority may suspend such councilor from attending the meeting of the Corporation for *such period not exceeding fifteen days as the presiding authority may fix* and the councilor so directed shall absent himself accordingly:

Provided that the presiding authority may remit the period of suspension on apology being made to his satisfaction by the councilor under suspension:

Provided also that such suspension from the service of the Corporation shall not prevent any councilor from participating in the proceedings of any committee of which he is a member.

(3) The presiding authority may, *in the case of grave disorder arising in a meeting suspend the meeting for a period not exceeding three days*.

**CHAPTER-II-PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, etc., Proceeding of the Standing Committee., Provisions regulating the proceedings of the Standing Committee., RULE 3.**

(a) There shall be a meeting of the Standing Committee once a week, and at such other times as shall be found necessary;

(b) the first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the Standing Committee shall be held on such day and at such time as the said Committee from time to time determines;

(c) the Chairman of the Standing Committee shall, upon a written requisition signed by the Commissioner, call a special meeting of *the said Committee within twenty-four hours for the transaction of any business which*, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said Committee;

(d) no business shall be transacted at a meeting of the Standing Committee unless at least five members are present from the beginning to the end of such meeting;

(e) every meeting of the Standing Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting, and if the Chairman is absent by such one of the members present as may be chosen by the meeting to be Chairman for the occasion;

(f) every question shall, except as otherwise provided in this Act, be decided by a majority of votes of the members of the Standing Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(g) a sub-committee may elect a Chairman of its meetings, and if no such Chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present shall choose one of its member to be Chairman of such meeting;

(h) sub-committees may meet and adjourn as they think proper, but the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(i) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present, and in case of an equality of votes, the Chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof;

**SCHEDULE. Continued.**

(j) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Standing Committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting.

**CHAPTER-II-PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, etc., *Proceeding of the Transport Committee., Meeting of Transport Committee.*, RULE 4.** (a) The Transport Committee shall meet for the dispatch of Business in the Chief Municipal office or at such other place as the Corporation may direct;

(b) there shall be a meeting of the Transport Committee once a fortnight and at such other times as shall be found necessary;

(c) the first meeting of the Transport Committee shall be held on a day and a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor; and every subsequent meeting of the Committee shall be held on such day and at such time as the Committee may from time to time determine;

(d) the Chairman of the Transport Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the Transport Manager, or by not less than three members of the Committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the Committee for the transaction of any business;

(e) no business shall be transacted at a meeting of the Transport Committee unless at least four members are present from the beginning to the end of meeting;

(f) every meeting of the Transport Committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and, if the Chairman is absent, by such one of the members as may be chosen by the meeting to be Chairman for the occasion;

(g) every question shall, subject to the provisions of this Act, be decided by a majority of votes of the members of the Transport Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(h) the Transport Committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the Committee at such meeting.

**CHAPTER-II-PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, etc., *Questions., Right to ask questions.*, RULE 5.** (1) Any question concerning or connected with the administration of this Act or the Municipal Government of the City may be asked by *a councilor subject to the following conditions:-*

(a) not less than seven clear days' notice in writing specifying, the question shall be given to the Municipal Secretary;

(b) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition;

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any Court of law or before any tribunal in any part of the Dominion of India;

(iii) which relates to the Character or conduct of any Municipal officer or servant except in his official or public capacity; or

(iv) *which is, or by implication may be, defamatory of or which makes or implies a charge of a personal Character against any person or community or section of any community.*

(2) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-rule (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1) the Mayor shall decide the point and his decision shall be final.

(4) Unless otherwise directed by the presiding authority, every question shall be answered by the Commissioner at a meeting of the Corporation.

(5) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

(6) if any questions seek information which is available in any printed record of the Corporation, it shall be sufficient for the Commissioner in his answer to invite attention to such record.

(7) The Transport Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Transport Undertaking as he may require for the purpose of answering any question under this rule.

**CHAPTER-III-PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE AND ORHER BODIES., *Right to ask questions.*, SECTION 44.** A Councilor may, subject to the conditions prescribed by rules, ask questions on any matter relating to the administration of this Act or the Municipal Government of the City.

SCHEDULE-D

CHAPTER-III.-METHOD OF APPOINTMENT OF CERTAIN MUNICIPAL OFFICERS AND SERVANTS AND THEIR DUTIES AND POWERS., I. Method of appointment., *Manner of making appointment.*, **RULE 1.** *Save in the case of temporary appointment made under sub-section (7) of section 45 and in the case of acting appointments made under section 58 no person shall be appointed to any of the posts the power of appointment to which vests in the Corporation unless he possesses the qualifications prescribed in this behalf under rule 3.*

2. Before making an appointment to any post referred to in rule 1 applications shall be invited for such post by advertisement in the local newspapers and the applications received shall be scrutinized by the Commissioner who shall submit to the Corporation, through a committee *if so required by the Corporation a list arranged in order of preference of such persons out of those who have applied as he considers qualified for the post.*

Provided that, if the Corporation is of the opinion that any officer in municipal service possessing the qualification prescribed under rule 3 is a fit person to be appointed to the post, it may appoint such officer to the post without following the procedure prescribed in this rule.

3. Subject to the provisions of this Act, the Corporation shall from time to time prescribe the qualifications required for each post, *the power of appointment to vest in the Corporation, with the approval of the [State] Government*, who may, in granting such approval make such modifications, in or additions to the qualifications prescribed by the Corporation as it deems fit.

4. In the case of appointments made by any authority other than the Corporation no person shall be appointed except in a *temporary or provisional capacity for a period not exceeding six months*, unless he possess the qualifications specified in the regulations.

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

**II. Chief Auditor**

5. (1) The Municipal Chief Auditor shall audit the accounts of the Corporation, as hereinafter provided, with the assistance of the assistant auditors, clerks and servants immediately subordinate to him.

(2) In the discharge of his functions, under this rule the Municipal Chief Auditor shall,-

(i) audit the account of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(ii) audit the accounts of debt, deposit, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts, and upon the results of verification of the balances relating thereto.

(3) The Municipal Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Corporation, including the balance sheets, where such accounts are maintained under the orders of the Corporation, the Standing Committee or the Transport Committee; and shall certify and report upon these accounts.

(4) The Municipal Chief Auditor shall, in consultation with the Standing Committee, and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports..

6. (1) The Municipal Chief Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the Chief Auditor.

(3) The powers of the Municipal Chief Auditor with regard to disapproval of, and the procedure with regard to settlement of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by regulations.

7. If the Municipal Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit, shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said office for inspection..

8. The Municipal Chief Auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him: *Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.*

9. The Municipal Chief Auditor shall have authority to frame rules, and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

10. Sanctions to expenditure accorded by the Municipal Chief Auditor shall be audited by an officer to be nominated by the Corporation.

**SCHEDULE. Continued.**

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

**CHAPTER-IV.-MUNICIPAL OFFICERS AND SERVANTS—THEIR APPOINTMENT AND CONDITIONS OF SERVICE.,** *City Engineer, Medical Officer of Health, Municipal Chief Auditor, Municipal Secretary, Deputy Municipal Commissioner and Assistant Municipal Commissioner., Appointment of City Engineer, etc., SECTION 45.* (1) The Corporation shall from time to time appoint fit persons to be City Engineer, Medical Officer of Health, Municipal Chief Auditor and Municipal Secretary.

(2) The Corporation may from time to time with the approval of the <sup>1</sup>[State] Government create an appointment of Deputy Municipal Commissioner or an appointment of Assistant Municipal Commissioner or so many such appointments as it considers necessary, and may appoint a fit person or fit persons to such appointments.

(3) An officer appointed under this section shall have such qualification as may be prescribed under the rules and shall receive such monthly salary and allowances as the Corporation may with the approval of the <sup>1</sup>[State] Government from time to time fix:

Provided that the salary of no officer shall be altered to his disadvantage during his period of office..

(4) Every appointment made under this section, excepting an appointment of a Municipal Secretary, shall be subject to confirmation by the <sup>1</sup>[State] Government and any officer whose appointment the <sup>1</sup>[State] Government refuses to confirm shall be removed from office forthwith.

(5) On the occurrence of a vacancy in any office specified in this section an appointment shall be made thereto by the Corporation *within for months* from the date on which the vacancy occurred or, in the event of the removal of an officer under sub-section (4) within thirty days of the receipt by the Corporation of the order of the [State] Government..

(6) In default of an appointment being made by the Corporation under sub-section (5), the <sup>1</sup>[State] Government may appoint a fit person to fill the vacancy and such appointment shall for all purposes be deemed to have been made by the Corporation.

(7) Pending the settlement of an appointment under sub-section (1) or sub-section (5), the Corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary and allowances not exceeding the maximum fixed under sub-section (3) for the time being as it thinks fit:

Provided that no such appointment shall extend beyond or be made after a lapse of six months from the date on which the vacancy occurs.

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

**SCHEDULE-D**

**CHAPTER-IV.-ESSENTIAL SERVICES., Class I.,** (a) Scavenging or cleansing Streets or Premises,  
(b) Maintaining, repairing, cleansing or flushing Drains,  
(c) Removing or disposing of excrement stations or polluted matter from houses, latrines, privies, urinals or cesspools,  
(d) Removing carcasses,  
(e) Preventing nuisances generally.

**CHAPTER-IV.-ESSENTIAL SERVICES., Class II.,** (a) Fire brigade service,  
(b) Services in connection with the maintenance or service of any municipal water works, drains, pumping stations or fire hydrant, including—  
(i) Inspectors,  
(ii) Sub-Inspectors,  
(iii) Foremen,  
(iv) Mechanics,  
(v) Drivers,  
(vi) Watchman,  
(vii) Labourers,  
(viii) Workmen,  
(c) Lamp-Lighters.

**CHAPTER-IV.-ESSENTIAL SERVICES., Class III.,** (a) Electric undertaking services.  
(b) Transport services.

**SCHEDULE-D**

**CHAPTER-V.-CONTRACT., Mode of executing contracts., RULE 1.** (1) Every contract into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged:Provided that-

(a) any such contract which would require to be under if it were entered into by the Commissioner shall be sealed with the common seal of the Corporation; and

**SCHEDULE. Continued.**

(b) every contract for the execution of any work or the supply of any *materials or goods which will involve an expenditure exceeding five hundred rupees* or such higher amount as the Corporation, with the approval of the <sup>1</sup>[State] Government, may from time to time prescribe shall be in writing and shall be sealed with the common seal of the Corporation in the manner prescribed in sub-rule (2), unless the contract relates to work which has already been performed or the supply of materials or goods which have already been supplied to the satisfaction of the Commissioner and the Commissioner by order in writing dispenses with the execution of a written instrument.

(2) The common seal of the Corporation, which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two members of the Standing Committee to every contract or other instrument required to be under seal and such contract or instrument shall be signed by the said two members of the Standing Committee in token that the same was sealed in their presence.

The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

**CHAPTER-V.-CONTRACT., *Tenders to be invited for certain contracts.*, RULE 2.** (1) Except as is hereinafter otherwise provided, the Commissioner or any officer authorized by him in this behalf shall, at least *seven days* before entering into *any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees* or such higher amount as the Corporation may, with the approval of the [State] Government, from time to time prescribe, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(2) *The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (c) of section 73, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:*

Provided that the Standing Committee may authorize the Commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

**CHAPTER-V.-CONTRACT., *Security when to be taken for performance of contract.*, RULE 3.** The Commissioner shall require sufficient security for the due performance of every contract into which he enters under rule 2 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

**CHAPTER-V.-CONTRACT., *Application of Chapter to contracts relating to Transport Undertaking.*, RULE 4.** The provisions of this Chapter shall, so far as may be, apply to contracts relating to the Transport Undertaking:

Provided that the functions to be performed thereunder by the Standing Committee or the members thereof and the Commissioner, shall be performed by the Transport Committee or the members thereof and the Transport Manager, as the case may be.

**CHAPTER-VII.-CONTRACTS., *Power to Commissioner to execute contracts on behalf of Corporation.*, SECTION 73.** With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property of any interest therein, the following provisions shall have effect, namely:-

(a) every such contract shall be made on behalf of the Corporation by the Commissioner;

(b) no such contract or any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly given;

(c) *no contract which will involve an expenditure exceeding ten lakh rupees or such higher amount as the Corporation may, with the approval of the <sup>2</sup>[State] Government, from time to time prescribe*, shall be made by the Commissioner unless the same is previously approved by the Standing Committee:

Provided that, where the previous approval of the Standing Committee is sought by the Commissioner for any contract for the purposes of Chapter XII and XIII the Standing Committee shall consider and dispose of the proposal made by the Commissioner in that behalf within fifteen days from the date on which the item is first included in the agenda of any meeting of that Committee, failing which the approval to such contract shall be deemed to have been given by the Committee, and a report to that effect shall be made by the Commissioner to the Corporation;

(d) *every contract made by the Commissioner involving an expenditure exceeding fifty thousand rupees and not exceeding ten lakh rupees* or such higher amount as may for the time being prescribed under clause (c) shall be reported by him, *within fifteen days after the same has been made, to the Standing Committee:*

(e) the forgoing provisions of this section shall, as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

1-2. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

**SCHEDULE-D**

**CHAPTER-VI-SPECIAL FUNDS., Constitution of Fines Funds., RULE 1.,** *Fines collected under section 56 from municipal officers and servants other than those appointed under the provisions of Chapter XX shall be credited to a separate fund to be called "the Fines Fund" the proceeds of which shall be expended in promoting the well being of municipal officers and servants other than those appointed under the provisions of Chapter XX and for the payment of compassionate allowances, in accordance with such directions as the Standing Committee may from time to time give, to the surviving spouse or children, and in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, of such officers and servants who die which in municipal service.*

**CHAPTER-VI-SPECIAL FUNDS., Constitution of Welfare Fund., RULE 2.,** *Amounts transferred to the Municipal Fund under the provisions of clause (c) of sub-section (1) of section 360 shall be credited to a special fund to be called "the Welfare Fund" and shall be expended in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XX, and to such members of their families and their dependents as the Standing Committee may from time to time determine.*

**CHAPTER-VI-SPECIAL FUNDS., Special Fund may be created with the approval of Corporation., RULE 3.,** (1) With the previous approval of the Corporation, all moneys payable from time to time to the credit of the Municipal Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the municipal accounts.

(2) With the like approval, a portion of the Municipal Fund may from time to time be credited to a separate heading in the municipal accounts for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special headings..

(3) If the Corporation is at any time of the opinion that the maintenance of special fund created under this rule is no longer necessary, it may direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

**CHAPTER-VI-SPECIAL FUNDS., Institution of Transport Staff Benefit Fund., RULE 4.,** *Fines collected under section 56 from municipal officers and servants appointed under Chapter XX, donations from passengers, and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Transport Undertaking shall be credited to a separate heading in the accounts of the Transport Undertaking to be called the Transport Staff Benefit Fund and the amounts so credited shall be expended in promoting the well being of such officers and servants and for the payment of compassionate allowances to the widows of such officers and servant who die while in municipal service and to such other relations of the officers and servants as the Transport Committee may from time to time determine.*

**CHAPTER-VI-SPECIAL FUNDS., Other Special Funds., RULE 5.,** (1) With the previous approval of the Corporation, the Transport Committee may direct that any moneys payable from time to time to the credit of the Transport Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the accounts of the Transport Undertakings.

(2) With the like approval, a portion of the Transport Fund may from time to time be credited to a separate heading in the accounts of the Transport Undertaking for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading..

(3) If the Transport Committee is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may, with the sanction of the Corporation, direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

**CHAPTER-IV.-MUNICIPAL OFFICERS AND SERVANTS—THEIR APPOINTMENT AND CONDITIONS OF SERVICE., Imposition of penalties., Imposition of penalties on municipal officers and servants.,SECTION 56.** (1) A competent authority may subject to the provisions of this Act impose any of the penalties specified in sub-section (2) on a municipal officer or servant if such authority is satisfied that such officer or servant is guilty of a breach of departmental rules or discipline or of carelessness, neglect of duty or other misconduct or is incompetent: Provided that-

(a) no municipal officer or servant whose monthly salary, exclusive of allowances, exceeds one thousand rupees shall be dismissed by the Commissioner without the previous approval of the Standing Committee;

(b) any officer or servant, whether appointed by the Corporation or any other competent, authority, except Transport Manager being a Government Officer on deputation, may be suspended by the Commissioner pending an order of the Corporation and when the officer so suspended is the Transport Manager or an officer appointed under section 45, such suspension with reasons therefor, shall, forthwith be reported by the,

**SCHEDULE. Continued.**

*Commissioner to the Corporation*, and such suspension shall come to an end if not confirmed by the Corporation within a period of six months from the date of such suspension: Provided that, such suspension of an officer or servant pending inquiry into the allegation against such officer or servant shall not be deemed to be a penalty.

(c) the Commissioner may impose any of the penalties as specified in clause (a), (b), (c), (d), (e) and (f) of sub-section (2) on any officer appointed by the Corporation other than the Transport Manager if he is a Government Officer on deputation;

(d) the Municipal Chief Auditor and the Municipal Secretary may impose any of the penalties specified in clauses (a), (b), (c), (d) and (e) of sub-section (2) on any officer or servant immediately subordinate to them---subject to a right of appeal to the Standing Committee and the Standing Committee may impose any other penalty on any such officer or servant and may also impose, any penalty on any other officer or servant immediately subordinate to the Municipal Chief Auditor or the Municipal Secretary;

(2) The penalties which may be imposed under this section are the following namely:-

(a) censure;

(b) with holding of increments or promotion, including stoppage at an efficiency bar;

(c) reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(d) fine;

(e) recovery from salary of the whole or part of any pecuniary loss caused to the Corporation;

(f) suspension;

(g) removal from municipal service which does not disqualify from future employment;

(h) dismissal from municipal service which ordinarily disqualifies from future employment.

(3) No officer or servant shall be reduced to a lower post or removed or dismissed from service under this section unless he has been given a reasonable opportunity of showing cause against such reduction, removal or dismissal: Provided that, this sub-section shall not apply-(a) where a person is reduced, removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the competent authority is satisfied that, for reasons to be recorded in writing by such authority, it is not reasonable practicable to give that person an opportunity of showing cause.

(4) Subject to the provisions of clause (d) of the proviso to sub-section (1), any municipal officer or servant who is reduced, removed or dismissed by any authority other than the Corporation may, within one month of the communication to him of the order of reduction, removal or dismissal, appeal to the authority immediately superior to the authority which imposed the penalty and the appellate authority may, after obtaining the remarks of the authority which imposed the penalty, either confirm the order passed or substituted for it such order as it considers just, including an order for the imposition of some lesser penalty, and effect shall forthwith be given to any order passed by the appellate authority which shall be conclusive: Provided that, for the purposes of this sub-section, the Standing Committee shall be deemed to be the authority immediately superior to the Commissioner and the Corporation shall be deemed to be the authority immediately superior to the Standing Committee.

(5) With reference to officers and servants appointed under Chapter XX, the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Committee" had been substituted.

**Explanation.**-(1) For the purposes of this section competent authority is the authority which under the provisions of this Act is competent to make the appointment to the post held by the particular municipal officer or servant.

(6) The monthly salary which would ordinarily be admissible to a municipal officer or servant on the date immediately preceding the date of the order imposing a penalty shall be deemed to be his salary for the purposes of the proviso to sub-section (1).

**CHAPTER-XX.-THE TRANSPORT UNDERTAKING., *Payments out of Surplus Balance., Disposal of surplus balance of revenue.*, SECTION 360.** (1) If after making allowance for the matter mentioned in section 359, there remains any further surplus balance of income, over expenditure at credit of the Revenue Account of the Transport Fund, such surplus shall be disposed of as follows:-

(a) 30 per cent of the surplus shall be credited, under a separate heading in the accounts maintained under section 361 to a special fund to be called the "Revenue reserve Fund" unless the balance in the said Revenue Reserve Fund, with such credit, would exceed such sum as the Corporation shall, with the sanction of the [State] Government fix, in which case only such sum, if any, as is required to bring the balance to the sum so fixed shall be so credited and the remainder of the surplus, up-to 30 per cent thereof shall be added in equal shares to the amounts credited or transferred under clauses (b), (c) and (d);

(b) 30 per cent of the surplus and such additional amount as may be available under clause (a) shall be credited under a separate heading, in the accounts maintained under section 361 to a special fund called "the Transport Betterment Fund";

(c) 25 per cent of the surplus and such additional amount as may be available under clause (a) shall be transferred to the Municipal Fund for credit to the Welfare Fund constituted under the rules; and

(d) 15 per cent of the surplus and such additional amount as may be available under clause (a) shall be transferred to the Municipal Fund.

(2) The Revenue Fund shall be applied to the following purposes:-

**SCHEDULE. Continued.**

(i) in making good or in reduction of any deficit in the amount to be transferred in any year to the Municipal Fund under **section 359**; and

(ii) in meeting any charges to be defrayed out of the Transport Fund to the extent to which the balance available in the Fund is insufficient for the purpose.

(3) The Transport Betterment Fund shall be applied to improvements in the services, amenities and facilities provided for the public by the Transport Undertaking.

(4) The amount to be transferred to the Municipal Fund under clause (c) and (d) of sub-section (1) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means of cheques drawn upon the Transport Fund not later than the *thirtieth day of June immediately following the close of the official year in which the transfer are due to be made.*

**CHAPTER-XX.-THE TRANSPORT UNDERTAKING., Payments out of Surplus Balance., Fixed annual payment to Municipal Fund., SECTION 359.** (1) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the Transport Fund at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said Fund and allowing for the retention of the cash balance specified in, or *for the time being fixed under section 98 to the credit of the said Fund*, there shall be transferred to the credit of the Municipal Fund the amount provided in Sub-section (2):

Provided that if the balance at credit of the said Revenue Account, after allowing for the matters aforesaid, is less than the amount provided in sub-section (2), the whole of such balance shall be transferred to the Municipal Fund and any deficit shall be made good to the municipal Fund out of *the Revenue Reserve Fund maintained under Section 360* and if the deficit still remains, it shall be made good to the Municipal Fund out of the Balance available at the credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (2) in respect of that year.

(2) The amount to be transferred to the Municipal Fund under sub-section (1) shall be in respect of each official year such sum as the Corporation, before the beginning of that year, may determine.

(3) The sum to be transferred under sub-section (1) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means of a cheque drawn upon the Transport Fund not later than the thirtieth day of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues..

**CHAPTER-IX.-THE MUNICIPAL FOUND AND OTHER FUNDS., Annual Budget Estimate., Budget Estimate 'B' to be prepared by Transport Committee., SECTION 98.** (1) The Transport Committee shall consider the estimates of the Transport Manager and, after having obtained from the Transport Manager such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall think fit, a budget estimate, to be called "budget estimate 'B' of the income and expenditure for the next official year to be received and incurred in respect of the Transport Undertaking..

(2) in budget estimate "B" the said Committee shall,-

(a) provide for the payment as they fall due, of all sums and of all installments of principal and interest for which the Corporation may be liable under this Act by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertakings;

(b) allow for the appropriation to any special fund of the sum estimated by the Transport Manager, revised as it thinks proper;

(c) allow for the amounts to be transferred during the next ensuing official year to the Municipal Fund as provided in sections 359 and 360;

(d) provided for such expenditure, if any, as it considers necessary to defray from the balance in any special fund;

(e) allow for a cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the Corporation may from time to time fix.

(3) The Transport Manager shall lay budget estimate "B" as framed by the Transport Committee before the Standing Committee on or before such date as the Corporation may from time to time fix in this behalf and the Standing Committee shall prepare a report to the Corporation thereon, incorporation the remarks and recommendations, if any, of the Standing Committee.

(4) The Municipal Secretary shall cause budget estimate "B" and the report of the Standing Committee thereon to be printed and shall not later than such date as the Corporation may from time to time fix in this behalf forward a printed copy thereof to the usual or last known local place of above of each councilor.

**CHAPTER-XX.-THE TRANSPORT UNDERTAKING., Payments out of Surplus Balance., Accounts of the Transport Undertaking., SECTION 361.** (1) Account of the receipts and expenditure of the Corporation on account of the Transport undertaking and of the properties vested or vesting in the Corporation for the purposes of the said Undertaking shall be kept in such manner and in such forms as the Transport Committee shall from time to time prescribe.

**SCHEDULE. Continued.**

**CHAPTER-VII.-BUDGETS., Classification of budget heads., RULE 1.** The expenditure said of budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units:

(a) "Major head" means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads.

(b) "Minor head" means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further sub-divided into two or more subordinate heads.

(c) "Subordinate head" means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further sub-divided into two or more primary units.

(d) "Primary unit" means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.

**CHAPTER-VII.-BUDGETS., Reductions or transfers., RULE 2.** (1) Subject to the provisions of sub-section (1) of *section 101*, the Corporation may, on the recommendation of the Standing Committee from time to time during an official year, sanction the transfer of any amount from one budget grant to another.

(2) The Standing Committee may at any time during an official year—

(a) reduce the amount of a budget grant;

(b) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head; or

(c) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(3) The Commissioner may, at any time during an official year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability; Provided that every transfer of an amount exceeding rupees five hundred made under sub-rule (3) shall be reported forthwith by Commissioner to the Standing Committee.

(4) When making any transfer under sub-rules (1), (2) and (3), due regard shall be had to all the requirements of this Act.

(5) If any such reduction as is referred to in clause (a) of sub-rule (2) is of an amount as it may think fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order.

(6) For the purpose of expenditure from the Transport Fund, the provisions of this rule shall apply as if for the word "Standing Committee" the words "Transport Committee" and for the word "Commissioner" the words "Transport Manager" had been substituted.

**CHAPTER-IX.-THE MUNICIPAL FUND AND OTHER FUNDS., Annual Budget Estimate., Corporation may increase amount of budget grant and make additional grants., SECTION 101.** (1) On the recommendation of the Standing Committee in the case of expenditure from the Municipal Fund and the Transport Committee in the case of expenditure from the Transport Fund, the Corporation may from time to time during an official year increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirements arising during the said year, but not so that the estimated each balance at the close of the year exclusive of the balance, if any, of any special fund shall be reduced below *one lakh of rupees* or such other amount as may have been fixed for the time being by the Corporation in the case of either the Municipal Fund or the Transport Fund.

(2) Such increased or additional budget grant shall be deemed to be included in the budget estimates adopted by the Corporation for the year in which they are made.

**SCHEDULE-D**

**CHAPTER-VIII.-TAXATION RULES., Notice of transfer, etc., of premises assessable to Property taxes., Notice to be given to Commissioner of all transfers to title of persons primarily liable to payment to property tax., RULE 1.** (1) whenever the title of any person primarily liable for the payment of property taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within 3 months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Commissioner within 1 year from the death of the deceased.

**CHAPTER-VIII.-TAXATION RULES., Notice of transfer, etc., of premises assessable to Property taxes., Form of Notice., RULE 2.** (1) The notice to be given under rule 1 shall be in such form as the Commissioner may from time to time by public notice specify and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks it necessary, require the production of the instrument of transfer, if any, or of a *copy thereof obtained under Section 57 of the Indian Registration Act, 1908*, or, in case of a transfer of the title or a deceased person, of any other document constituting evidence of such transfer.

**SCHEDULE. Continued.**

(3) No such notice shall be deemed to be validly given unless the property taxes due at the date of notice in respect of the premises to which it relates have been paid and unless such fee as may from time to time be prescribed by the Standing Committee for acceptance of the notice has been paid.

**CHAPTER-VIII.-TAXATION RULES., Notice of transfer, etc., of premises assessable to Property taxes., Liability for payment of property taxes to continue in the absence of any notice of transfer., RULE 3.**

(1) if any person primarily liable for the payment of a property tax whose title to or over such premises is transferred fails to give notice of such transfer to the Commissioner, he shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property taxes from time to time payable in respect of said premises until he give such notice, or until the transfer shall have been recorded in the Commissioner's books.

(2) Nothing in this rule shall be held to diminish the liability of the transferee for the said property taxes, or to effect the prior claim of the Commissioner on the premises conferred by section 141 for the recovery of the property taxes due thereupon.

**CHAPTER-XI.-MUNICIPAL TAXATION., Liability for property Taxes., Property taxes to be a first charge on premises on which they are assessed., SECTION 141.**

(1) property taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land revenue, if any, due to the Provincial Government thereupon, be a first charge, in the case of any building or land held immediately from the [Government] upon the interest in such building or land of the person liable for such taxes and upon the moveable property, if any, found within or upon such building or land and belonging to such person; and, in the case of any other building or land, upon the said building or land and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such taxes.

**Explanation.**-The term "Property tax" in this section shall be deemed to include charges payable under section 134 for water supplied to any premises and the costs of recovery of property taxes as specified in the rules.

(2) in any decree passed in a suit for the enforcement of the charge created by sub-section (1), the Court may order the payment to the Corporation of interest on the sum found to be due at such rate as the Court deems reasonable from the date of the institution of the suit until realization, and such interest and the cost of enforcing the said charge, including the costs of the suit and the cost of bringing the premises or moveable property in question to sale under the decree, shall, subject as aforesaid, be a fresh charge on such premises and moveable property along with the amount found to be due, and the Court may direct payment thereof to be made to the Corporation out of the sale proceeds.

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

**CHAPTER-XI.-MUNICIPAL TAXATION., Special provisions relating to water and conservancy taxes., Fixed charges and agreements for payments in lieu of taxes for water supplied., SECTION 134.**

(1) The Commissioner may-

(a) in such cases as the Standing Committee shall generally approve, instead of levying the water tax in respect of any premises liable thereto, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said Committee in this behalf or by the size of the water connection with the municipal main and the purpose for which the water is supplied at such rates as shall from time to time be prescribed by the Corporation.

(b) in such cases as the Standing Committee shall generally approve, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water tax or charge by measurement or by the size of the water connection which would otherwise be leviable from such person in respect of the said premises.

(2) the Standing Committee may, for the case in which the Commissioner charges for water by measurement or by the size of the water connection under clause (a) of sub-section (1) from time to time prescribed such conditions as it shall think fit as to the use of the water and to the charge to be paid for water consumed whilst a meter is out of order or under repair; and for the cases in which a composition is made under clause (b) of the said sub-section the said Committee may prescribe such conditions as to the use of the water as it shall think fit: Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or rules or bye-laws.

(3) A Person who is charged for water by measurement or by the size of the water connection or who has compounded for a fixed periodical sum shall not be liable for payment of the water tax, but any sum payable by him on account of water shall, if not paid when it becomes due, be recoverable by the Commissioner as if it were an arrear of water tax.

**CHAPTER-VIII.-TAXATION-RULES., Notice of transfer, etc., of premises assessable to Property taxes., Commissioner may call for information from Registrar., RULE 4.**

(1) On the written request of the Commissioner, the Registrar of Sub-Registrar of the district or sub-district formed for the purposes of the Indian Registration Act, 1908, in which the City is situate shall furnish such particulars regarding the registration of instruments of transfer of title to immovable properties in the City as the Commissioner may from time to time specify.

**SCHEDULE. Continued.**

(2) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected, or if the Commissioner so requests, in periodical returns made as such intervals as the Commissioner may fix.

**CHAPTER-VIII.-TAXATION RULES., Notice of transfer, etc., of premises assessable to Property taxes., Notice to be given to Commissioner of the erection of a new building, etc., RULE 5.** (1) When any new building is erected, or when any building is rebuilt or enlarged, or when any building which has been vacant is reoccupied, the person primarily liable for the property taxes assessed on the building shall within 15 days give notice thereof, in writing, to the Commissioner.

(2) The said period of 15 days shall be counted from the date of the completion or of the occupation whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

**CHAPTER-VIII.-TAXATION RULES., Notice of transfer, etc., of premises assessable to Property taxes., Notice to be given to the Commissioner of demolition or removal of a building., RULE 6.** (1) When any building or any portion of a building which is liable to the payment of a property tax is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the Commissioner.

(2) Until such notice is given, the person aforesaid shall continue liable to pay every such property tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed: Provided that, nothing in this rule shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

**CHAPTER-VIII.-TAXATION RULES., Notice of transfer, etc., of premises assessable to Property taxes., Rateable value how to be determined., RULE 7.** (1) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for which such land or building might reasonable be expected to let from year to year a sum equal to ten per cent of the said annual rent, and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever.

(2) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Commissioner, with the approval of the Corporation, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-rule (1) but, save as aforesaid, no account shall be taken of the value of any plant or machinery contained or situated in or upon any such building or land.

(3) A statement setting out clearly the classes of plant and machinery specified from time to time by the Commissioner under sub-rule (2) and describing in detail what plant and machinery falls within each such class shall be prepared by the Commissioner under the directions of the Standing Committee and shall be open to inspection at all reasonable hours by members of the public at the chief municipal office.

(4) Printed copies of the statement prepared under sub-rule (3) shall be kept on sale at the chief municipal office at such price as the Commissioner may fix.

**CHAPTER-VIII.-TAXATION RULES., Notice of transfer, etc., of premises assessable to Property taxes., Commissioner may call for information or return from owner or occupier or enter and inspect assessable premises., RULE 8.** (1) To enable him to determine the value of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier,-

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land;

(b) as to the dimension of such building or land, or of any portion thereof and the rent, if any, obtained for such building or land, or any portion thereof; and

(c) as to the actual cost or other specified details connected with the determination of the value of such building or land.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) whoever omits to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief shall, in addition to any penalty to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such building or land or which he is the owner or occupier.

(4) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Assessment book what to contain., RULE 9.** The Commissioner shall keep book, to be called "the assessment book", in which shall be entered every official year-

**SCHEDULE. Continued.**

(a) a list of all buildings and land in the City, distinguishing each either by name or number as he shall think fit, and containing such particulars regarding the location or nature of each as will, in his opinion, be sufficient for identification;

(b) the rateable value of each such building and land determined in accordance with the provisions of this Act and the rules;

(c) the name of the persons primarily liable for the payment of the property taxes, if any, leviable on each such building or land;

(d) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(e) when the rates of the property-taxes to be levied for the year have been duly fixed by the Corporation and the period fixed by public notice as hereinafter provided, or the receipt of complaints against the amount of rateable value entered in any portion of the assessment book has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment book is assessed to each of the property taxes, if any leviable thereon;

(f) *if under section 134 or 135, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 137, the conservancy tax for any building or land is fixed at a special rate, the particulars and amount of such charges, composition or rate;*

(g) such other details, if any, as the Commissioner from time to time thinks fit to direct.

**CHAPTER-XI-MUNICIPAL TAXATION.,** *Special provisions relating to water and conservancy taxes.,* <sup>1</sup>*[Government] to be charged for water by measurement., SECTION 135.* if, in respect of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential, charitable or religious purposes, water tax would be leviable under this Act from the <sup>1</sup>*[Government]* the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the Standing Committee in this behalf not exceeding the minimum rate at the time being charged under clause (a) sub-section (1) of section 134 to any other person; and such charge shall be recoverable as provided in sub-section (3) of the said section.

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

**CHAPTER-XI-MUNICIPAL TAXATION.,** *Special provisions relating to water and conservancy taxes.,* *Conservancy* <sup>1</sup>*[for sewerage tax and sewerage benefit tax] may be Fixed at special rate in certain cases* ., **SECTION 137.** (1) the Commissioner may, whenever he thinks fit, fix the conservancy tax or sewerage tax and sewerage benefit tax to be paid in respect of any hotel, club, stable or other large premises at such special rate as shall be generally approved by the Standing Committee in this behalf whether the service in respect of which such tax is leviable or performed by human labour or by substituted means or appliances.

(2) in the case of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential or charitable or religious purposes in respect of which the conservancy tax <sup>1</sup>*[for sewerage tax and sewerage benefit tax]* is payable by the <sup>2</sup>*[Government]*, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(3) in any such case the amount of the conservancy tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal conservancy staff, of excrementitiously and polluted matter from the premises.

*1. These words were inserted by Mha. 28 of 1990 S. 15.*

*1-2. This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.*

**CHAPTER-VIII-TAXATION RULES.,** *Assessment book.,* *The assessment-book to be made separately for each ward and in parts, if necessary.,* **RULE 10.** the assessment-book may, if the Commissioner thinks fit, be made in separate books, called "ward assessment-book", one for each of the ward into which the City is for the time being divided for the purpose of elections; and each ward assessment-book may be divided into two or more part for such purposes and with such several designations as the Commissioner shall determine.

(2) The ward a assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

**CHAPTER-VIII-TAXATION RULES.,** *Assessment book.,* *Treatment of property which is let to two or more persons in separate occupancies.,* **RULE 11.** (1) when any building or land is let to two or more person holding in severally, the Commissioner may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat as a separate property.

**SCHEDULE. Continued.**

(2) when the Commissioner has determined to, treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general condition which may from time to time be prescribed by the Stating Committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general tax will be leviable in respect of the said property, sanction a draw-back of one-fifth part of the, general tax so leviable.

(3) every person who applies for a draw-back under sub-rule (2) shall furnish to the Commissioner full and correct information regarding, the property in respect of which the claim for draw-back is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the Stating Committee.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Procedure where name of person primarily liable for property-taxes cannot be ascertained., RULE 12.** (1) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "The Holder" of such premises, without further description.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such true information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained for all property-taxes leviable on the premises of which he is in occupation.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Public notice to be given when valuation of property in any ward has been completed., RULE 13.** (1) When the entries required by clauses (a), (b), (c) and (d) of rule 9 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment book, or a copy of it, may be inspected.

(2) Such public notice shall be given by advertisement in the local newspapers and also by posting play-cards in conspicuous places throughout the ward.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Assessment book to be open to inspection., RULE 14.** (1) Every person who reasonable claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion on the said book which relates to the said premises.

(2) Any person not entitled under sub-rule (1) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Time for filing complaints against valuations to be publicly announced., RULE 15.** (1) The Commissioner shall, at the time and in the manner prescribed in rule 13, give public notice of day, not being less than 15 days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

(2) in every case in which any persons have for the first time been, entered in the assessment-book as liable to the payment of property-taxes, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-rule (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within 15 days from the service of the special notice.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Time and manner of filling complaints against valuation., RULE 16.** (1) every complaint against the amount of any rateable value entered in the assessment-book or against the mention of the name of any person as primarily liable for the payment of property taxes or against the treatment of any building or land as liable to be assessed to the general tax must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(2) Every such application shall set forth briefly but the fully grounds on which the valuation is complained against.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Notice to complainants of day fixed for investigating their complaints., RULE 17.** The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice in writing, to which complainant, of the day, time and place when and whereat his complaint will be investigated.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Hearing of complaint., RULE 18.** (1) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

**SCHEDULE. Continued.**

(2) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under rule 17 and any necessary amendment shall be made in accordance with such result in the assessment-book.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Authentication of ward assessment-books when all complaints have been disposed of., RULE 19.** (1) When all such complaints, if any, have been disposed of and the entries required by clause (e) of rule 9 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book.

(2) *Thereupon the said ward assessment-book, subject to such alteration as may thereafter be made therein under the provisions of rule 20 shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.*

**CHAPTER-VIII.-TAXATION RULES., Assessment book., Assessment-book may be amended by the Commissioner during the official year., RULE 20.** (1) Subject to the provisions of sub-rule (2), the Commissioner may upon representation of any person concerned or upon any other information at any time during the official year to which the assessment-book relates amend the same,-

(a) by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted;

(b) by striking out the name of any person not liable to the property tax;

(c) by increasing or reducing the amount of any rateable value and of the assessment based thereupon;

(d) by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake.

(e) by inserting or altering an entry in respect of any building erected, re-erected, altered, added to or reconstructed in whole or in part after the preparation of the assessment-book;

(f) by making or cancelling any entry exempting any premises from liability to any property tax.

(2) Where any amendment is made under sub-rule (1) which has the effect of imposing on any person any liability for the payment of property taxes which would not be incurred but for such amendment or which has the effect of increasing *the rateable value of premises as stated in the assessment-book, a special written notice as provided in sub-rule (2) of rule 15 shall be given by the Commissioner and, as far as may be, the procedure laid down in rules 16, 17 and 18 shall be followed.*

(3) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

**CHAPTER-VIII.-TAXATION RULES., Assessment book., New assessments-book need not be prepared every official year., RULE 21.** (1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-rule (2), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year. Provided that public notice shall be given in accordance with rules 13 and 15 every year and the provisions of the said rules and of rules 16 to 20, both inclusive, shall be applicable each year.

(2) A new assessment-book shall be prepared at least once in every four years.

**CHAPTER-VIII.-TAXATION RULES., Special provisions regarding Tax on Vehicles, Boats and Animals., Person responsible for the payment of Tax on vehicles, boats and animals., RULE 22.** (1) The tax on vehicles, boats and animals shall be leviable from the owner of or person having possession or control of any vehicle, boat or animal in respect of which the said tax is leviable:

Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from the owner of, or the person having possession or control of, each vehicle, whether or not such animal is owned by such owner or person.

(2) For the purposes of this rule, the person in whose name a motor vehicle is for the time being registered under the **Motor Vehicles Act, 1939**, shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.

*\*Now see Motor Vehicles Act, 1988 (Act No. 59 of 1988)*

**CHAPTER-VIII.-TAXATION RULES., Special provisions regarding Tax on Vehicles, Boats and Animals., Vehicle, boat and animal tax book to be kept., RULE 23.** (1) The Commissioner shall keep a book, in which shall be entered from time to time,-

(a) a list of the persons liable to pay any tax under rule 22;

(b) a specification of the vehicles, boats and animals in respect of which the said persons are, respectively, liable to the said tax;

(c) the amount of tax payable by each such person and the period for which it is payable; (d) *the particulars of every composition made under section 144.*

**SCHEDULE. Continued.**

(2) Any person not entitled under sub-rule (2) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

**CHAPTER-XI-PROPERTY TAX., Tax on Vehicles, Boats and Animals., Livery-stable keepers and others may be compounded with., SECTION 144.** the Commissioner may, with the approval of the Standing Committee, compound with any livery-stable-keeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise for the payment of a lump-sum for any period not exceeding one year at a time, *in lieu of the taxes leviable under section 142* which such livery-stable-keeper or other person or dealer would otherwise be liable to pay.

**CHAPTER-XI-PROPERTY TAX., Tax on Vehicles, Boats and Animals., Tax on vehicles, boats and animals., SECTION 142.** (1) except as hereinafter provided, a tax at rates not exceeding those prescribed by order in writing by the <sup>2</sup>[State] Government in this behalf from time to time shall be levied on vehicles, boats and animals of the descriptions specified in the order, when kept for use in the City for the conveyance of passengers or goods in the case of vehicles and boats and for riding, racing, draught or burden in the case of animals: Provided that no tax shall be levied on motor vehicles save as provided in Section 20 of the Bombay Motor Vehicles Tax Act, 1958.

**Explanation.-**A vehicle, boat or animal kept outside the limits of the City by regularly used within such limits shall be deemed to be kept for use in the City.

(2) the Corporation shall from year to year, in accordance with section 99 determine the rates at which the tax shall be levied.

**CHAPTER-IX-THE MUNICIPAL FUND AND OTHER FUNDS., Annual Budget Estimate., Fixing of rates of taxes., SECTION 99.** the Corporation shall, on or before the 20<sup>th</sup> day of February, after considering the Standing Committee's proposals in this behalf, determine, subject to the limitation and conditions prescribed in Chapter XI, the rates at which municipal taxes referred to in sub-section (1) of section 127 shall be levied in the next ensuing official year and the rates at and the extent to which any of the taxes referred to in sub-section (2) of the said section which the Corporation decides to impose shall be levied in the next ensuing official year.

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

2. This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.

**CHAPTER-VIII-TAXATION RULES., Special provisions regarding Tax on Vehicles, Boats and Animals., Returns from owner of premises and persons liable to the tax., RULE 24.** (1) the owner of any premises let to or occupied by more than one person owning or having possession or control of vehicles, boats and animals liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in each year furnish the Commissioner with a written return signed by such owner of the name and address of each of the said persons, and of the animals, boats and vehicles owned by or in the possession or under the control of each of the said persons kept upon such owner's premises.

(2) every person who owns or has in his possession a vehicle, boat or animal liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in each year, or within 15 days of the receipt of a special notice in this behalf from the Commissioner furnish the Commissioner with a written return, signed by such person and containing such information concerning the vehicle, boat or animal, if any, owned by or in the possession or under the control of such person as the commissioner from time to time specifies by public notice.

(3) Every such owner or person as is referred to in sub-rule (1) and sub-rule (2), respectively, shall be bound to make a true return to the best of his knowledge or behalf, whether or not he is liable to the payment of the tax.

**CHAPTER-VIII-TAXATION RULES., Special provisions regarding Tax on Vehicles, Boats and Animals., Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle, boat or animal in respect of which liability arises, etc., RULE 25.** (1) every person who becomes the owner or obtains possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within 15 days after he has become the owner or has obtained possession or control of such vehicle, boat or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle, boat or animal as the case may be.

(2) Every person who ceases to own or have possession or, control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control or such, vehicle, boat or animal.

Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle, boat or animal until he give such notice: Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle, boat or animal or affect the prior claim of the Commissioner on such vehicle, boat or animal for the recovery of any tax due in respect thereof.

**CHAPTER-VIII.-TAXATION RULES., Special provisions regarding to Octroi and Tolls., Table of rates of octroi to be affixed on certain places., RULE 26.** the Commissioner shall cause tables of the octroi for the time being leviable, specifying the rates at which and the articles on which the same are leviable, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said octroi is levied.

**CHAPTER-VIII.-TAXATION RULES., Special provisions regarding to Octroi and Tolls., Table of tolls to be affixed in a conspicuous position., RULE 27.** the Commissioner shall cause a table of the tolls for the time being leviable, specifying the amounts and the terms on which the liability to pay the toll may be compounded by periodical payments, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said tolls are levied.

**CHAPTER-VIII.-TAXATION RULES., Special provisions regarding to Octroi and Tolls., Power to keep account-current with person, firm or public body in lieu of levying octroi on production of goods., RULE 28.** (1) the Commissioner may at any time with the approval of the Standing Committee instead of requiring payment of octroi due from any person, mercantile firm or public body to be made at the time when the goods in respect of which the octroi is leviable are introduced into the City direct that an account-current shall be kept on behalf of the Corporation of the octroi so due from such person, firm or body.

(2) Such account shall be settled at intervals not exceeding one month, and such person, firm, or public body shall give such information or details and make such deposit or furnish such security as the Commissioner shall consider sufficient to cover the amount which may at any time be due from such person, firm or body in respect of such dues.

(3) Any amount so due at the expiry of any such interval shall be recoverable by distress and sale of the moveable property or attachment and sale of the immoveable property of the defaulter as if such amount were a property tax due by the said defaulter.

**CHAPTER-VIII.-TAXATION RULES., Special provisions regarding to Octroi and Tolls., Power to examine articles liable to octroi., RULE 29.** (1) A person bringing into or receiving from beyond the limits of the City any goods shall, when required by an officer authorized in this behalf by the Commissioner and so far as may be necessary for ascertaining whether octroi is payable on such goods and the amount of tax chargeable,-

(a) unload and reload all the goods or such of them as may be required by that officer;

(b) permit that officer to inspect, examine, weigh, stamp, seal or otherwise mark for purposes of identification of such goods;

(c) permit that officer to inspect and examine any animal or vehicle on or in which such goods are loaded;

(d) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods; and

(e) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

(2) Every person in charge of such vehicle shall make a full and correct declaration of the goods carried in such vehicle.

(3) if any person bringing into or receiving from beyond the limits of the City any vehicle or package shall refuse on the demand of an officer authorized by the Commissioner in this behalf to permit the officer to inspect the contents of the vehicle or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the vehicle or package to be taken without unnecessary delay before a Magistrate or such officer of the Corporation as the Commissioner appoints in this behalf who shall cause the inspection to be made in his presence.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Property-taxes, payable half-yearly in advance., RULE 30.** Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Tax on vehicles boats and animals payable in advance., RULE 31.** (1) The tax on vehicle, boats and animals, including the tax payable under the proviso to clause (f) of sub-section (1) of section 143, shall be paid half-yearly in advance on each first day of April and each first day of October. If in any half-year a vehicle, boat or animal becomes liable to such tax, such shall be leviable thereon from the earliest day in the half-year on which such vehicle, boat or animal so becomes liable and the amount of tax leviable for such half-year shall be, if such earliest day occurs-

(a) in the first two months of such half-year, the whole tax for such half-year;

(b) in the third or fourth month of such half-year, two-thirds of the tax for such half-year;

(c) in the last two months of such half-year, one-third of the tax for such half-year, provided that no tax shall be leviable for such half-year if such earliest day occurs within the last twenty day of such half-year.

**SCHEDULE. Continued.**

(2) Notwithstanding anything in sub-rule (1), the Commissioner may, with the previous approval of the Corporation, by public notice declare that the tax payable in respect of such class of vehicles other than motor vehicles or in respect of such animals as are specified in the notice shall be payable yearly in advance on each first day of April and, in the event of such notice being given, if a vehicle or animal affected by such notice becomes liable to the tax during the course of the year, the tax shall be leviable thereon from the earliest day in such year, and the amount of tax leviable for such year shall be, if such earliest day occurs-

- (a) in the first quarter of such year, the whole tax for such year;
- (b) in the second quarter of such year, two-thirds of the tax for such year;
- (c) in the third quarter of such year, one-half of the tax such year;
- (d) in the last quarter of such year, one-third of the tax for such year:

Provided that no tax shall be levied for such year if such earliest day occurs within the last twenty days of such year.

**CHAPTER-XI-PROPERTY TAX., Tax on Vehicles, Boats and Animals., Exemption from the tax.,**

**SECTION 143.** (1) The said tax shall not be leviable in respect of,-

(a) vehicles, boats and animals belonging to the Corporation other than vehicles or animals used exclusively for the purpose of the Transport Undertaking.

(b) vehicles, boats and animals vesting in the <sup>2</sup>Government and used solely for public purposes and not used or intended to be used for purposes of profit including vehicles, boats and animals belonging to the Defence Forces;

(c) vehicles and boats intended exclusively for the conveyance free of charge of the injured, sick or dead;

(d) children's perambulators and tricycles;

(e) vehicles belonging to municipal officers or servants who are required by the terms of their appointment to maintain a conveyance for the discharge of their duties:

Provided that the exemption granted by this clause will not be available in respect of more than one vehicle for each officer or in respect of a vehicle which does not belong to the class of conveyance which the officer is required to maintain;

(f) vehicles or boats kept by *bona fide* dealers in vehicles or boats for sale merely, and not used:

provided that a tax at such rate as the Corporation shall with the approval of the <sup>3</sup>[State]Government fix in this behalf shall be levied half yearly in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939.

(2) If any question arises under clause (b) of sub-section (1) whether any vehicle, boat or animal vesting in the <sup>1</sup>[Government] is or is not used or intended to be used for the purposes of profit, such question shall be determined by the <sup>2</sup>[State] Government whose decision shall be final.

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

2. This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.

**CHAPTER-VIII-TAXATION RULES., Collection of taxes., Display of tokens, badges or disc on vehicles liable to tax on vehicles, boats and animals.,**

**RULE 32.** (1) Every person who pays the tax on vehicles, boats and animals in respect of any vehicle shall be given a token or badge or disc indicating clearly the period for which the tax has been paid and bearing a distinctive number and shall at all times display such token, badge or disc prominently on such vehicle.

(2) any vehicle found in the City on which no such token, badge or disc is displayed may, if there is reason to believe that such vehicle is liable to the tax on vehicles, boats and animals and if the owner of such vehicle is not known or cannot be traced, be seized by any municipal officer authorized in this behalf by the Commissioner and detained.

(3) if any person, within one month of the seizure of a vehicle under sub-rule (2), establishes his claim thereto to the satisfaction of the Commissioner, the Commissioner shall order such vehicle to be delivered to such person upon payment by such person of the amount of tax, if any, due and of such amount as the Commissioner may fix as the costs of seizure and detention.

(4) if within the said period of one month the vehicle is not claimed by any person or if no claim made under sub-rule (3) is established to the satisfaction of the Commissioner, the vehicle may be sold by public auction and the proceeds of such sale, after deducting the tax, if any, due and all costs incurred on seizure, detention and sale shall be delivered to any person who within six months of the sale establishes his claim thereto or, if no such claim is received or established, shall be forfeited to the Corporation.

(5) For every token, badge or disc given under sub-rule (1), a fee shall be payable of such amount as the Commissioner may, with the previous approval of the Standing Committee, prescribe for each kind of token, badge or disc.

**CHAPTER-VIII-TAXATION RULES., Collection of taxes., Octroi payable on demand.,**

**RULE 33.** (1) Octroi shall be payable on demand.

(2) Every person authorized by the Commissioner to demand octroi shall tender to every person on whom, the demand is made a bill specifying the goods taxable, the amount claimed, and the rate at which the tax is calculated.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Tolls payable on a demand., RULE 34.**

(1) Tolls shall be payable on demand.(2) Every person authorized by the Commissioner to demand tolls shall tender to every person on whom the demand is made a bill showing the amount of the toll and the rate at which it is claimed.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Collection of octroi and tolls how to be effected., RULE 35.** octroi and tolls may be collected under the orders of the Commissioner by municipal officers and servants appointed in this behalf or, if the Commissioner thinks fit, may, with the approval of the Standing Committee, be framed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the Standing Committee, appoints to be his agent for this purpose.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Theater tax payable in advance., RULE 36.** Theatre tax shall be payable at the chief municipal office or at such other place or places as the Commissioner may from time to time appoint in this behalf at least twelve hours in advance of the commencement of the performance in respect of which the tax is due by the person responsible for the management of such performance.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Payment of Theatre Tax for series of performances in lump., RULE 37.** The Commissioner may arrange with any person liable for the payment of Theatre Tax in respect of a series of performances intended to be given of any amusement or entertainment for the payment by such person in one amount for such series extending over not more than one month at a time in lieu of separate payments for each performance.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Recovery of Theatre Tax in case of default., RULE 38.** if the Theatre Tax in not paid in respect of any performance the Commissioner shall, by written notice, call upon the defaulter to pay the amount due within such period as may be specified in the notice and may, *if the payment is not made within the specified period, recover the amount by distress and sale of the moveable property or attachment and sale of the immoveable property of the defaulter as if the amount were a property tax due by him.*

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Presentation of bills for certain taxes., RULE 39.** (1) when any property tax or tax on vehicles, boats and animals or any tax declared by or under this Act to be recoverable in the manner provided for a property tax, or any instalment of any such tax shall become due, the Commissioner shall with the least practicable delay, cause to be served on the person liable for the payment thereof a bill for the sum due.

(2) Every such, bill shall specify the period for which and the premises, property, occupation, vehicle, boat, animal, or thing in respect of which the tax is charged, and shall also give notice of the time within which an appeal may be preferred against such tax and of the consequences of default in payment as hereinafter provided.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., When one bill may be presented for several claims., RULE 40.** (1) All the sum due for each period for any of the property taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump:

Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property owing to a revision of the rateable value.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit, the several sum payable by him on account of such properties.

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of the notice.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Notice of demand., RULE41.** (1) if the amount of tax for which any bill has been served as aforesaid is not paid into the municipal office or deposited with *the Commissioner as required by sub-section (2) of Section 406 within fifteen days from the service thereof*, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in *Form G* or to the like effect.

(2) For every notice of the demand which the Commissioner causes to be served on any person under this Section, a fee which shall amount to eight annas if the amount of the bill does not exceed one hundred rupees and to eight annas for every hundred rupees or part thereof if the amount of the bill exceeds one hundred rupees shall be payable by the said person and shall be included in the costs of recovery.

**SCHEDULE. Continued.**

**CHAPTER-XXVI.-PROCEEDING BEFORE JUDGE, DISTRICT JUDGE AND MAGISTRATES., III. Appeals against Valuations and Taxes., Appeals when and to whom to lie., SECTION 406.** (1) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Judge.

(2) No such appeal shall be entertained unless –

(a) it is brought within fifteen days after the accrual of the cause of complaint;

(b) in the case of an appeal against a rateable value a complaint has previously been made to the Commissioner as provided under this Act and such complaint has been disposed of;

(c) in the case of appeal against any tax including interest and penalty imposed in respect of which provision exists under this Act for a complaint to be made to the Commissioner against the demand, such complaint has previously been made and disposed of;

(d) in the case of an appeal against any amendment made in the assessment book for property taxes during the official year, a complaint has been made by *the person aggrieved within fifteen days after he first received notice of such amendment*, and his complaint has been disposed of;

(e) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value the amount of the disputed tax claimed from the appellant or the amount of the tax chargeable on the basis of the disputed rateable value, up-to the date of filing, the appeal has been deposited by the appellant with the Commissioner.

(3) in the case

(4) As far as

(5) in the case of

(6) An appeal against the demand notice in respect of levy of cess under Chapter XIA shall lie, - (i) to the Deputy Commissioner, when the demand notice is raised by the Cess Officer;

(ii) to the Commissioner, when the demand notice is raised by the Deputy Commissioner.

(7) The appeal under sub-section (6) shall be filed *within fifteen days from the date of the demand notice.*

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Distress or attachment., RULE 42.** (1) if the person on whom a notice of demand has been served under rule 41 does not within fifteen days from such service pay the sum demanded or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in Form H or to the like effect, to be issued by the Commissioner, by distress and sale of the moveable property of the defaulter or the attachment and sale of the immoveable property of the defaulter or, if the defaulter be the occupier of any premises in respect of which property tax is due, by distress and sale of any moveable property found on the said premises or if the tax be due in respect of any vehicle, boat or animal, by distress and sale of such vehicle, boat or animal in whomsoever's ownership, possession or control, the same may be.

(2) if after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid the sum due on account of the said fee may be levied under a warrant in the Form H (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Property of defaulter may be distrained or attached wherever., RULE 43.** (1) Where any property of a defaulter or any vehicle, boat or animal liable to be distrained or attached is situate within the City, the warrant issued under rule 42 shall be addressed to an officer of the Corporation.

(2) Where such property, vehicle, boat or animal is situate outside the City, the warrant shall be addressed to-

(a) *the Registrar, Court of Small Causes, Bombay, if such property, vehicle, boat or animal is situate in the City of Bombay;*

(b) the Commissioner, if such property, vehicle, boat or animal is situate in a City;

(c) the Chief Officer or the Vice-President, if such property, vehicle, boat or animal is situate in a municipal borough or municipal district, respectively;

(d) the Executive Officer of the Cantonment if such property, vehicle, boat or animal is situate in a cantonment;

(e) an officer of Government not lower in rank, than a Mahalkari if such property, vehicle, boat or animal is situate elsewhere.

(3) *Any officer to whom a warrant is addressed under sub-rule (2) may endorse such warrant to a subordinate office.*

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Warrant how to be executed in case of moveable property., RULE 44.** (1) it shall be lawful for the officer to whom a warrant for the distraint and sale of any moveable property issued under rule 42 is addressed or endorsed to break open at any time between sunrise and sunset any outer or inner door or window of any building, in order to make any distress directed in the warrant, if he has reasonable ground for believing that such building, contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

**SCHEDULE. Continued.**

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given such women an opportunity to remove.

(2) It shall also be lawful for such officer to distain, whenever the same may be found, any property of the person named in the said warrant as defaulter, provided that the following property shall not be distained, namely:-(a) the necessary wearing apparel and bedding of the defaulter, his wife and children;

(b) the tools of artisans;

(c) if the defaulter is an agriculturist, his implements of husbandry, seed-grain and such cattle as may be necessary to enable the defaulter to earn his livelihood.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Warrant how to be executed in case of immoveable property., RULE 45.** (1) When a warrant is issued under rule 42 for the attachment and sale of immoveable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that the property will be sold unless the amount due, with the costs or recovery, are paid into the **municipal office within five days.**

(2) Such order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the <sup>1</sup>[state] **Government**, in the office of the Collector of the district in which the land is situate.

(3) Any transfer of a charge on the property attached or of any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

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

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Inventory and notice of distress and sale., RULE 46.** the officer charged with the execution of a warrant of distress shall forthwith make an inventory of the moveable property or vehicles, boats or animals which he seizes under such warrant and shall at, the same time give a written notice in Form I or in a similar form to the person in possession thereof at the time of seizure that the said property or vehicles, boats or animals will be sold as therein mentioned.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Sale., RULE 47.** (1) where the property seized is subject to speedy and natural decay or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distained, to the effect that it will be sold at once, and shall sell it accordingly unless the sum due and the cost of recovery are paid forthwith.

(2) if not sold at once under sub-rule (1), the property distained or attached or, in the case on immoveable property, a sufficient portion thereof may, after the expiry of the period stated in sub-rule (1) of rule 45, or named in the notice served under rule 46, as the case may be, sold by public auction by order of the Commissioner, unless the warrant is suspended by him or the sum due and the costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.

(3) the surplus, if any, shall be forthwith credited to the Municipal Fund, but, if the same be claimed by written application to **the Commissioner within six months** from the date of sale, a refund thereof shall be made to the person in possession of the property at the time of the seizure or attachment and any surplus not claimed within six months as aforesaid shall be the property of the Corporation.

(4) Where the sum due and the costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immovable property shall be deemed to have been removed.

(5) Sales of immovable property under this rule shall be held in the manner laid down in the standing orders

(6) After sale of the immovable property as Aforesaid, the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(7) It shall be lawful for the Commissioner on behalf of the Corporation to offer a nominal bid in the case of any immovable property put up for sale, provided the previous approval of the Standing Committee is obtained to such bidding.

(8) The Commissioner may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-rule (6) and may also use such force as is reasonable necessary to effect entry on the said property.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Sale outside City., RULE 48.** (1) Where the warrant is addressed outside the City, the Commissioner may by endorsement direct the person to whom the warrant is addressed to sell the property distained or attached; and in such case if shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of rule 47 and to exercise the powers and perform the duties of the Commissioner under the said rule in respect of such sale, except the power of suspending the warrant.

(2) Such person shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Commissioner, who shall dispose of the same in accordance with the provisions of the said rule.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Special provisions in regard to non-payment of octroi or toll., RULE 49.** (1) In the case of non-payment of any octroi or any toll on demand by any person authorized in this behalf by the Commissioner such person may seize any goods on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable or any part of the burden of such vehicle or animal which is in his opinion of sufficient value to satisfy the demand together with the expenses incidental to the seizure, detention and eventual sale, if necessary, of such animal, goods, vehicles, burden or part thereof, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized a list of the property together with a written notice in Form I.

(2) When any property seized is subject to speedy decay or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded and the expenses incidental to the seizure be forthwith paid.

(3) If at any time before a sale has begun, the person from whose possession the property has been seized tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payment, the Commissioner shall forthwith deliver to him the property seized.

(4) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi, and the expenses incidental to the seizure, detention and sale.

(5) The surplus, if any, of the sale proceed shall be credited to the Municipal Fund, and may, on application made to the Commissioner in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall become the property of the Corporation.

(6) The expenses incidental to the seizure of any property under this rule shall be determined in such manner as the Commissioner may specify in this behalf but shall not in any case exceed ten per cent of the amount of octroi or toll payable.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Fees for warrants issued, etc., RULE 50.** For every warrant issued distrain or attachment made and for the maintenance of any animal seized fees shall be charged at such rates as the Corporation may from time to time specify with the sanction of the <sup>1</sup>[state] Government and such fees shall be included in the costs of recovery.

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

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Fees for cost of recovery may be remitted., RULE 51.** The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under rule 41 or 50.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Attachment of rent due., RULE 52.** (1) *where a bill for any sum due on account of any property-tax is served upon an occupier of premises pursuant to sub-section (1) of section 140, the Commissioner may at the time of service or at any subsequent time cause to be served upon the occupier a notice requiring him to pay to the Corporation any rent due or falling due from him to the person primarily liable for the payment of the said tax to the extent necessary to satisfy the said sum due.*

(2) Such notice shall operate as an attachment of the said rent until the said sum due on account of property-tax shall have been paid and satisfied, and the occupier shall be entitled to credit an account with the person to whom the said rent is due for any sum paid by him to the Corporation in pursuance of such notice.

(3) if the occupier shall fail to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, *the amount of such rent may be recovered from him by the Corporation as if it were an arrear of property-tax under section 140, provided that sub-section (3) of this said section shall not apply to such recovery.*

**CHAPTER-XI.-MUNICIPAL TAXATION., Liability for Property Taxes., When occupiers may be held liable for payment of property taxes., SECTION 140.** (1) if the sum due on account of any property tax remains unpaid after a bill for the same has been duly served under the rules upon the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may serve a bill for the amount upon the occupier of the said premises, or, if there are two or more occupiers thereof may serve a bill upon each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(2) if the occupier or any of the occupiers fails within *thirty days* from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the rules.

**SCHEDULE. Continued.**

(3) No arrear of a property-tax shall be recovered from any occupier under this section which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(4) if any sum is paid by, or recovered from an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Summary proceedings may be taken against persons about to leave the City., RULE 53.** (1) if the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any tax other than octroi or a toll or Theater Tax is about forthwith to removed from the City, the Commissioner may direct the immediate payment by such person of the sum so due by him and cause a bill for the same to be served on him.

(2) if, on service of such bill the said person do not forthwith pay the sum due by him or show cause to the satisfaction of the Commissioner for not doing so, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Defaulters may be sued for arrears, if necessary., RULE 54.** instead of proceeding against a defaulter by distress, attachment and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, such defaulter, on account of tax may be recovered from, him by a suit in any Court of competent jurisdiction.

**CHAPTER-VIII.-TAXATION RULES., Collection of taxes., Special provisions for service of bills for taxes., RULE 55.** notwithstanding anything contained in sections 472, 473 and 474, a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post, under certificate of posting, in a prepaid letter addressed to such person at his last known abode or place of business in the City, and every bill so sent shall be deemed to have been served on the day following the day upon which the envelop or wrapper containing such bill was put in the post and, in proving such service, it shall be sufficient to prove that the envelope or wrapper, containing the bill was properly addressed and put in the post under certificate of posting.

**CHAPTER-XXX.-MISCELLANEOUS., Service of Notice etc., Notice, etc. by whom to be served or presented., SECTION 472.** Notice, bills, schedules, summonses and other such documents required by this Act or by any rule, regulation or bye-law to be served upon or issued or presented or given to any person, shall be served, issued, presented or given by municipal officers or servants or by other person authorized by the Commissioner in this behalf.

**CHAPTER-XXX.-MISCELLANEOUS., Service of Notice etc., Service how to be effected on owners of premises and other persons., SECTION 473.** When any notice, bill, schedule, summons or other such document is required by this Act, or by any rule, regulation or bye-law to be served upon or issued or presented to any person, such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 474, be affected-

(a) by giving or tendering to such person the said notice, bill, schedule, summons or other documents; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other documents at his last known place of abode in the City, or by giving or tendering the same to some adult member or servant of his family, or by leaving the same at his usual place of business, if any, or by giving or tendering the same to some adult employer, if any, of his at such place; or

(c) if such person does not reside in the City and his address elsewhere is known to the Commissioner by forwarding the said notice, bill, schedule, summons or other document to him by post under cover, bearing the said address; or

(d) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other documents to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

**CHAPTER-XXX.-MISCELLANEOUS., Service of Notice etc., Service on owner or occupier of premises how to be effected., SECTION 474.** When any notice, bill, schedule, summons or other such document is required by this Act, or by any rule, regulation or bye-law, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section, but as follows, namely:-

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land; or

(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult member or servant of the family of the owner or occupier or of any of the owners or occupiers; or

**SCHEDULE. Continued.**

(c) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

**CHAPTER-XXX.-MISCELLANEOUS.,** *Service of Notice etc., Section 472, 473 and 474 inapplicable to Magistrate's summons., SECTION 475.* Nothing in Sections 472, 473 and 474 applies to any summons issued under this Act by a Magistrate.

**CHAPTER-VIII.-TAXATION RULES., Refunds., Refund of property taxes on account of vacancies., RULE 56.** (1) when any building or land or any portion of any premises which has been treated as a separate property for the purposes of assessment under any provision of this Act, has been vacant for not *less than thirty consecutive days the Commissioner shall*, subject to the provisions hereinafter, refund the amount of the water tax and conservancy tax, if any, paid for the number of days that such vacancy lasted.

(2) when any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act has been vacant for *less than sixty consecutive days the Commissioner*, shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted:

Provided that no refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under the provisions of rule 11.

*Explanation.-*For the purposes of this rule-(a) premises shall be deemed to be vacant only if they were unoccupied and unproductive of rent;

(b) premises shall be deemed to be productive of rent if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;

(c) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(d) premises used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended;

(e) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less *than thirty consecutive days*.

**CHAPTER-VIII.-TAXATION RULES., Refunds., Refund not claimable unless notice of vacancy is given to Commissioner., RULE 57.** (1) No refund of any property tax shall be claimed from the Commissioner, as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

(2) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice unless the notice is given within seven days of the occurrence of the vacancy, in which case refund shall be paid as from the day of the occurrence of the vacancy.

(3) when a vacancy continues from one period in respect of which property taxes, or any instalment thereof, are recoverable into the next following period, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following period and such notice of vacancy shall be required notwithstanding that notice of vacancy required to be given under sub-rule (1) was not given until after the expiry of the period in which the vacancy occurred.

**CHAPTER-VIII.-TAXATION RULES., Refunds., Refund of water-tax inadmissible unless application for stopping water supply has been made., RULE 58.** No refund of water tax shall be claimable in respect of premises with a separate water connection unless a written application shall have been made to the Commissioner to stop the water supply to the vacant premises.

**CHAPTER-VIII.-TAXATION RULES., Refunds., Application for refund when and how to be made., RULE 59.** it shall be in the discretion of the Commissioner to disallow any claim for refund of any property tax unless application therefor is made to him in writing within thirty days after the expiry of the period to which the claim relates, accompanied by the bill served on the application for the amount of the tax from which the refund is claimed.

**CHAPTER-VIII.-TAXATION RULES., Refunds., Refund of tax on vehicles, boats and animals when and to what extent obtainable., RULE 60.** (1) if the tax leviable on any vehicle, boat or animal in respect of any half-year has been paid and if during such half year such vehicle, boat or animal ceases to be kept within the City or, if kept outside, ceases to be used in the City or is destroyed or is otherwise rendered unfit for use or if such vehicle or boat has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and not been used, the person who paid the tax leviable on such vehicle, boat or animal shall, subject to the provisions hereinafter contained, and, on the Commissioner or any officer authorized by him being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such half year for which such vehicle, boat or

**SCHEDULE. Continued.**

animal has not been kept in the City or has not been used, on account of such vehicle, boat or animal being destroyed or rendered unfit for use or on account of such vehicle or boat being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have become unfit for use, is-

- (a) not less than one hundred and seventy days, the full amount of tax paid,
- (b) not less than one hundred and fifty days, three-fourths of the tax paid,
- (c) not less than one hundred and twenty days, two-thirds of the tax paid,
- (d) not less than ninety days, one-half of the tax paid,
- (e) not less than sixty days, one-third of the tax paid.

No refund of the tax shall be granted if such period is less than sixty days.

(2) when a notice has been given under sub-rule (2) of rule 31, this rule shall apply in respect of vehicles and animals affected by the notice as if for each of the periods specified therein, double the period so specified had been substituted.

**CHAPTER-VIII.-TAXATION RULES., Refunds., Refund not claimable unless notice is given to Commissioner., RULE 61.** (1) No refund of the tax shall be claimable from the Commissioner under rule 60 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period referred to in rule 60, for the purpose of granting any refund.

(3) it shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of fifteen days after the end of the half year to which the claim relates and is accompanied by the bill served on the applicant under rule 39 for the amount of the tax from which the refund is claimed or, no bill was served, the official receipt for such amount.

**CHAPTER-VIII.-TAXATION RULES., Refunds., Refund of octroi or toll on export., RULE 62.** Subject to the standing orders, not less than ninety per cent of the octroi paid on any goods shall be refunded if such goods are exported beyond the limits of the City within six months of payment:

Provided that-

- (a) an application for refund shall be made within one week of the date of exportation;
- (b) the amount due for refund shall not be less than five rupees;
- (c) in the case of goods which have broken bulk, prior intimation has been given to the officer specified in this behalf in the standing orders and the place or places of storage have been reported to him from time to time.

**CHAPTER-VIII.-TAXATION RULES., Refunds., Refunds of Theater Tax., RULE 63.** (1) The Commissioner shall refund the amount of the Theater-Tax paid in respect of a particular performance if he is satisfied on the evidence placed before him and after such further inquiry, if any, as he may deem necessary-

- (a) that such performance did not actually take place and that the amount, if any, collected from intending spectators has been refunded in full; or
- (b) that the whole of the net proceeds of such performance are devoted to a public charitable purpose and that the whole of the expenses of such performance do not *exceed twenty percent of the gross receipts.*

(2) it shall be in the discretion of the Commissioner to disallow any claim for refund of the tax unless application claiming such refund is made to him in writing within three days of the day on which the intended performance in respect of which the tax was paid was due to take place or within seven days of the date of the performance, as the case may be.

**SCHEDULE-D**

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., Buildings etc., not to be erected without permission over municipal drains., RULE 1.** (1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over any municipal drain.

(2) If any building wall or other structure be so erected, or any street or minor railway be so constructed, the Commissioner may remove or otherwise deal with the same as he shall think fit and the expenses thereby incurred shall be paid by the person offending.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., Buildings etc., not to be erected without permission over any drains., RULE 2.** (1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected over any drain other than a municipal drain except as may be required under sub-rule (3).

(2) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person 10 days notice of his intention, may remove or otherwise deal with the same as he shall think fit and the expenses thereby incurred shall be paid by the person offending.

**SCHEDULE. Continued.**

(3) the Commissioner may by notice in writing require the owner or occupier of any building or land to which access from a public street cannot be provided except by crossing an open municipal drain, channel, ditch or gutter to provide culverts or coverings over the said drain, channel, ditch or gutter of such form, size and materials and provided with such means of ventilation as may be specified in the said notice.

(4) Every culvert or covering provided in accordance with sub-rule (3) shall be maintained and kept free from obstructions by the said owner or occupier at his expenses.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains not to pass beneath buildings.***

**RULE 3.** Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the Standing Committee generally in this behalf, on drain shall be so constructed as to pass beneath any part of a building.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Provision of troughs and pipes to receive water from roofs of buildings.***

**RULE 4.** the Commissioner may, by notice in writing, require the owner of any building in any street to put up and maintain in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Power to connect drains of private street with municipal drains.***

**RULE 5.** (a) the owner of a private street before commencing to construct and drain of such street to connect with a municipal drain shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn to such a convenient scale as the Commissioner shall require and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections, thereof, and such other particulars in relations thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the direction of the Commissioner;

(b) the drain of such private street shall, at the expense of the owner of the street be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication in all respects as the Commissioner shall direct;

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Drainage of courts yards and compounds appurtenant to, or giving access to buildings.***

**RULE 6.** if any court, yard or compound appurtenant to, or any passage giving access to, a building is not so formed, flagged, asphalted or paved or is not provided with such works on, above or below its surface as to allow of the satisfactory drainage of its surface or sub-soil to a proper outfall, the Commissioner may by written notice require the owner of the building to execute such works as may in the opinion of the Commissioner be necessary to remove the defect.

Explanation.-This rule shall also apply in relation to any court yard, compound or passage which is used in common by the occupier of two or more buildings but is not a public street.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Special provisions relating to trade effluent .***

**RULE 7.** (1) No trade effluent shall be discharged from any trade premises into a municipal drain otherwise than in accordance with a written notice, hereinafter referred to as "a trade effluent notice" served on the Commissioner by the owner or occupier of the premises, stating-

(a) the nature or composition of the trade effluent;

(b) the maximum quantity of the trade effluent which it is proposed to discharge in any one day; and

(c) the highest rate at which it is proposed to discharge the trade effluent, and no trade effluent shall be discharged in accordance with such a notice until the expiration of a period of two months or such less time as may be agreed to by the Commissioner, from the day on which the notice is served on the Commissioner hereinafter referred to as "the initial period".

(2) where a trade effluent notice in respect of any premises is served on the Commissioner, he may, at any time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period; and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice require the consent of the Commissioner in order to be lawful, the Commissioner may give that consent either unconditionally or subject to such conditions as he thinks fit to impose in respect to-

(a) the drain or drains into which any trade effluent may be discharged in pursuance of the trade effluent notice;

- (b) the nature of composition of the trade effluent which may be so discharged;
- (c) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular drain;
- (d) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or into a particular drain; and
- (e) any other matter with respect to which bye-laws may be made under this Act; but any such condition as aforesaid shall be of no effect if and so far as it is inconsistent with any bye-laws so made which are for the time being in force.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Position of cesspools.*, RULE 8.** No person shall construct a cesspool-

(a) beneath any part of any building, or within twenty feet <sup>1</sup>[of] any lake, tank, reservoir stream, spring or well; or

(b) upon any site in any position which has not been approved in writing by the Commissioner.

*1. This words was substituted for the word "or by Bom. 39 of 1951, S. 3, Second Schedule.*

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., All drains and cesspools to be properly covered and ventilated.*, RULE 9.** (1) Every drain and cesspool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the Corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the Corporation.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Excrementitiously matter not to be passed into cesspool.*, RULE 10.** No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitiously mater into any cesspool made or used under the provisions of this Act or into any drain communicating with any such cesspool.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Power of Commissioner to require adequate water-closet and other accommodation to be made.*, RULE 11.** (1) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place or the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient or on any sanitary grounds objectionable, the Commissioner may, by written notice, require the Owner of such premises:-

(a) to provide such, or such additional, water-closet, privy, urinal or bathing or washing place accommodation as he prescribes;

(b) to make such structural or other alterations in the existing water-closets privy, urinal, or bathing or washing place accommodation as he prescribes; or

(c) to substitute water-closet accommodation for any privy accommodation.

(2) Any requisition under sub-rule (1) may comprise any *detail specified in sub-section (2) of section 178.*

**CHAPTER-XII.-DRAINS AND DRAINAGE., *Water-closets, Privies, Urinals, etc., Construction of water-closets and privies.*, SECTION 178.** (1) It shall not be lawful to construct any water-closet or privy for any premises, except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any rule or bye-law for the time being in force, as he may prescribe.

(2) In prescribing any such terms the Commissioner may determine in each case-

(a) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(b) what shall be the site or position of each water-closet or privy.

(3) if any water-closet or privy is constructed on any premises in contravention of sub-section (1), the Commissioner may, after giving not less than ten days notice to the owner or occupier of such premises, close such water-closet or privy, and alter or demolish the same and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Power to require privy accommodation to be provided for factories, etc.*, RULE 12.** where it appears to the Commissioner that any premises are, or are intended to be used as market, school or theatre or other place of public resort or as a place in which person exceeding ten in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex and to cause the same to be kept in proper order and to be daily cleaned.

**SCHEDULE. Continued.**

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Power of Commissioner as to unhealthy privies., RULE 13.*** Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Commissioner, with the previous, approval of the Stating Committee, may by written notice, require the owner or occupier of the premises in or on which such privy is situated either,-

- (a) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such in urinal accommodation as the Commissioner may prescribe; or
- (b) to provide between the said privy and any portion of the said building such air-space, open to the sky and situate entirely within the limits of the said premises, as the Commissioner may prescribe.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Provisions as to privies., RULE 14.*** (1) The owner or occupier of any premises on which there is a privy, shall-

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky;

(b) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighborhood or passing by;

(c) unless and except for such period as he shall be permitted by the Commissioner as hereinafter provided to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street;

Provided that-(1) clause (a) shall not be deemed to apply to any privy in existence on the appointed day unless-

(i) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(ii) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than existing privy.

(2) The Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street if a nuisance is not thereby created .

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Provisions as to water-closets., RULE 15.*** The owner or occupier of any premises on which there is a water-closet shall-(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;

(b) have such water-closet in such a position that one of its sides at the least shall be as external wall;

(c) have the seat of such water-closet placed against an external wall;

(d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other apparatus in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;

(e) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such material, size and description as the Commissioner shall deem necessary:

Provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose;

(f) have flushing cisterns of such materials, size and description supplied with a constant and sufficient supply of water for flushing and cleaning the water-closet as the Commissioner may deem necessary.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Position of privies and water-closets., RULE 16.*** No person shall build a privy or water-closet in such a apposition or manner as- (a) to be directly over or directly under any room or part of a building other than a privy or water-closet or a bathing place, bath-room or gallery, passage or terrace;

(b) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes or otherwise render the water of any well, spring, tank or stream liable to pollution.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Control over water-closets, etc., in, or accessible from streets., RULE 17.*** (1) no public water-closet, privy or urinal other than a water-closet, privy or urinal erected within railway premises or erected by the Government shall be erected in, or so as to be accessible from, any street without the consent of the Commissioner who may, in giving his consent, impose such terms as to the use of the water-closet, privy or urinal and as to its removal at any time, if required by him, as he think fit.

(2) The Commissioner may, by written notice require-

(a) the owner of water-closet, privy or urinal, which has been erected in contravention of sub-rule (1) or the removal of which the Commissioner is entitled to require, to remove it;

(b) the owner of a water-closet, privy or urinal, which opens on a street and is so placed or constituted as to be a nuisance or offensive to public decency to remove or permanently close it;

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Use of places for bathing or washing clothes or domestic utensils.*, RULE 18.** no person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with such floor as the Commissioner considers suitable and with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Drains of Private Streets and Drainage of Premises., Works to be done by licensed plumber; permission to use as drain.*, RULE 19.** (1) No person other than a licensed plumber shall execute any work described in this Chapter or in Chapter XII of this Act and no person shall permit any such work to be executed except by a licensed plumber: Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may, grant permission in writing for the execution of such works by a person other than a licensed plumber;

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled, in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in such form as the Commissioner may from time to time prescribe, signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such a certificate to such person, he shall give to the Commissioner all necessary facilities for the inspection of such work: Provided that-

(a) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed-

(i) give permission for the filling in or covering over of such work; or

(ii) require that, before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular respect of which it not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the rules or bye-laws.

(4) No person shall permit any such work to be used as a drain or part of a drain until-

(a) the permission referred to in proviso (b) to sub-rule (3) has been received; or

(b) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission or the filling in or covering over of such work.

**CHAPTER-IX.-DRAINAGE AND DRAINAGE WORKS., *Manner of erecting shafts or affixing pipes for ventilation of drains or cesspools., Erection of shafts, etc., for ventilation of drains or cesspools.*, RULE 20.** Any shaft or pipe erected or affixed by the Commissioner for the purposes of ventilating any drain or cesspool under Section 175 shall-

(a) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom;

(b) if the same be affixed to a wall supporting the eave or a roof, be carried at-least five feet higher than such eave;

(c) be erected or affixed so to create the least practicable nuisance or inconvenience to the inhabitants of the neighborhood;

(d) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

**CHAPTER-XII.-DRAINS AND DRAINAGE., *Drains of Private Streets and Drainage of Premises., Affixing of pipes for ventilation of drains, etc.*, SECTION 175.** (1) for the purpose of ventilating any drain or cesspool, whether belonging to the Corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary and cut through any projection from any building including the eaves of any roof thereof in order to carry up such shaft or pipe through any such projection and lay in, through, or under any land such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated.

**SCHEDULE. Continued.**

(2) Such shaft or pipe shall be erected or affixed or removed in the manner laid down in the rules.

(3) If the Commissioner declines to remove a shaft or pipe under the rules, the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Judge, within 15 days of the receipt by him of the reply of the Commissioner.

**SCHEDULE-D**

**CHAPTER-X.-WATER SUPPLY., Definitions., RULE 1.** In this Chapter, unless there is anything repugnant in the subject or context,-

(a) "Communication pipe" means a pipe extending from a municipal main up-to and including the municipal stop-cock;

(b) "Consumer" means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the Corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work;

(c) "Consumer's pipe" means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the Corporation;

(d) "Distributing pipe" means any pipe not subject to water pressure from a municipal water main;

(e) "Fitting" includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the Corporation;

(f) "Municipal stop cock" means the stop cock which controls the supply of water from a municipal water main;

(g) "Supply pipe" means the pipe extending from a municipal stop cock up-to the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.

**CHAPTER-X.-WATER SUPPLY., Private water-supply, Conditions on which private water supply may be provided., RULE 2.** (1) subject to the provisions of sub-rules (2), (3) and (4), supply pipes for conveying to any premises a private supply of water from a municipal water work shall not be connected with such water work except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

(2) if it shall appear to the Commissioner that any premises situate within any portion of the City in which a public notice has been given by *the Commissioner under clause (b) of sub-section (1) of section 130*, are without a supply of pure water obtainable on the premises and adequate to the requirements of the persons usually occupying or employed upon the said premises, the Commissioner may, by written notice, require the owner of the said premises or the persons primarily liable for the payment of property taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

(3) notwithstanding anything contained in sub-rule (1), if in respect of any premises, where the owner or person primarily liable for the payment of property taxes fails or refuses to make an application or to give his assent under sub-rule (1), within a reasonable period, the supply pipes for conveying to such premises such water supply may be connected with such water work on the written application of the occupier of such premises made to the Commissioner, after holding necessary inquiry and on payment of the cost of connecting the supply pipes and subject to such other conditions (including those for payment of water taxes and water charges) as the Commissioner may deem fit to impose.

(4) the Commissioner may refuse to grant a connection under this rule in respect of any premises if he is satisfied that the arrangements for draining waste water from such premises are inadequate or that the supply of water through communication pipe is likely to cause such premises to be in an insanitary condition or to create a nuisance, unless such measures as he may direct are carried out for disposing of the waste water or for preventing the creation of insanitary conditions or a nuisance.

**CHAPTER-XI.-PROPERTY TAXES., Property tax leviable., Water tax or water benefit tax on what premises levied., SECTION 130.** (1) *Subject to the provisions of section 134, the water tax shall be levied only in respect of premises-*

(a) to which private water supply is furnished from or which are connected by means of communication pipes with any municipal water works; or

(b) which are situated in a portion of the City in which the Commissioner has given public notice that the Corporation has arranged to supply water from municipal water works by means of private water connections or of public stand posts, fountains or by any other means.

(2) The water benefit tax shall be levied in respect of all premises situated in the City.

**CHAPTER-X.-WATER SUPPLY., Private water-supply, Making and renewing connection with municipal water works., RULE 3.** (1) No connection with any municipal water work shall be made or renewed- (a) except by a municipal officer or servant empowered in that behalf by the Commissioner; and (b) until the certificate specified in sub-rule (4) has been given.

**SCHEDULE. Continued.**

(2) in every case where a new connection with a municipal water work is made or an existing connection is renewed, all necessary communication pipe and fitting thereon shall be supplied by the Commissioner, and the work of laying and applying such communication pipe and fittings shall be executed by municipal agency under the Commissioner's orders, but the cost of making or renewing such connection and of all communication pipe and fittings so supplied and of all work so executed, shall be paid by the person on whose application or for whose premises the connection is made or renewed.

(3) *Every such new connection or renewed connection with its communication pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the Municipal fund as a municipal water work.*

(4) all supply and distributing pipes and cisterns and fittings not vesting in the Corporation as aforesaid shall be laid and applied under the supervision and to the satisfaction of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings, have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(5) where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this rule the Commissioner may remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.

**CHAPTER-X.-WATERSUPPLY., *Private water-supply, Commissioner may take charge of private connections.*, RULE 4.** (1) The Commissioner may, by agreement with a consumer, take charge on behalf of the Corporation of all or any of the consumer's pipes and fittings:

Provided that if any of such pipes or fittings are communication pipes or fittings only not vesting in the Corporation, the Commissioner may, if he thinks fit, *take charge of the same without such agreement.*

(2) Any consumer's pipe and fittings, of which the Commissioner takes charge under this rule, shall thereafter vest in the Corporation and be maintained at the charge of the municipal Fund as a municipal water work.

**CHAPTER-X.-WATER SUPPLY., *Private water-supply, Power of Commissioner to alter position of connections.*, RULE 5.** the Commissioner may, if any time he deems it expedient to alter the position of an existing connection with any municipal water work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days' previous notice of his intention so to do, cause the said connection, pipe or fitting to be moved to such other position as he thinks fit and re-laid and applied or other to be laid and applied in lieu thereof, in such position as he may direct; and in every such case all such work shall be carried out at the expense of the Municipal Fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water work.

**CHAPTER-X.-WATER SUPPLY., *Private water-supply, Provisions as to cisterns and other fittings, etc. to be used for connections with water-work.*, RULE 6.** (1) the Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water work to provide such premises within a reasonable period, which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.

(2) The commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under rule 11 is found to be not easily accessible.

(3) The Commissioner may, whenever it shall appear to him necessary or expedient to remove any cistern from any premises furnished with a private water supply, by written notice require the owner of such premises to remove such cistern with all fittings connected therewith from such premises within a period prescribed in the notice.

(4) The Commissioner shall also from time to time prescribe the size, materials, quality, description and position of the pipes and fittings to be employed for the purpose of any connection with, or of any communication from, any municipal water-work and no such connection or communication shall be made by any person otherwise than as so prescribed.

(5) The Commissioner shall likewise prescribe the size, material, quality and description of the pipes, cistern and fittings to be employed for the purpose of replacing any pipes, cistern and fittings found on an examination under rule 11 to be so defective that they cannot be effectively repaired.

(6) If any connection or communication other than that prescribed in sub-rule (4) is found in or upon any premises it shall be presumed, until the contrary is proved, that such connection or communication was made by or under the direction of or with the permission of the owner of such premises.

(7) the Commissioner may issue orders providing for the stamping by municipal agency of all pipes, taps, cocks, fittings and materials to be employed for the purposes of any connection or communication with any municipal water-work and such orders may provide for the payment of a fee for such stamping and prohibit

the use in any of the said connections or communication of any pipes, taps, cock, fittings or materials other than those so stamped.

**CHAPTER-X.-WATER SUPPLY., Private water-supply, Provision for keeping cisterns locked., RULE 7.** (1) the Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice prescribe, and may in like manner require any lock or key found to be defective on an inspection under rule 11 to be replaced. (2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.

**CHAPTER-X.-WATER SUPPLY., Private water-supply, Communication pipes to be kept in efficient repair by owner or occupier of premises., RULE 8.** (1) it shall be incumbent on the owner or occupier of any premises to which a private water supply is furnished from any municipal water-work, to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe conveying water from the said water work to such premises and every meter for measuring water, not being a municipal meter and every cistern and fitting in or connected with any such pipe, so as effectually to prevent the water from running to waste.

(2) when an occupier of any premises is served with a notice under sub-rule (2) of rule 11, he may, after giving to the person to whom he is responsible for the payment of his rent three days notice in writing, himself have the repairs executed and in such event he shall, unless the terms of the tenancy otherwise, expressly provided be entitled to deduct from any rent due or to become due by him to such person the actual expenses incurred by him in complying with the notice served under sub-rule (3) of rule 11.

**CHAPTER-X.-WATER SUPPLY., Private water-supply, Provision of meters when water is supplied by measurement., RULE 9.** (1) where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the Standing Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

(3) (a) Any consumer to whom a meter is let out on hire under sub-rule (1) may apply in writing to the Commissioner at any time to have the meter tested and every such application shall be accompanied by such fees as the Commissioner may from time to time prescribe.

(b) Upon receipt of such application and fee the Commissioner shall forthwith issue a notice to the consumer prescribing the time and place for testing such meter and shall cause such meter to be tested at such time and place.

(c) If upon such test such meter is found to be incurred by more than two per cent the fee paid by the consumer shall be repaid to him and the Commissioner shall cause steps to be taken forthwith for the repair or replacement of the meter.

**CHAPTER-X.-WATER SUPPLY., Private water-supply, Register of meter to be evidence., RULE 10.** Where water is supplied by measurement the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

**CHAPTER-X.-WATER SUPPLY., Inspection., Commissioner, etc. may inspect premises in order to examine meter, communication pipes, etc., RULE 11.** (1) The Commissioner may make an inspection of any premises to which a private water supply is furnished by the Corporation, in order-

- (a) to remove, test, examine and replace any meter for measuring water;
- (b) to examine any supply or distributing pipe, cistern, lock or fitting; or
- (c) to see if there be any waste or misuse of water.

(2) The Commissioner may by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

**CHAPTER-X.-WATER SUPPLY., Cutting off private water supply, Power to cut off private water supply or to turn off water., RULE 12.** (1) The Commissioner may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corporation to turn off the water from such premises in any of the following cases, namely:-

(a) in default of payment of any instalment of water-tax or of any sum due for water or hire of meter or expenses of any work done under or by virtue of the provisions of rule 3, 9 or 17 within one month after a notice of demand for such tax or sum has been duly served.

(b) if the owner of the premises neglects within the period prescribed in this behalf in any notice given under sub-rule (1), (2) or (3) of rule 6 or under rule 7, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting lock or key or any means of access to such cistern or the removal of any cistern;

**SCHEDULE. Continued.**

(c) if the owner or occupier of the premises fails within the period prescribed in this behalf in any notice given under sub-rule (2) of rule 11, to comply with the terms of such notice or fails to sue articles of the kind prescribed under sub-rule (5) of rule 6;

(d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues:-

(i) to use the water, or to permit the same to be used, in contravention of any *by-law or of any condition prescribed under sub-section (2) of section 134* or under any other provision of this Act;

(ii) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid or payment for the water supplied is made according to the size of the connection to carry away from such owner's or occupier's premises water derived from the municipal water-work;

(e) if the owner or occupier of the premises willfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises;

(f) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-rule (2) of rule 18 to furnish the name of the licensed plumber;

(g) if the premises are declared to be unfit for human habitation under the provisions of this Act;

(h) if excessive waste of water is taking place within any premises on account of damage to water-mains caused by accident or otherwise;

(i) if any communication pipes or fitting have been laid, applied, added to or altered in contravention of the provisions of rule 6: Provided that-(i) in any case under clause (a) the Commissioner shall not take action unless not less than one month previously a copy of the notice of demand in respect of the tax or sum has been affixed at a conspicuous part of the premises;

(ii) in any case falling under clause (b), the Commissioner shall not take action unless not less than *fifteen days* previously a copy of the notice under sub-rule (1), (2) or (3) of rule 6, or under rule 7, as the case may be, has been affixed, to a conspicuous part of the premises;

(iii) in other case the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

(3) If in any case under clause (a) of sub-rule (1) the tax or sum due is paid within the period stipulated therein by any person or person in occupation of the premises other than the person primarily liable for the same, such person or persons shall be entitled to credit therefor in account with the person primarily liable and shall be entitled without prejudice to any other remedy for recovery, to deduct the amount paid from any rent payable to the person primarily liable.

**CHAPTER-XI-PROPERTY TAXES., *Special provisions relating to water and conservancy taxes., Fixed charges and agreements for payments in lieu of taxes for water supplied., SECTION 134.*** (1) The Commissioner may-

(a) in such cases as the Standing Committee shall generally approve, instead of levying the water tax in respect of any premises liable thereto, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said Committee in this behalf or by the size of the water connection with the municipal main and the purpose for which the water is supplied at such rates as shall from time to time be prescribed by the Corporation.

(b) in such cases as the Standing Committee shall generally approve, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding *five*, on payment of a fixed periodical sum in lieu of the water tax or charge by measurement or by the size of the water connection which would otherwise be leviable from such person in respect of the said premises.

(2) The Standing Committee may, for the cases in which the Commissioner charges for water by measurement or by the size of the water connection under clause (a) of sub-section (1) from time to time prescribed such conditions as it shall think, fit as to the use of the water and as to the charge to be paid for water consumed which a meter is out of order or under repair; and for the cases in which a composition is made under clause (b) of the said sub-section the said Committee may prescribe such conditions as to the use of the water as it shall think fit: Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or rules or bye-laws.

(3) A person who is charged for water by measurement or by the size of the water connection or who has compounded for a fixed periodical sum shall not be liable for payment of the water tax, but any sum payable by him on account of water shall, if not paid when it becomes due, be recoverable by the Commissioner as if it were an arrear of water tax.

**CHAPTER-X.-WATER SUPPLY., *Cutting off private water supply, Prohibition of fraud in respect of meters., RULE 13.*** (1) No person shall fraudulently-(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing may such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently affected the same.

**SCHEDULE. Continued.**

**CHAPTER-X.-WATER SUPPLY., General Provisions, Prohibition of willful or neglectful acts relating to water works., RULE 14.** No person shall willfully or negligently-

- (a) injure or suffer to be injured any meter belonging to the Corporation or any of the fittings of any such meter;
- (b) break, injure or open any lock, seal, cock, valve, pipe, work, engine, cistern or fitting appertaining to any municipal water-work;
- (c) flush or draw off the water from any such water-work, thereby causing such water to be wasted;
- (d) do any act or suffer any act to be done, whereby the water in, or derived from, any municipal water-work shall be wasted;
- (e) obstruct, divert or in any way injure or alter any water-main or duct;
- (f) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under the provisions of this Act;
- (g) foul or pollute or otherwise render unfit for human consumption the water contained in any municipal water work.

**CHAPTER-X.-WATER SUPPLY., General Provisions, Compensation to be payable by offenders against rule 13 or 14., RULE 15.** Compensation shall be paid by the offender for any damage which the Corporation sustains by reason of any contravention of rule 13 or rule 14.

**CHAPTER-X.-WATER SUPPLY., General Provisions, What persons to be liable for offences under certain provisions of this Act., RULE 16.** If it shall be shown that an offence against some provisions of this Act or against some rule or bye-law relating to water-supply has occurred on any premises to which a private supply of water is furnished by the Corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same.

**CHAPTER-X.-WATER SUPPLY., General Provisions, Commissioner may execute work under this Chapter without allowing option to persons concerned of executing the same., RULE 17.** (1) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed or any cistern to be supplied with a lock and key by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed or supplied the option of doing or supplying the same.

(2) The expense of any work so done or of supplying such lock and key shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work or the supply of such lock and key at the charge of the Municipal Fund.

**CHAPTER-X.-WATER SUPPLY., General Provisions, Work under this Chapter to be done by licensed plumber., RULE 18.** (1) No person other than a licensed plumber shall execute any work described in this Chapter, other than the provision of a lock and key and no person shall permit any such work to be executed except by a licensed plumber

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water work into any premises to be laid, applied or executed in contravention of sub-rule (1), he shall, in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.

**SCHEDULE-D**

**CHAPTER-XI.-STREETS., I. Sky-signs., Interpretation of sky-sign., RULE 1.** (1) For the purposes of section 244 the expression "sky-sign" means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support, wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard frame-work or support. It shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street.

(2) A sky-sign shall not include-

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or the ridge of a roof: Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in higher more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported;

(c) any word, letter, model, sign, device or representation as wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration and so placed that it cannot fall into any street or public place;

(d) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

**CHAPTER-XIV.-STREETS., Sky-signs and Advertisements., Regulations as to sky-signs.,**

**SECTION 244.** (1) No person shall, without the written permission of the, Commissioner, erect, fix or retain any sky-sign of the kind prescribed by rules whether existing on the appointed day or not. Where a sky-sign is a poster depicting any scene from a cinematographic film, stage play or other stage performance, such permission shall not be granted unless prior scrutiny of such poster is made by the Commissioner and he is satisfied that the erection or fixing of such poster is not likely to offend against decency or morality. A permission under this section may or granted or renewed for a period not exceeding two years from the date of each such permission or renewal, subject to the condition that such permission shall be deemed to be void if,-

(a) any addition is made to the sky-sign except for the purpose of making it secure under the direction of the City Engineer;

(b) any change is made in the sky-sign, or any part thereof;

(c) the sky-sign or any part thereof fall either through accident, decay or any other cause;

(d) the building or structure upon or over which the sky-sign is erected, fixed or retained becomes unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained after the appointed day upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice required the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

**CHAPTER-XI.-STREETS., II. Naming or Numbering of Streets and Numbering of Premises., Naming or numbering of streets, and numbering of Premises., RULE 2.** (1) The Commissioner may, from time to time,-

(a) with the sanction of the Corporation, determine the name or number by which any street for any public place vested in the Corporation shall be known;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to such street and at intervals along such street or on some convenient part of such street, the name or number of such street as so determined;

(c) cause to be put up or painted suitable signs or boards indicating the name of any public place vested in the Corporation;

(d) determine the number or sub-number by which any premises or part of such premises shall be known;

(e) by written notice require the owner of any premises or part thereof either to put up by means of a metal plate a number or sub-number on such premises or part thereof on such position and manners as may be specified in such notice or to signify in writing his desire that such work shall be executed under the orders of the Commissioner;

**Explanation.**-The provisions of this sub-rule shall apply to the renewal of the name or number of any street or public place or the number or sub-number of any premises, or part thereof, or the obliteration or defacement of such name or number as it applies to the putting up or painting of such name or number for the first time.

(2) (a) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure or alter any such name or number or sub-number <sup>3</sup>[or allow or cause any metal plate bearing any number or sub-number to fall into disrepair or otherwise become illegible or put up or paint any name of put up any number or sub-number different from that put up or painted by order of the Commissioner];

(b) No person shall without the written permission of the Commissioner put up or affix any notice or board or advertisement within twelve inches of any name or number of a street or of a number or of a sub-number of any premises or part thereof, and the Commissioner may cause any such notice, board or advertisement which is affixed or put up without his permission to be removed and the expenses thereof shall be payable by such person.

(c) If any person contravenes the provisions of paragraph (a) or (b), he shall, on conviction, be punished with fine which may extend to *twenty rupees*.

(3) Where a number or sub-number is put up on any premises or part thereof under the orders of the Commissioner in accordance with paragraph (e) sub-rule (1), the expenses of such work shall be payable by the owner of the premises or part thereof, as the case may be, at such rate as the Commissioner may from time to

**SCHEDULE. Continued.**

time fix. Explanation.- In this rule, "premises" does not include lands which are not built upon nor does it include only verandahs, fixed platforms, plinths, door steps, walls, compound walls, fencing or the like.

**3. This portion was substituted for the word beginning with the words "or put or print any name" and ending with the words "by order of the Commissioner" by Bom. 22 of 1956.**

**CHAPTER-XI.-STREETS., III. Provisions concerning Private Streets., Information which may be called for from persons giving notice under section 217., RULE 3.** For the purposes of section 218, the Commissioner may call for from the persons giving notice under section 217 all or any of the following documents:-

(i) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively;

(ii) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths;

(iii) a plan showing the intended lines of drainage of such street and of the building proposed to be erected and the intended size, depth and inclination of each drain, and the details of the arrangements proposed for the ventilation of the drains;

(iv) a plan showing each building plot with its dimensions and area and showing open spaces with their dimensions;

(v) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such persons or of so much of such other land as the Commissioner shall consider necessary.

**CHAPTER-XIV.-STREETS., Provisions regarding Private Streets., Commissioner may call for further particulars., SECTION 218.** If any notice under section 217 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case or if any such notice given for any of, or all, the purposes mentioned in clause (a), (b) or (c) of the said section does not contain any proposal or intention to make or lay out a private street, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice-

(a) to furnish the required information together with all or any of the documents specified in the rules, or

(b) to revise any or all the schemes submitted under the said clause (a), (b) or (c) so as to provide for the making or laying out of a private street or private streets of such width or widths as he may specify in addition to or in substitution of any means of access proposed to be provided in such scheme or schemes and to furnish such further information and documents relating to the revised scheme or schemes as he may specify.

**CHAPTER-XIV.-STREETS., Provisions regarding Private Streets., Notice to be given to Commissioner of intention to layout lands for building and for private Streets., SECTION 217.** Every person who intends-

(a) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon.

(b) to divide land (whether un-built or partly built) into building plots;

(c) to use any land or portion thereof or permit the same to be used for building purposes, or

(d) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice of his intention to the Commissioner and shall, along with such notice submit plans and sections, showing the situation and boundaries of such building, land and the site of the private street (if any) and also the situation and boundaries of all other lands of such person of which such building land or site forms a part and the intended development, laying out and plotting of such building, land including the dimensions and area of each building plot and also the intended level, direction, width, means of drainage, paving, metalling and lighting of such private street, the provisions for planting and rearing of trees beside such-private street, and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building and the manner of paving, metalling, draining and lighting of such means of access.

**5.** I described clearly and particularly evidence up to the year on 1899 to 2016. Details, the concerned authorities of Central Government of India, State Government and from the Office of Hon'ble Governor enquired through Bombay Police Department, bearing 8980/2010, 6958/2010 dated 28-08-2010, 10-07-2010 and bearing 9128/2010 dated 25-09-2012, and they have also submitted their reports.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION** as the Order passed on 30<sup>th</sup> January, 2014 in Writ Petition No. 598 of 2013 that Writ Petition was disposed of by a division Bench of this Court No. 53 on 30<sup>th</sup> January 2014 with the following order:-

“ .....

Liberty is granted to the petitioner to approach the appropriate forum or forums.

4. With these directions, the petition is disposed of.”

And Order passed on 10-04-2013, 03-07-2013, 11-07-2013, 02-07-2014 and 22-07-2014 in Chamber Summons No. 280 of 2013 in Execution Application No. 233 of 2013 in Notice of Motion No. 345 of 2013 in Suit No. 3204 of 2009 that Execution Application was disposed of by a Single Bench of this Court No. 21 on 22<sup>nd</sup> July 2014 with the following order:-

“.....

It is for the plaintiff to seek such transfer in the records of the Authorities based on the decree passed by this court. In my view, office of this court is not required to get the name of the plaintiff entered in the municipal records or in the records of the Authorities based on such decree. Office has already complied with the appropriate directions issued by this court. Nothing more is required to be done by the office. In view of the execution of the conveyance and which is duly Registered with the Sub Registrar, Execution Application filed by the Application is disposed of. In view of the disposal of the Execution Application, all interlocutory proceedings are also disposed of. “

**6.** As per approach the appropriate forum or forums i.e Executive Engineer Drainage, for Executive Engineer, Bombay Municipal Commissioner and Commissioner for Greater Bombay of Bombay Municipal Corporation no action no reply. But replied by only Assistant Assessor & Collector of **MUNICIPAL CORPORATION OF GREATER BOMBAY**, Assessment and Collection Department.

**7.** On 18-11-2016 I have received a copy of Reply of Shri Namdeo Shankar Thorat, on behalf of Respondent in Chamber Summons No. 1355/2016 Execution Application No. 916/2015 in suit No. 3204/2009. I have already handover the said letter to your office on 21-11-2016.

**8.** Laws points spelt of this letter dated 06-12-2016 in the subject matter as per above mentioned law and also take on Board for urgent / immediate my execution of decree in Suit No. 3204/2009, Liberty is granted to the petitioner to approach the appropriate forum or forums. In Writ Petition No. 598/2013 and Chamber Summons No. 280/2013 in Execution Application No. 233/2013 in Notice of Motion No. 345/2013 in Suit No. 3204/2009 As the judicial presiding my joint ownership estate, immovable and moveable properties right, title, power, grant and award above mentioned in laws as per to the relief as judicial proceeding with all document new and old handover with physical possession at the open Court through this application to the such party Sushma alias Susama Sukumar Samanta of the Applicant and do the needful at the earliest.

Thanking you.

Yours faithfully.

Sd/-

Sushma @ Susama Sukumar Samanta

Party-Appears-in-Person

**क्रमशः पढ़ें अगले अंकों में.....**



स्वामी विवेकानंद

**PUBLIC NOTICE / DECLARATION**

THE



**PRESIDENCY TOWN OF THE CITY OF BOMBAY HINDU PRESIDENCY MUNICIPAL CORPORATION COUNTRY.**

Amended by the Code of Civil Procedure Bill of 1865 with Amend Act of 1879, the Indian Acts, & other Acts of information of the Gazette of India and the Bombay Acts published in the years 1870 to 1879, Act passed by the Government of India and passed by the Government of Bombay as Published by the Bombay Government Gazette and Amended by the Bombay Act, 1883 and the City of Bombay, Hindu, Presidency Municipal Corporation Country Act, 1888 as amended up-to-date. As such fundamental and Judicial right, title, power, possession all the detail as under

**THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 710 OF 2014

Sushma Sukumar Samanta. ...Petitioner  
Versus  
The Secretary of State for India & Ors. ...Respondents

WITH

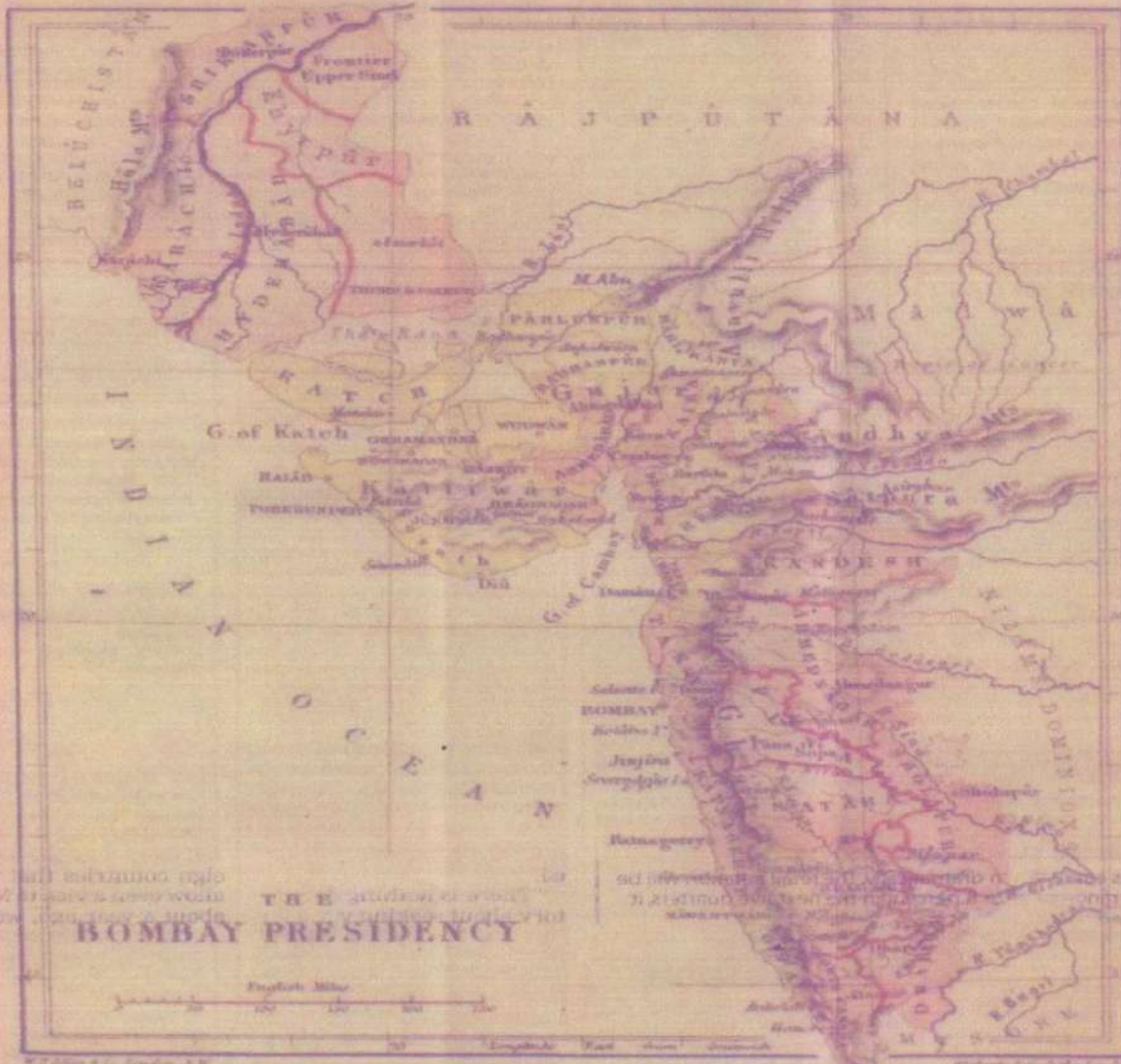
WRIT PETITION NO. 598 OF 2013

Sushma Sukumar Samanta. ...Petitioner  
Versus  
The State of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION NO. 891 OF 2014

Sushma Sukumar Samanta. ...Petitioner  
Versus  
The State of Maharashtra & Ors. ...Respondents



THE BOMBAY PRESIDENCY

English Miles



I, Hindu, Sukumar K. Samanta, husband of Smt. Sushma S. Samanta, sole won one owner of the decree holder Original Right Case/Suit No. 56 of 1899 passed by the order & decree, as per Application for Execution under Section 235, passed by the order decree under Section 245 & 246, dated 08-01-1902, passed by the order Execution of decree under Section 337 of the Code of Civil Procedure dated 18-10-1903 and Case/Suit No. 692 of 1924 passed by the order & decree of the Code of Civil Procedure dated 29-01-1925 and From of return of income and total world income for a Hindu undivided, Individuals family Companies, local authorities, and other Associations of persons under Sub-Section (1) or (2) Section 22 of the Income Tax Act, see note 1, Parts I to III Dated 31-03-1946, see Notes 2 to 16. No. C-1 13559, Bombay, 14-01-1947 And 9-10 From of returns particulars to be furnished under Section 38 of the Indian Income Tax Act, (sec paragraph 4 of notice) (a) to be filled up by the case of firms only. If this information is already given in Part III of the return under Section 22 of the Indian Income Tax Act, Write " See part III" in this Section. Bombay. I. Dated 07-02-1947 And From 24 the relevant receipt dated 01-10-1952 & B.M.P.P.J.-3617-52-50,000, the Memo of the Transfer of Bills From No. 103, 11/36 From "E" Ward to "C" Ward, Section No. 5 Ward Inspector, Ward Superintendent dated 20-04-1953 and From 61 the Notice dated 16-03-1953 to 11-03-2005. The Right Original VII/172, VII/175, VII/562, VIII/172 and Right Original IV/663, VII/17, VII/172, VII/175, VIII/172, Estate Wards 9(C) and 17(E) Estate Nos. 110 & 111, A boundary-mark under Section 125 the Hindu property No. 125. A summary inquiry under Sections 195 to 202, A Formal and summary inquiries to be deemed a Judicial proceeding within the meaning of Sections 193, 219 and 228 of the Indian Penal Code a Civil Court to the revenue officer under Section 198 of the Land Revenue in the Presidency of Bombay, the Survey No. 06/7, the Collector Assessment No. 3, the Joint a Hindu Family Estate as State Account No. 107, premises of the Immoveable properties, Special Street Nos. 20-22, 26-30, 33-35, 37-39, 72 & 74, Covered by the boundaries premises of the Ward immoveable properties "C" & "E" the Presidency Town, original representatives Agreement under Section 58 of the Indian Registration Act 1871. The Notice under Section 368, behalf by Section 471 of the Act, as so Amended Head Supervisor 18/1 dated 18-01-1954 and Notice under Sections 251, 257 and 260, if Necessary, be Declared to be Improvement Expenses pursuant to Section 494 of the said Act and such a Change upon the said property, Asst. Engineer Drainage, Drainage Engineer, Municipal Commissioner, For Greater Bombay dated 25-07-1956, the Assessment Book has been Amended under the provisions of Section 167 & 167 (1) of the City of Bombay Presidency Municipal Corporation Act, 1888 as amended up-to-date, Bombay Municipal Commissioner's Office dated 27-12-1954 and 01-04-2004 to 11-03-2005 and Petition No. 801 of 1970, as per original legal representatives relief & handed over all legal documents and legal proceedings, Consent Term passed by the order Consent term decree dated 08-04-2010, Case/Writ Petition Judgment, Order and information dated 30-01-2014, Case/Application for Execution, Chamber Summons No. 280 of 2013, Execution Application No. 233 of 2013, Notice No. 345 of 2013 passed by the order dated 10-04-2013, 03-07-2013, 02-07-2014 & 22-07-2014, Case/Decree passed by the order Execution of decrees No. 3558 of 2014, Certificate No. 325 of 2013 & 339 of 2014 dated 04-07-2014 Respectively. Under Judicial laws Gazette Act & Regulations mentioned in Case/Writ Petition No. 710 of 2014, Original Jurisdiction. My Immoveable & Movable property which I am demanding along with my fundamental and Judicial right, title, power, possession all the detailed description is given by me to all of 28 Departments of the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction on 29-09-2014 to 10-12-2014 and also copy was given to Judges Court Room No. 53, Division Bench Judge on 04-10-2014 Pages 1 to 278.

1) Notice is hereby given as per Act XXI of 1870, Passed by the Government of India Original Information the Gazette of India, published by the Bombay Government Gazette. To all Hindu, Jain, Sikh or Buddhis all living persons in the world.

2) I have filed the following Case/Writ Petition, Case/Application for Execution, Case/Decree in the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction.

Case/Writ Petition 2498 of 2012 :- For direction to the Collector to hand over my right, title, power, possession interest of justice. The Hon'ble Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay Division Bench Court Room No. 13 has passed the order directing the Collector to transfer the ownership rights, which has not been replied and handed over.

Case/Writ Petition 598 of 2013 :- For presidency boundary declaration of presidency rule and to hand over of my fundamental and Judicial right, title, power, possession in interest of justice, passed by the orders dated 30-01-2014.

Case/Writ Petition 891 of 2014 :- For my fundamental and Judicial right, title, power, possession Certificate No. 339 of 1970, Grant right running by Original Side and Appellate Side High Court Bombay for earning profits illegally from 1971.

Case/Writ Petition 710 of 2014 :- For all pending Case/Writs Petition, Case/Application for Execution, Case/decree, Written argument, Notice & Reply and to take over action and relief.

3) My all writs was kept for hearing on 10-12-2014, in Court Room No. 53, at Sr. No. 57, however, the board discharged, at Sr. No. 30, thereafter, I have submitted the paper publications and affidavit of service, matter was kept on 11-12-2014, at Sr. No. 908.

4) On 11-12-2014, the Court No. 53, has issued the notice upon the all Respondent and matter kept on 05-01-2015 my writ Petition No. 598 of 2013 and 891 of 2014 is clearly admitted. As per my written submission and hearing and orders passed and notice/summon issued as per judicial law.

5) My fundamental, judicial and ownership rights were already declared by the present Local Police and Commissioner of Police, of the Presidency Town of the City of Bombay Presidency Municipal Corporation dated 10-07-2010 & 25-09-2012 and by the High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction and even by White House, American President Mr. Barrack Obama.

6) I hereby also declare, that emergency may be immediately inflicted in the Presidency premises/ boundary. I have already given Publications on 18/10/2014, 29/11/2014 and 6/12/2014 no body has given any reply or objection therefore on 11/12/2014 Hon'ble Civil Court as such the Ordinary Original Civil Jurisdiction of the High Court Judicature at Bombay. I have already given Publication on 29/11/2014, for declaring emergency which is also given to the Court and the orders are passed in my favour. I am giving this Declaration under that orders.

7) Therefore, as per order dated 11-12-2014, I hereby declare presidency rule in my presidency town premises of the boundaries of Calcutta, Madras and Bombay. Under Section 30(b) Immoveable property under Section 3 of the Indian Registration & Document Act, No. VIII of 1871, Passed by the Government of India Original Information the Gazette of India, published by the Bombay Government Gazette. If people will not follow the presidency rule then they will be liable.

Sd/-  
Sukuma Samanta / Sushma S. Samanta  
Party-Appears-in-Person

# MUMBAI 3

THE FREE PRESS JOURNAL

www.freepressjournal.in MUMBAI, PUNE | SATURDAY | DECEMBER 6, 2014

## PUBLIC NOTICE / GENERAL INFORMATION

Amended by the Code of Civil Procedure Bill of 1865 with Amend Act of 1879, the Indian Acts, & other Acts of information of the Gazette of India and the Bombay Acts published in the years 1870 to 1879, Act passed by the Government of India and passed by the Government of Bombay as Published by the Bombay Government Gazette and Amended by the Bombay Act, 1883 and the City of Bombay, Hindu, Presidency Municipal Corporation of 1888 as amended upto date.



I, Hindu, Sukumar K. Samanta, husband of Smt. Sushma S. Samanta, one owner of the decree holder of the **Original Right VII/172, VII/175, VII/562, VIII/172 and Original Right II/653, VII/17, VII/172, VII/175, VIII/172, Estate Wards 9(C) and 17(E) Estate Nos. 110 & 111, Hindu property No. 125, Survey No. B6/T, Collector Assessment No. 3, Joint Estate as State Account No. 107, premises of the immovable properties C & E Presidency Town of the City of Bombay Presidency Municipal Corporation Act, 1888 as amended up to date as per legal proceedings, Consent Term decree dated 08-04-2010, Writ Petition Judgment, Order and information dated 30-01-2014, Execution of decree dated 4th July, 2014. Under the Judicial laws Gazette Act & Regulations mentioned in Writ Petition No. 710 of 2014, Original Print, Page Nos. 1-14. My property which I am demanding along with my right, title, power, fundamental and Judicial rights all the detail description is given by me to all of you on 04-10-2014 and also copy was given to Judges Court Room No. 53, Division Bench Judge on 04-10-2014 Pages 1 to 276.**

I have filed Case/Suit, Case/Decree, Case/Writ Petition, Case/Execution Application in this Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay, as passed by the order, Decree, Judgment, direction and information but, my right, title, power, conveyance and possession were not handed over by this Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay or Authorized person or persons/Officer or Officers. Also, I filed an Application under Section 3. The direction were given and passed by an Order Execution Decree Certificate No. 325 & 339, passed by an Order and Decree No. 3558, by the Royal Charter Civil Court Ordinary Original Civil Jurisdiction of High Court of Judicature at Bombay. My right, title, power, interest which is been run by the present illegal mastermind b.i.d. means Crown i.e., England under subordinate Officers i.e., Mr. K. H. Premchand, Asst. Engineer, Drainage under Control of the rights all Presidency Securities, Indian Army and Indian Navy, Mr. U. G. Gale, Drainage Engineer, under Controlling of the Board of Commerce and all currencies and banking and Mr. P. R. Nayak, Municipal Commissioner of Gr. Bombay, Controller of the all types of Revenue, Presidency Police and Corporation as political Government and Political party persons i.e., Ministry of Defence, Ministry of Company Affairs and all types of Ministries, Officer and Officers, person and persons from 04-07-2014 shall handover my security rights treasury WITHIN SEVEN DAYS same was not handedover. Also the 1,000 Crores American Dollar per day along with interest not handed over to me as per order dated 30-01-2014.

The Royal Charter Civil Court Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay action and Controlling powers by present Commissioner, Registrar, Collector, Officer and Officers, Clerk and Clerks, person and persons & The Secretary of State for India running as per legal law, but illegally run by proposed Original Side & Appellate Side and officers, person and persons, Ministries person and persons.

I have published these facts on 18-10-2014 in Local Newspapers i.e., Free Press Journal and Navehakti which is also have in news paper website. Thereafter, on 19-11-2014 I have submitted my Affidavit and Synopsis in Open Court No. 53, but no action has taken by the Court Room No. 53. So I have published my Affidavit dated 29-11-2014 in News Papers i.e., Free Press Journal and I have demanded my possession to handover my Fundamental and Judicial Rights, title, power, interest WITHIN SEVEN DAYS from this Publication.

Since 2012, I, my family and my Hindu Community living life under Section 3, immovable property, made an application for facilities, safety and convenience which are hand given to my family and my community therefore, I am forced to take possession and government and power Judicial action upon the Political persons, officers as per my Certificate No. 339, Decree No. 3558 and Order dated 04th July, 2014.

The Royal Charter Civil Court Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay, the present Judges all controlled by the legal original law, published by Bombay Government Gazette and present Standing Committee, Authorized person controlled by the Bearer Act are pleased that you shall come to Court Room No. 53 and release my admitted Writ Petition and other proceedings and handover my Judicial right, title, power, conveyance, possession and fundamental rights as per Original Gazette Law published by Bombay Government Gazette.

After the publication seven days has gone but Ordinary Original Civil Jurisdiction of the High Court of Judicature of Bombay has not handed over my Fundamental and Judicial rights, title, power, conveyance and interest and my matter has kept by Court on Board on 10/12/2014 in Court Room No. 53. So I am Publishing this Notice and I demand to handover my Fundamental, Judicial rights, title, power, possession and interest on 10/12/2014 in the Open Court No. 53, without any delay and excuse, otherwise I will take action upon, who is running my ownership right, illegally as per my Fundamental & Judicial Rights, which is granted by the Ordinary Original Civil Jurisdiction of the High Court of Judicature of Bombay.

Sd/-  
Sukumar Samanta / Sushma S. Samanta  
Bachar Avenue, In. Durgam