

Bombay Highways Act, 1955

Section 2 - DEFINITIONS In this Act, unless there is anything repugnant in the subject or context,"

a) "animal" means any domestic or captive animal; (b) "building" includes any erection of whatsoever material and in whatsoever manner constructed (including a farm building for agricultural purposes) and also includes plinths, doorsteps, walls (including compound walls and fences and the like ; (c) "building line" means a line on either side of any highway or part of highway fixed in respect of such highway or part by a notification under sub-section (1) of section 7 ; (d) "cantonment" means a cantonment established under the Cantonments Act, 1924 ; (e) "control line" means a line on either side of a highway or part of a highway beyond the building line fixed in respect of such highway or part by a notification under sub-section (1) of section 7 ; (f) "encroachment" means any unauthorised occupation of any highway or part thereof, and includes an unauthorised " (i) erection of a building or any other structure, balconies, porches, projections on or over or overhanging the highway ; (ii) occupation of a highway beyond the prescribed period, if any, for stacking building materials or goods of any other description, for exhibiting articles for sale, for erecting poles, awnings, tents, pandals, hoardings and other similar erections or for parking vehicles or stabling animals or for any other purpose ; and (iii) excavations or dumps of any sort made or extended on any highway or underneath such highway ; (g) "to erect" with its grammatical variations in relation to a building means to construct, reconstruct, extend or alter structurally a building; (h) "excavation" in relation to any piece of land does not include any workings which do not pierce the surface of that piece of land ; but includes wells and tanks ; (i) "highway" means any⁴[road, way or land] which is declared to be a highway under section 3. The expression includes " (i) any land acquired or demarcated with a view to construct a highway along it; (ii) the slopes, terms, borrow -pits, foot -paths, pavements and side, catch and boundary drains attached to such road or way ; (iii) all bridges, culverts, causeways, carriageways and other structures built on or across such road or way ; and (iv) the trees, fences, posts, boundary, furlong and mile stones, and other highway accessories and materials and material stacked on the road or way ; (j) "Highway Authority" means the authority appointed as such or to which the functions of such authority are entrusted under section 4 ; (k) "highway boundaries" means the boundaries of a highway fixed in respect of such highway by a notification under sub-section (1) of section 7 ; (l) "means of access" includes any means of access, whether private or public, for vehicles or for foot passengers and includes any street; (m) "middle of highway" means the point half-way between the highway boundaries ; (n) "occupier" includes , " (a) any person who for the time being is paying or is liable to pay to the owner rent or any portion of the rent of the premises in respect of which such rent is paid or is payable ; (b) an owner living in or otherwise using his premises ; (c) a rent-free tenant; (d) a licensee in occupation of any premises ; and (e) any person who is liable to pay to the owner damages for the use and occupation of any premises ; (o) "owner" means , " (a) when used with reference to any premises, the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let and includes , " (i) an agent or trustee who receives such rent on account of the owner; (ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes ; (iii) a receiver, sequestrator or manager appointed by any Court of competent jurisdiction ; and (iv) a mortgagee- in possession ; (b) when used with reference to an institution or a body corporate, the manager of such institution or body corporate ; (p) "prescribed" means prescribed by rules made under this Act; (q) "railway administration" has the same meaning as in the Indian Railways Act, 1890 ; (r) "vehicle" includes a barrow, sledge, plough, drag and a wheeled conveyance of any description capable of being used on a highway ; (s) the expressions "land", "persons interested" and "persons entitled to act" used in this Act shall have the same meaning as the said expressions have in the Land Requisition Act, 1894