

Cantonments Act, 1924

Chapter XV - Powers, Procedure, Penalties and Appeals

It shall be lawful for the President or the Vice-President of a Board, or the Executive Officer, or the Health Officer or Assistant Health Officer, or any person specially¹[authorised by the Executive Officer, or the Health Officer] or the Assistant Health Officer, or for any other person authorised by general or special order of a²[Board] in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 207 or section 215 or to authorise the conferment upon any person of any such power.

1. Substituted by Act 15 of 1983, section 138, for "authorised by the Health Officer" (W.e.f. 1-10-1983).

2. Substituted by Act 24 of 1936, section 69, for "cantonment Authority".

Section 242 - Power of inspection by Member of a Board

With the previous sanction of the President, any member of a Board may inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book accounts or other documents belonging to, or in the possession of, the Board.

Section 243 - Power of inspection, etc

(1) A¹[Board]²[or the Executive Officer] may, by general or special order, authorise any person--

(a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the

cantonment, and, in his discretion, to cause, the ground to be opened for the purpose of preventing or removing any

nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

(b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any

meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be by the¹[Board]²[or the Executive Officer].

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1. Substituted by Act 24 of 1936, section 69, for "cantonment Authority".
 2. Inserted by Act 15 of 1983, section 139 (w.e.f. 1-10-1983).
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Section 244 - Power to enter land adjoining land where work is in progress

- (1) The Executive Officer of a cantonment may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.
 - (2) The Executive Officer shall, before entering on any land under sub-section (1), give the occupier, or, if there is no occupier, the owner not less than three days' previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.
 - (3) The Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the¹[Board] to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.
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1. Substituted by Act 24 of 1936, section 69, for "cantonment Authority".
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Section 245 - Breaking into premises

- It shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier--
- (a) if he considers the opening thereof necessary for the purpose of such entry; and
 - (b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.
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Section 246 - Entry to be made in the day time

Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Section 247 - Owner's consent ordinarily to be obtained

Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours' written notice of the intention to make such entry :

¹[Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling or occupation specified in section 210 or a stable for horses or a shed for cattle or a latrine, privy or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.]

1. Substituted by Act 15 of 1983, section 140, for the proviso (w.e.f. 1-10-1983).
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Section 248 - Regard to be had to social and religious usages

When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Section 249 - Penalty for obstruction

Whoever obstructs or molests any person¹[acting on behalf of the Board], who is not a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) or any person with whom the ²[Board] has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to ³[five hundred rupees].

1. Substituted by Act 15 of 1983, section 141, for "employed by a Board" (w/e/f/ 1-10-1983).
 2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority"
 3. Substituted by Act 15 of 1983, section 141, for "one hundred rupees" (w.e.f. 1-10-1983)
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Section 250 - Arrest without warrant

Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV :

Provided that--

(a) in the case of a breach of any such provisions as is specified in Pan B of Schedule IV no person shall be so arrested who

consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or

address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be

detained after his name and address have been ascertained; and

(b) no person shall be so arrested for an offence under section 236 except:--

(i) at the request of the person importuned or of a military officer in whose presence the offence was committed; or

(ii) by or at the request of a member of the Military¹[,Naval] or Air Force Police, who is employed in the cantonment and authorised in this behalf by the²[Officer Commanding the station], and in whose presence the

offence was committed or by or at the request of any police officer not below the rank of a sub-inspector who is

employed in the cantonment and authorised in this behalf by the²[Officer Commanding the station].

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1. Inserted by Act 15 of 1983, section 142 (w.e.f. 1-10-1983).
 2. Substituted by Act 7 of 1925, section 14, for "Commanding Officer of the cantonment".
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Section 251 - Duties of police officers

It shall be the duty of all police officers to give immediate information to the¹[Board] of the² [commission of, or attempt to commit, any offence] against the provisions of this Act or of any rule or bye-law made thereunder, and to assist all cantonment officers and servants in the exercise of their lawful authority.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".
 2. Substituted by Act 15 of 1983, section 143, for "Commission of any offence" (w.e.f. 1-10-1983).
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Section 252 - Notices to fix reasonable time

Where any notice, order or requisition made under this Act or any rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

Section 253 - Authentication and validity of notices issued by Board

¹[(1)] Every notice, order or requisition issued by a²[Board] under this Act or any rule or bye-law made thereunder shall be signed--

(a)³[* * *] either by the President of the Board or by the Executive Officer, or,⁴[* * *]

(b) by the members of any committee especially authorised by the²[Board] in this behalf.

⁵[(2)] Whenever under this Act or any rule or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Board, a written document signed by any officer or member specified in sub-section (1) purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

(3) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule or bye-law made thereunder to bear the signature of the President, Vice-President or Executive Officer, or of any such member of any committee as has been specially authorised by the Board in this behalf shall be deemed to be properly signed if it bears facsimile of the signature of any such officer or member, as the case may be, stamped thereon.]

1. Renumbered as sub-section (1) by Act 15 of 1983, section 144 (w.e.f. 1-10-1983).
2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".
3. The words "where there is a Board" rep. By Act 24 of 1936, section 60.
4. The words "where there is no Board, by the Executive Officer; or" rep. By Act 24 of 1936, section 60.
5. Inserted by Act 15 of 1983, section 144 (w.e.f. 1-10-1983).

Section 254 - Service of notice, etc

(1) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented--

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known

place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some

adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the building or

land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either--

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there

are more owners, lessees or occupiers than one,¹[to any one of them]; or

(b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the

authorised agent, if any, of any such owner, lessee or occupier, or to an adult male member or servant of the family of any

such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it

relates.

(3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

1. Substituted by Act 32 of 1940, section 3 and Schedule II, for "on any one of them".

Section 255 - Method of giving notice

Every notice which, by or under this Act, is to be given or served as a public notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the [1](#)[Board], or in such other public place, during such period, or is published in such local newspaper or in such other manner, as the [1](#)[Board] may direct.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 256 - Powers of Board in case of non-compliance with notice, etc

In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act, or any rule or bye-law made thereunder, requiring such person to execute any work or to any act, it shall be lawful for the [1](#)[Board] [2](#)[or the civil area committee or the Executive Officer at whose instance the notice, order or requisition has been issued], whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be [3](#)[recoverable by the Executive Officer on demand, and if not paid within ten days after such demand, shall be recoverable in the same manner as moneys recoverable by the Board under section 259:

Provided that where action or step relates to the demolition of any erection or re-erection under section 185 or the removal of any projection or encroachment under section 187, the Board or the civil area committee or the Executive Officer may request any police officer to render such assistance as considered necessary for the lawful exercise of any power in this regard and it shall be the duty of such police officer to render forthwith such assistance on such requisition.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Inserted by Act 15 of 1983, section 145 (w.e.f. 1-10-1983).

3. Substituted by Act 15 of 1983, section 145, for "recoverable by the Board" (w.e.f. 1-10-1983).

Section 256A - Occupier not to obstruct owner when complying with notice

[1](#)[256A. Occupier not to obstruct owner when complying with notice

If the owner of any property in respect of which a notice as is referred to in section 256 has been given is prevented by the occupier from complying with such notice, the Board or the civil area committee or the Executive Officer at whose instance such notice has been given, may, by order, require the said occupier to permit the owner within eight days from the date of service of such notice

to take all such action as may be necessary to comply with the said notice and such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of non-compliance with such notice.]

1. Inserted by Act 15 of 1983, section 146 (w.e.f. 1-10-1983).

Section 257 - Liability of occupier to pay in default of owner

(1) If any such notice as is referred to in section 256 has been given to any person in respect of property of which he is the owner, the¹[Board]²[or the civil area committee or the Executive Officer at whose instance such notice has been issued] may require any occupier of such property or of any part thereof to³[pay to it or him], instead of to the owner, any rent payable by him in respect of such property, as it falls due, upto the amount recoverable from the owner under section 256 :

⁴[Provided that, if the occupier, on application made to him by the Board or the civil area committee or the Executive Officer at whose instance such notice has been issued, refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Executive Officer may recover from the occupier the whole amount recoverable under section 256 in the same manner as moneys recoverable by the Board under section 259.]

(2) Any amount recovered from an occupier instead of from an owner under subsection (1) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Inserted by Act 15 of 1983, section 147 (w.e.f. 1-10-1983).

3. Substituted by Act 15 of 1983, section 147, for "pay to it" (w.e.f. 1-10-1983).

4. Substituted by Act 15 of 1983, section 147, for the proviso (w.e.f. 1-10-1983).

Section 258 - Relief to agents and trustees

(1) Where any person, by reason of his receiving the rent of immovable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the¹[Board] may, by notice in writing, require him, to apply to the discharge of such obligation as aforesaid the first monies which may come to his hands on behalf, or for the use, of the owner, and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 259 - Method of recovery

1[259. Method of recovery

(1) Notwithstanding anything elsewhere contained in this Act,2[arrears of any tax,3[and any other money recoverable, including rent on land and buildings due under leases or licences executed by or in favour of a Board or the Defence Estates Officer,] under this Act or the rules made thereunder] may be recovered together with the cost of recovery either by suit or, on application to a4[Judicial Magistrate] having jurisdiction in the cantonment or in any place where the person from whom such5 [tax, rent or money] is recoverable may for the time being be residing,6[either by the distress and sale of movable property of such person, or by the attachment and sale of immovable property of that person, which is within the limits of the jurisdiction of such Judicial Magistrate, or by both these methods], and shall, if payable by the owner of any property as such, be a charge on the property until paid :

Provided that the too is of artisans,7[growing crops up to the value of five hundred rupees and implements and cattle used for the purposes of agriculture] shall be exempt from such distress or sale.

(2) An application to a4[Judicial Magistrate] under sub-section (1) shall be in writing and shall be signed by the President or Vice-

President of the Board or by the Executive Officer7[or the [Defence Estates Officer]], but shall not require to be personally presented.]

8(3) Upon receiving the application, the Judicial Magistrate referred to in sub-section (1) may take, action for the recovery of the amount of tax, rent or money from the person specified in the application as if such amount were a fine recoverable under a sentence passed by him and the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to the recovery of such amount:

Provided that the recovery of no such amount shall be made by the arrest or detention in prison of the said person.]

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1. Substituted by Act 24 of 1936, section 61, for the original section.
 2. Substituted by Act 2 of 1954, section 22, for "arrears of any tax and any other money recoverable by a Board under this Act".
 3. Substituted by Act 15 of 1983, section 148, for certain words (w.e.f. 1-10-1983).
 4. Substituted by Act 15 of 1983, section 148, for "Magistrate" (w.e.f. 1-10-1983).
 5. Substituted by Act 2 of 1954, section 22, for "tax or money".
 6. Substituted by Act 15 of 1983, section 148, for certain words (w.e.f. 1-10-1983).
 7. Inserted by Act 2 of 1954, section 22.
 8. Inserted by Act 15 of 1983, section 148 (w.e.f. 1-10-1983).

Section 260 - Application for a Committee of Arbitration

In the event of any disagreement as to the liability of a1[Board] to pay compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the1[Board] shall for the reference of the matter to a Committee of Arbitration, and the1 [Board] shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".
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Section 261 - Procedure for convening Committee of Arbitration

(1) When a Committee of Arbitration is to be convened, the¹[Board] shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the District Magistrate, and to the other party concerned, and shall, as soon as may be, nominate such members of the Committee, as it is entitled to nominate under section 262, and, by notice in writing, call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with the provisions of that section.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 262 - Constitution of Committee of Arbitration

(1) Every Committee of Arbitration shall consist of five members, namely :--

(a) a Chairman who shall be a person not in the service of the Government or the¹[Board], and who shall be nominated by

the²[Officer Commanding the station];

(b) two persons nominated by the¹[Board], and

(c) two persons nominated by the other party concerned,³[***]

(2) If the¹[Board] or the other party concerned or the²[Officer Commanding the station] fails within seven days of the date of issue of the notice referred to in section 261 to make any nomination which it or he is entitled to make or if any member who has been so nominated neglects or refuses to act and the¹[Board] or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Substituted by Act 7 of 1925, section 14, "Cantonment Officer of the cantonment".

3. The words "who shall be persons liable to pay taxes in the cantonment and ordinarily resident therein or in the immediate vicinity thereof" rep. by Act 24 of 1936, section 62.

Section 263 - No person to be nominated who has direct interest or whose services are not immediately available

(1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee, shall be nominated a member of a Committee of Arbitration.

(2) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the 1[Board] or other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 262.

1. Substituted by Act 15 of 1983, section 138, for "authorised by the Health Officer" (W.e.f. 1-10-1983).

Section 264 - Meetings and powers of Committees of Arbitration

(1) When a Committee of Arbitration has been duly constituted, the 1[Board] shall, by notice in writing, inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(2) The Chairman of the Committee shall fix the time and place of meetings, and shall have power to adjourn any meeting from time to time as may be necessary.

(3) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and, on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 265 - Decisions of Committee of Arbitration

(1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three of the other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final and shall not be questioned in any court.

Section 266 - Prosecutions

1[(1)] Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of, or upon information received from, the 2[Board] concerned or a person authorised by the 2[Board] by a general or special order in this behalf.

3[***]

1. Section 266 re-numbered as sub-section (1) of that section by Act 24 of 1936, section 63.

2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

3. Omitted by the Act 15 of 1983, section 149 (w.e.f. 1-10-1983).

Section 267 - Composition of offence

(1) A1[Board], or any person authorised by it, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act other than an offence under Chapter XIV :

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the 1[Board], unless and until the same has been complied with in so far as compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings, shall be taken against him in respect of the offence so compounded.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 268 - General penalty

Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to 1[five hundred rupees], and, in the case of a continuing failure or contravention, with an additional fine which may extend to 2[fifty rupees] for every day after the first during which he has persisted in the failure or contravention.

1. Substituted by Act 15 of 1983, section 150, for "two hundred rupees" (w.e.f. 1-10-1983).

2. Substituted by Act 15 of 1983, section 150, for "twenty rupees" (w.e.f. 1-10-1983).

Section 268A - Offences by companies

1[268A. Offences by companies]

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.--For the purposes of this section,--

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.]

1. Inserted by Act 15 of 1983, section 151 (w.e.f. 1-10-1983).

Section 269 - Cancellation or suspension of licences, etc

1[269. Cancellation or suspension of licences, etc

Where any person to whom a licence or written permissions has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence or written permission is to be or may be done, or where the Board or the civil area committee, as the case may be, is satisfied that such licence or written permission has been secured by the holder through misrepresentation or fraud, the Board or the civil area committee, as the case may be, may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or written permission or suspend it for such period as it thinks fit:

Provided that no such order shall be made unless an opportunity has been given to the holder of the licence or written permission to show cause why it should not be made.]

1. Substituted by Act 15 of 1983, section 152, for section 269 (w.e.f. 1-10-1983).

Section 270 - Recovery of amount payable in respect of damage to cantonment property

Where any person has incurred a penalty by reason of having caused any damage to the property of a¹ [Board], he shall be liable to make good such damage, and the amount payable in respect of the damage shall, in case of dispute, be determined²[by the Judicial Magistrate] by whom the person incurring such penalty is convicted, and, on non-payment of such amount on demand, the same shall be recovered³[either by the distress and sale of the movable property of such person, or by the attachment and sale of the immovable property of that person, or by both these methods and the Judicial Magistrate shall recover the amount in accordance with the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974) as if it were a fine recoverable under a sentence passed by him].

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Substituted by Act 15 of 1983, section 153, for "by the Magistrate" (w.e.f. 1-10-1983).

3. Substituted by Act 15 of 1983, section 153, for certain words (w.e.f. 1-10-1983).

Section 271 - Limitation for prosecution

Limitation

No court shall try any person for an offence made punishable by or under this Act, after the expiry of six months from the date of the commission of the offence, unless complaint in respect of the offence has been made to a [1](#)[Judicial Magistrate] within the six months aforesaid.

1. Substituted by Act 15 of 1983, section 154, for "Magistrate" (w.e.f. 1-10-1983)

Section 272 - Protection of Board, Executive Officer, etc

No suit or prosecution shall be entertained in any court against any [1](#)[Board]

[2](#)[* * *] or against any [3](#)[Officer Commanding a station], or against any member of a Board, or against any officer or servant of a [1](#)[Board], for anything in good faith done, or intended to be done, under this Act or any rule or bye-law made thereunder.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. The words "or authority appointed under sub-section (2) of section 10" rep. by Act 24 of 1936, section 64.

3. Substituted by Act 7 of 1925, section 11, for "Commanding Officer of a cantonment".

Section 273 - Notice to be given of suits

(1) No suit shall be instituted against any 1[Board] or against any member of a Board, or against any officer or servant of a 1[Board], in respect of any act done, or purporting to have been done, in pursuance of this Act or of any rule or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the office of the 1[Board], and, in the case of such member, officer or servant, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the case of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

(2) If the 1[Board], member, officer or servant has, before the suit is instituted, tendered sufficient amounts to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as is described in sub-section (1), shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 274 - Appeals from executive orders

(1) Any person aggrieved by any order described in the 1[third column] of Schedule V may appeal to the authority specified in that behalf in the 1[fourth column] of the said Schedule.

(2) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the 2[fifth column] of the said Schedule.

(3) The period specified as aforesaid shall be computed in accordance with the provisions of the 3[Limitation Act, 1963 (36 of 1963)], with respect to the computation of periods of limitation thereunder.

1. Substituted by Act 1`5 of 1983, section 155, for "second Column" and "Third Column" (w.e.f. 1-10-1983).

2. Substituted by Act 15 of 1983, section 155, for "fourth column" (w.e.f. 1-10-1983).

3. Substituted by Act 15 of 1983, section 155, for "Indian Limitation Act, 1908 (9 of 1908)" (w.e.f. 1-10-1983).

Section 275 - Petition of appeal

(1) Every appeal under section 274 shall be made by petition in writing accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

Section 276 - Suspension of action pending appeal

1[276. Suspension of action pending appeal.--

On the admission of an appeal from an order, other than an order contained in a notice issued under section 140, section 176, section 181, section 206 or section 238, where the appellate authority so directs, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.]

1. Substituted by Act 15 of 1983, section 156, for section 276 (w.e.f. 1-10-1983).

Section 277 - Revision

1[(1)] Where an appeal from an order made by the2[Board] has been disposed of by the District Magistrate,3[either party to the proceedings] may, within thirty days from the date thereof, apply, through the4[Officer Commanding-in-Chief, the Command], to the5[Central Government], or to such authority as the6[Central Government] may appoint in this behalf, for a revision of the decision.

1[(2)] The provisions of this Chapter with respect to appeals shall apply, as far as may be, to applications for revision made under this section.

1. The original sub-section (1) omitted and sub-sections (2) and (3) re-numbered as sub-sections (1) and (2) by Act 35 of 1926, section 9.

2. Substituted by Act 24 of 1936, section 69, for "cantonment Authority".

3. Substituted by Act 24 of 1936, section 65, for "the Cantonment Authority".

4. Substituted by Act 35 of 1926, section 9, for "Officer Commanding the District".

5. Substituted by The A.O. 1937, for "L.G.".

Section 278 - Finality of appellate orders

Save as otherwise provided in section 277, every order of an appellate authority shall be final.

Section 279 - Right of appellant to be heard

No appeal shall be decided under this Chapter unless the appellant has been heard, or has had a reasonable opportunity of being heard in person or through a legal practitioner.
