

CHAPTER XXIII. POWER OF [ENTRY, INSPECTION & EVICTION]

Power of entry and inspection

387. Power of entry and inspection.

(1) The Commissioner may enter into or upon any premises, with or without assistance or workman, which he is empowered by or under the provisions of this Act or the rules to enter or inspect or in order to make any inspection, survey, measurement, valuation or inquiry or to execute any work which is authorised by or under this Act or which it is necessary for any of the purposes, or in pursuance of any of the provisions, of this Act or of any rules, by- laws, regulations or standing orders thereunder to make or execute.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Commissioner or any municipal officer or servant authorised by him in this behalf shall have power to enter and inspect any place or article in the following cases, namely :-

- (a) any stable, garage, coach house or any place where any vehicle, boat or animal liable to tax is kept- under section 145;
- (b) any land whereon any municipal drain has been or is proposed to be constructed-under section 155;
- (c) any land belonging to any person for the purpose of emptying his own drain into a municipal drain- under section 159, 161, 167 and 168;
- (d) any land whereon shafts or pipes for ventilating drains are required to be fixed-under section 175 ;
- (e) drains, ventilators, shafts, pipes, cess-pools, latrines, urinals, bathing and washing places- under section 181;
- (f) any land which provides access to any municipal water work- under section 191;
- (g) any premises which are suspected-to have been used for any trade or keeping any article in contravention of section 376 ;
- (h) any premises for the use of which a licence is required and has been granted under the provisions of this Act ;
- (i) any building during its erection or any work during its execution;
- (j) any premises which are provided by the Corporation for the residence of municipal officers and servants.

388. Time of making entry.

(1) No such entry shall be made within sunset and sunrise :

Provided that in any case in which it has been expressly provided by or under this Act such entry may be made by day or night.

(2) Except as otherwise expressly provided by or under this Act, no building used as a human dwelling shall be entered unless with the consent of the occupier thereof without giving him atleast six hours notice in writing of the intended entry and, except when it is deemed inexpedient to mention the purpose thereof, of such purpose.

(3) When such premises may otherwise be entered without notice, sufficient notice shall be given in every instance to enable the inmates

Time of making entry

¹ These words were substituted for the words "ENTRY AND INSPECTION" by Guj. 19 of 1964, s. 18.

of any apartment appropriated to females to remove themselves.

(4) Due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(5) No claim shall lie against any person for compensation for any damage necessarily caused by an entry under sub-section (7) of section 376 or by the use of any force necessary for effecting such entry.

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[388A. Power of Commissioner to evict persons summarily in certain cases.

**Power of
Commissioner to
evict persons
summarily in
certain cases**

(1) Where the Commissioner is required by section 284A, 301 or 304 to cause building or part thereof to be vacated, he may take or cause to be taken such steps and use or cause to be used such force as may in the opinion of the Commissioner be reasonably necessary therefor.

(2) The Commissioner may, after giving 15 clear days notice to the persons evicted under sub-section (1), remove or cause to be removed or dispose of by public auction any property remaining in such building.

(3) Where property is sold under sub-section (2) the sale proceeds shall, after deducting the expenses of sale, be paid of such person or persons as may appear to the Commissioner to be entitled to the same.]

² Section 388A was inserted by Guj. 19 of 1964, s. 19.