

THE KHYBER PAKHTUNKHWA DADAR TUBERCULOSIS  
SANATORIUM PROHIBITION OF BUILDINGS ACT, 1939

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**THE <sup>1</sup>[KHYBER PAKHTUNKHWA] DADAR  
TUBERCULOSIS SANATORIUM (PROHIBITION  
OF BUILDINGS) ACT, 1939.**

**ACT XI OF 1939**

Received *the* assent of the Governor on the 17th May, 1939.

*An Act to make provision for the control of the construction of buildings  
near Dadar Tuberculosis Sanatorium.*

WHEREAS it is expedient to control the construction of buildings near Dadar Tuberculosis Sanatorium and whereas the previous sanction of the Governor under Section 299 (3) of the Government of India Act, 1935, has been obtained, it is hereby enacted as follow :—

Preamble.

1. (1) This Act may be called the <sup>2</sup>[Khyber Pakhtunkhwa] Dadar Tuberculosis Sanatorium (Prohibition of Buildings) Act, 1939.

Short title, extent and commencement.

(2) It extends to the whole of Dadar area.

(3) It shall come into <sup>3</sup>force at once.

2. In this Act, unless there is anything repugnant in the subject or context:—

Definition.

(1) "Dadar area" means the area within six hundred yards of the perimeter of Dadar Tuberculosis Sanatorium.

(2) "Building" includes—

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than boundary wall not exceeding six feet in height) and any other structure, whether wholly or partially of masonry, brick, wood, mud, metal, or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundation;

(c) a lent, van, and any other such structure used for human habitation.

3. No person shall exercet or re-erect a building on any land in Dadar area, except with the previous sanction of the Provincial Government.

Sanction for Building.

4. (1) Whoever intends to erect or re-erect any building in Dadar area

Notice of new

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<sup>1</sup>. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

<sup>2</sup>. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

<sup>3</sup>. Came in to force with effect from 17-5-1939 vide Notification No. 1080/L.D. dated the 20th May, 1939.

shall apply for sanction by giving notice in writing of his intention to the buildings. Provincial Government.

(2) For the purpose of this Act, a person shall be deemed to erect or re-erect a building who-

- (a) makes any material alteration or enlargement of building, or,
- (b) converts into place for human habitation any building not originally constructed for that purpose, or
- (c) converts into more than one place for human habitation a building originally constructed as one such place, *or*,
- (d) converts two or more places of human habitation into greater number of such places, or,
- (e) converts into a stable, cattle-shed or cow-house any building originally constructed for human habitation, or
- (f) makes any alteration which there is reason to believe is likely to effect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or,
- (g) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building or which reduces the cubic capacity of any room in the building.

5. (1) A person giving the notice required by Section 4 shall specify the purpose for which it is intended to use the building to which such notice relates. Conditions of Valid notice.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which maybe required under rules made under this Act have been furnished to the satisfaction of the provincial Government along with the notice.

6. The Provincial Government 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:— Power of Provincial Government to sanction or refuse.

- (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 and 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 abut on 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 room, floors, fireplaces and chimneys;
- (i) the height and slope of the roof above the upper most 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 re-erection of the buildings;

and the person erecting or re-erecting the building shall obey such written directions in every particular.

7. Every sanction for the erection or re-erection of a building given shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall riot thereafter be begun unless the Provincial Government on application made there for has allowed an extension of that period. lapse of sanction.

8. No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Provincial Government of sanction to the erection or re-erection of any building or in respect of any direction issued by it under Section 6. Compensation.

9. Whoever begins, continues or completes the erection or re-erection of a building— Illegal erection or re-cerction.

- (a) before the building has been sanctioned, or
- (b) without complying with any direction made under Section 6, or

- (c) when sanction has been refused or has ceased to be available, shall be punishable with fine which may extend to five hundred rupees.

10. The Provincial Government may, at any time, by notice in writing direct the owner, lessee or occupier of any land in the Dadar area to stop the erection or re-erection of a building in any case in which the Provincial Government considers that such erection or re-erection is an offence under Section 9, direct the alteration or demolition, as it think necessary, of the building, or any part thereof, so erected or re-erected.

Power to stop erection or re-erection or to demolish.

11. (1) The Provincial Government may direct the demolition or alteration as it thinks necessary of any building constructed, in the Dadar area, after the first day of December, 1937, and before the enforcement of this Act.

Power to direct alteration or demolition of buildings constructed after 1st December, 1937.

(2) If the direction mentioned in sub-section (1) is not complied with the Provincial Government may have the same carried into effect by any agency employed by it for the person or his legal representative who had to comply with the direction.

(3) The amount claimable under sub-section (2) will be recoverable as arrears of land revenue,

12. The Provincial Government may make rules prescribing-

Power to make rules.

- (a) the manner in which notice of the intention to erect or re-erect a building *in* the Dadar area shall be given to the Provincial Government and the information and plans to be furnished with the notice,
- (b) the type or description of building which may not, and the purposes for which a building may or may not be erected or re-erected in any specified area or areas;
- (c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected,
- (d) the fees payable on provision by the Provincial Government of plans or specifications of the type of buildings which may be erected in the Dadar area,
- (e) the circumstances in which a mosque, temple, or church or other sacred building may be erected or re-erected.