
**MAHARASHTRA SLUM AREAS (IMPROVEMENT, CLEARANCE
AND REDEVELOPMENTS CLEARANCE AREAS ORDER)
(PUBLICITY ETC) RULES, 1973**

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**MAHARASHTRA SLUM AREAS (IMPROVEMENT, CLEARANCE
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In exercise of the powers conferred by Sub-Section (1) and (2) of Section 11 sub-sections (3) and (10) of Section 12 and Sub-Section (1) of Section 24 read with Sub-Section (1) of Section 46 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah.XXVIII of 1971), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by Sub-Section (1) of the said Section 46, namely

1. Short title :-

These rules may be called the MAHARASHTRA SLUM AREAS (IMPROVEMENT, CLEARANCE AND REDEVELOPMENTS CLEARANCE AREAS ORDER) (PUBLICITY ETC) RULES, 1973 .

2. Definitions :-

In these rules, unless the context otherwise requires,-

(1) "Act" means the Maharashtra Slum Areas(Improvement, Clearance and Redevelopment) Act, 1971;

(ii) "Section" means a section of the Act.

3. Mode of Publication of Order under Section 11 :-

(1) A copy of the order made under Sub-Section (1) of Section 11 shall be displayed at prominent places in the slum area declared to be a clearance area under such order and pasted on the notice board in the office of the Competent Authority. The substance of the order shall also be announced by beat drum in that clearance area.

(2) The Competent Authority shall as far as practicable, serve a copy of the order on every owner and tenant of the buildings situated in the clearance area in the manner provided in Section 36.

(3) A map defining the clearance area shall be kept in the office of the Competent Authority for public inspection during office hours. A recital about the fact that the map defining the clearance area has been kept in the office of the Competent Authority for public inspection during office hours, shall be included in the form of a foot-note at the end of every copy of the order displayed or pasted under sub-rule (1) and served on the owners and tenants under sub-rule (2).

4. List of persons occupying Buildings in Clearance Area :-

Subject to the provisions of Sub-Section (2) of Section 11, the Competent Authority shall prepare a list of persons who were occupying the buildings comprised in the proposed clearance area, on such date as may be specified by it and who are likely to be dishoused therefrom as a result of the demolition of such buildings. The list shall contain the particulars specified in the Form appended to these rules.

5. Scheme for Housing persons likely to be dishoused :-

(1) Before declaring any area as a clearance area, the Competent Authority shall, after satisfying itself as to the sufficiency of its resources, draw up a scheme for housing persons who are likely to be dishoused as a result of demolition of buildings in such area. Such scheme may be in respect of each building or group of buildings or for all the buildings to be demolished.

(2) The scheme shall specify, -

(a) the buildings which are to be demolished;

(b) the order in which it is proposed to demolish them;

(c) the provision for accommodation temporary and permanent either in a building or in an open plot of land, regard being had to the circumstances of each case;

(d) the location of temporary and permanent accommodation;

(e) the floor area in each case of accommodation;

(f) subject to the provisions of rule 9, the rent in each case of accommodation;

(h) the date on or before which the building is to be evacuated and persons displaced to be rehabilitated;

(i) the date on or before which the owner should demolish the building;

(j) the date on or before which the owner should inform the Competent Authority whether he would redevelop the land;

(k) the date on or before which each owner or tenant of the building to be demolished should inform the Competent Authority of his decision for temporary or permanent accommodation;

(1) the approximate date when the building will be re-erected;

(m) subject to the provisions of Section 24, the estimated provisional rent of the accommodation.

(3) The scheme shall be published in such a way that the owners, tenants and any other occupiers, in the area are adequately informed of the contents of the scheme and arrangement should be made to require them to inform of their decision on or before the date specified in this behalf. The Competent Authority may, on any owner or tenant or occupier showing sufficient cause, extend the date for recording its decision on any matter specified in the scheme.

6. Member of executing scheme :-

(1) The Competent Authority shall, on publication of the scheme ascertain the owners who desire to demolish their buildings and redevelop their lands, The Competent Authority shall then exclude

the buildings of such owners, and shall proceed to execute the scheme in the manner hereinafter provided.

(2) The Competent Authority, on preparation of the list under rule 4 and after ascertaining that the owner of the building to be demolished does not want to redevelop his land, and after receiving the decision of each owner and tenant regarding his choice of accommodation under rule 5, shall decide the persons who should be provided with permanent accommodation, and those who should be provided with temporary accommodation, regard being had to the information collected from the list. The decision of the Competent Authority on the allotment of the accommodation shall be final.

(3) The Competent Authority shall then inform each owner and tenant of the accommodation, which is proposed to be provided for him and require each such owner and tenant to inform the Competent Authority that he is prepared to take accommodation proposed to be provided for him within a week from the date on which he is informed of such accommodation, and that he will vacate his existing accommodation not later than the date specified by the Competent Authority in that behalf, such date being ordinarily, fixed in consultation with the owner or the tenant, as the case may require. After the owner or tenant accepts the accommodation offered to him, he shall give an undertaking in writing that he shall pay the rent of the accommodation which is provided for him regularly before the 10th day of every month, and in case of temporary accommodation, that he shall vacate the accommodation provided for him when he is required so to do in accordance with the provisions of the Act. If the owner or tenant fails to pay rent for two consecutive months before the stipulated time the Competent Authority may, by order require the owner or tenant or any other occupier to vacate the accommodation and thereupon he should be liable to be evicted under Section 33 of the Act.

7. Procedure for evacuating building to be demolished :-

(1) The Competent Authority, on the owner or tenant executing the undertaking referred to in rule 6, or on any owner or tenant refusing to accept the accommodation offered to him shall, by notice call upon each owner or tenant to vacate the existing accommodation in the building which is to be demolished, according to the provisions of the scheme under rule 5 and to occupy the

accommodation accepted by him or offered to him or on before the date specified in this behalf.

(2) If any owner or tenant or any other occupier does not vacate or refuses to vacate the accommodation in the building to be demolished on or before the date specified for the purpose, the Competent Authority may, by notice call upon such owner or tenant or occupier to vacate the accommodation within forty-eight hours from the time the notice is delivered to the owner or tenant or occupier and if the owner or tenant or occupier fails to vacate the existing accommodations, then he shall be liable to be evicted in the manner provided in Section 33

8. Evacuated Building to be demolished by Competent Authority :-

On evacuation of each building proposed to be demolished and on housing the owners and tenants in the accommodation provided for them, the Competent Authority shall forthwith arrange to demolish the building to evacuate, after the owner has failed to demolish it in manner provided in Sub-Section (7) of Section 12.

9. Rent to be paid for Temporary Accommodation :-

The rent to be paid for the temporary accommodation provided under rule 5 shall not exceed the economic rent for such accommodation.

10. Allotment in Re-erected Building etc :-

After the re-erection of the building the persons who may have been provided with temporary accommodation and who have filed a declaration under Sub-Section (1) of Section 24 shall be allotted accommodation in the building which is re-erected. Every such person shall pay such rent to the owner as may be determined under the provisions of Sections 24 and 25.

11. Circumstances in which persons may be evicted from Temporary Accommodation :-

Every person who has been provided with temporary accommodation by the Competent Authority shall be asked to move to the new premises, of the re-erected building within a period of thirty days from the date of the intimation to be given to him by the Competent Authority failing which such person or any other person who is found in possession of such accommodation shall be liable to be evicted from the temporary accommodation provided by the Competent Authority and such first mentioned person shall also

forfeit his claim for allotment of accommodation in the re-erected building.

12. Manner of Publication of Notice under Section 12 (3) :-

The notice about the clearance order being confirmed under Sub-Section (3) of Section 12 shall be published in the manner provided in rule 3.

13. Appeal against Order under Sub-Section (10) of Section 12 :-

An owner who is aggrieved by a restriction or condition imposed on the user of his land under Sub-Section (10) of Section (12), or by a subsequent refusal of Competent Authority to cancel or modify any such restriction or condition may, within a period of sixty days from the date on which such restriction or condition is imposed or refusal to cancel or modify any such restriction or condition is communicated, appeal to the Tribunal.