



The Bombay Town Planning Schemes (Bombay City Nos. II, III, and IV )  
(Mahim Area) Validation Act, 1956

Act 3 of 1957

**Keyword(s):**

Corporation, Town Planning Schemes, Mahim, Schemes validation, Principal Act, Amending Act

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE BOMBAY TOWN PLANNING SCHEMES [BOMBAY CITY Nos. II, III  
AND IV (MAHIM AREA) ] VALIDATION ACT, 1956.**

---

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short titles and extent.
2. Definitions.
3. Amendment of section 1 of Bom. I of 1915.
4. Validation of declarations, applications, sanctions, awards, etc.
5. Validity of declaration, etc. relating to the schemes not to be questioned and bar or suits and proceedings.
6. Application of Act to pending suits and proceedings.

**BOMBAY ACT No. III OF 1957.<sup>1</sup>**

[THE BOMBAY TOWN PLANNING SCHEMES (BOMBAY CITY NOS. II, III AND IV  
(MAHIM AREA) VALIDATION ACT, 1956.]

[18th January 1957]

**An Act to remove doubts and to establish the validity of certain proceedings  
taken in connection with certain town planning schemes in the  
City of Bombay.**

Bom.  
I of  
1915.

WHEREAS sub-sections (2) and (3) of section 1 of the Bombay Town Planning Act, 1915 (herein called "the principal Act") did not in the first instance extend to the City of Bombay, but provided that the Provincial Government (in this preamble called "the Government") may by notification in the *Official Gazette* on a written application made by the Municipal Corporation of the City of Bombay (herein called "the Corporation") if such application was assented to by the majority of the whole of the Corporation, extend the provisions of the principal Act or any part thereof to the City of Bombay ;

(2) AND WHEREAS in pursuance of the said provisions of the principal Act, the Government in its notification No. 709, dated the 28th January 1919, on the application of the Corporation assented to by the majority of the Corporation extended the whole of the principal Act to the City of Bombay ;

Bom.  
XXI  
of  
1938.

(3) AND WHEREAS the Bombay Town Planning (Amendment) Act, 1938 (in this preamble called "the Amending Act"), repealed and re-enacted sub-sections (2) and (3) of section 1 of the principal Act, but again provided that the principal Act did not in the first instance apply to the City of Bombay, but the Government may, by notification in the *Official Gazette*, on a written application of the Corporation assented to by more than half the total number of the councillors of the Corporation, extend the principal Act to the said City ;

(4) AND WHEREAS the Corporation relying upon the aforesaid notification referred to in paragraph (2) above proceeded with the making of Town Planning Schemes Nos. II, III and IV (Mahim Area) in the City of Bombay ;

(5) AND WHEREAS during the said proceedings the Government gave sanction to the making of the schemes, the owners affected were consulted, the arbitrators and the Tribunal of Arbitration were appointed, the draft schemes were sanctioned, enquiries were held to decide the disputes, expenses were incurred by the Corporation and several other acts were done for the purpose of the making of the said schemes ;

(6) AND WHEREAS doubts have now been raised regarding the validity of the proceedings referred to in paragraph (5) above on the ground that after the passing of the amending Act a fresh notification had not been issued by the Government under sub-section (3) of section 1 of the principal Act as amended by the amending Act extending the provisions of the principal Act to the said City ;

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1956, Part V, p. 377.

(7) AND WHEREAS it is expedient to provide for the removal of the doubts raised and the validation of all the proceedings taken by the Corporation, the Government and other authorities duly empowered in that behalf under the principal Act for the purpose of making and completing the aforesaid town planning schemes; It is hereby enacted in the Seventh Year of the Republic of India as follows :—

Short title  
and extent.

1. (1) This Act may be called the Bombay Town Planning Schemes (Bombay City Nos. II, III and IV (Mahim Area) Validation Act, 1956.

(2) It extends to the City of Bombay.

Definitions.

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

(a) "principal Act" means the Bombay Town Planning Act, 1915, as amended from time to time;

(b) "amending Act" means the Bombay Town Planning (Amendment) Act, 1938;

(c) "City of Bombay" means the area specified in Part I of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945;

(d) "Corporation" means the Municipal Corporation of Greater Bombay, constituted under the Bombay Municipal Corporation Act;

(e) "schemes" means the Town Planning Schemes, Bombay City Nos. II, III and IV (Mahim Area);

(f) words and expressions not defined in this Act shall have the meanings assigned to them in the principal Act.

Amendment  
of section 1 of  
Bom. I of  
1915.

3. With effect from the date on which the amending Act came into force, in section 1 of the principal Act, the following words and provisions shall be, and be deemed to have been deleted, namely—

(1) in sub-section (2), the words "except the City of Bombay"; and

(2) sub-section (3), including the proviso thereto,

and the principal Act shall be deemed to have been extended to the City of Bombay

Validation of  
declarations,  
applications,  
sanctions,  
awards, etc.

4. Notwithstanding anything contained in the principal or amending Act,—

(1) all declarations, applications, draft schemes and publications made, all proceedings, consultations and enquiries held, all certificates and sanctions issued, all agreements entered into, all notices given, all decisions taken, all approvals given, all appointments made, all orders and awards made, and all acts done before the commencement of this Act by the State Government, the Corporation, any authority or officer in connection with or in respect of the schemes shall be deemed to be, and always to have been, validly made, given, held, issued, entered into, taken, decided, drawn up or done, as the case may be, under the principal Act or under any law for the time being in force including any law repealing and re-enacting the principal Act; and

(2) it shall be lawful for the State Government and the Corporation and also for any authority or officer appointed or entitled to act under the principal Act to take such proceedings, to make such orders, to make such awards or decisions or to do such other acts as may be necessary for the completion of the schemes under the principal Act or any other law for the time being in force including any law repealing and re-enacting the principal Act.

5. (1) The validity of any declaration, application, publication, notification, appointment, order, proposal, award, proceeding, consultation, enquiry, certificate, sanction, agreement, notice, approval, decision, dispute, draft or final scheme or act made, held, issued, entered into, given, taken, decided, drawn up or done, or purporting to have been made, held, issued, entered into, given, taken, decided, drawn up or done, as the case may be, before the commencement of this Act in connection with the schemes shall not be called in question.

Validity of declaration, etc., relating to the schemes not to be questioned and bar of suits and proceedings.

(2) No court shall have jurisdiction to entertain or try any suit or legal proceedings against the Corporation or the State Government or against any of the Arbitrators, the Presidents, the Tribunals of Arbitration, the officers appointed under the principal Act or the officers of the Corporation or the State Government, acting or purporting to act under the principal Act in connection with the schemes, only on the ground that the principal Act was not validly applied to the City of Bombay as required under sub-section (3) of section 1 of the principal Act as amended by the amending Act.

6. The provisions of the preceding sections shall apply, notwithstanding the pendency of any suit or other proceeding in any court, either in a court of first instance or in a court of appeal, on the date of the commencement of this Act.

Application of Act to pending suits and proceedings.