

Cantonments Act, 2006

Section 238 - Power of Board to sanction or refuse

1) The Board may either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely: (a) the free passage or way to be left in front of the building; (b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire; (c) the ventilation of the building, the minimum cubic area of the rooms and the number of height of the storeys of which the building may consist; (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth; (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure; (f) the line of frontage with neighbouring buildings if the building abuts on a street; (g) the means to be provided for egress from the building in case of fire; (h) the materials and method of construction to be used for external and party walls for rooms, floors, fire-places and chimneys; (i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and (j) any other matter affecting the ventilation and sanitation of the buildings, and the person erecting or -re-erecting the building shall obey all such written directions in every particular. (2) The Board may refuse to sanction the erection or re-erection of any building on any grounds sufficient in the opinion of the Board affecting the particular building: Provided that the Board shall refuse to accord sanction the erection or re-erection of any building if such erection or re-erection is not in conformity with any general scheme sanctioned under Sec. 240. (3) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Defence Estates Officer, shall refer the application to the Defence Estates Officer for ascertaining whether there is any objection on the part of the Government to such erection or re-erection; and the Defence Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him, (4) The Board may refuse to sanction the erection or re-erection of any building (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Government, if the erection or re-erection constitutes a breach of the terms of the lease; or (b) when the land on which it is proposed to erect or re-erect the building is entrusted to the management of the Board by the Government if the erection or re-erection constitutes a breach of the terms of the entrustment of management or contravenes any of the instructions issued by the Government regarding the management of the land by the Board; or (c) when the land on which it is proposed to erect or re-erect the building is not held on a lease from the Government, if the right to build on such land is in dispute between the person applying for sanction and the Government. (5) If the Board decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given. (6) Where the Board neglects or omits, for one month after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the 'Board calls the attention of the Board to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, as the case may be: Provided that, in any case to which the provisions of sub-sec. (3) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section.