

Lighthouse Act, 1927

Section 08A - POWER OF CENTRAL GOVERNMENT TO PROHIBIT LIGHTS AND REGULATE HEIGHTS OF BUILDINGS, STRUCTURES AND TREES

1) If the Central Government is of opinion that it is necessary or expedient so to do for unobstructed" functioning of any lighthouse, it may, by notification in the Official Gazette, direct that,- (i) no light shall be established without prior permission of the Central Government in case of general lighthouse and without the prior permission of the local of the local lighthouse authority in case of local lighthouse on any land within such radius, not exceeding one kilometre from the lighthouse, as may be specified in the notification; and (ii) no building or structure higher than such height as may be specified in the notification shall be constructed .or erected, or no tree, which is likely to grow or ordinarily grows higher than such height as may be specified in the notification, shall be planted, on any land within such radius, not exceeding one kilometre from the lighthouse, as may be specified in the notification. (2) Where any light has been established without or contrary to the permission referred to in clause (i) of sub-section (1), the Central Government or the local lighthouse authority, as the case may be, may, in addition to any other action that may be taken under this Act, make an order directing that such light shall be removed by the owner or the person having control of the light, within such period as may be specified in such order. (3), Where any building or structure has been constructed or erected or any tree has been planted in contravention of the directions contained in clause (ii) of sub-section (1), the Central Government or the local lighthouse authority, as the case may be, may, in addition to any other action that may be taken under this Act make an order directing that the height of such building or structure or tree shall be reduced to the extent specified in such notification, by the owner or the person having control of the building or structure or the tree, as the case may be, within such period as may be specified in such order. (4) No order under sub -section (2) or sub-section (3) shall be made unless the owner or the person has been given, by means of a notice, a reasonable opportunity of showing cause why such order shall not be made, (5) If any person fails to remove the light in pursuance of direction contained in the order issued under sub-section (2) or reduce the height of the building, structure or tree in pursuance of any direction contained in the order issued under sub-section (3), within the period specified in such order, then, subject to such rules as the Central Government may make in this behalf, it shall be competent for any officer authorised by the Central Government or the local lighthouse authority, as the case may be, in this behalf to remove such light or to reduce the height of such building, structure or tree and the expenses of such removal or reduction shall be recoverable from such person as a land revenue. (6) The orders referred to in sub-sections (2) and (3) and the notice referred to in sub-section (4) shall be served on the owner. or the person having the control of the light, building, structure or tree, as the case may be,- (i) by delivering or tendering it to such owner or person; or (ii) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such owner or person or any adult male member of the family of such owner or person or by affixing a copy thereof on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain, or failing service by these means; (iii) by post. (7) If any person wilfully fails to comply with any direction contained in any notification issued under sub-section (1) be shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. (8) Every notification issued by the Central Government under sub-section (1) shall be laid, as soon as may be after it is published in the Official Gazette, before each House of Parliament, while it is in session, for a total period of thirty days which maybe comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the notification.]

