

the encroachments of pavements of the roads and whether the principle of natural justice, viz., audi alteram partem requires to be followed and, if so, what is its scope and content? (2) whether the appellant is under an obligation to provide permanent residence to the hutment dwellers and, if so, what would be the parameters in that behalf? The questions are dealt with later. On the first question, Sections 63(i)(19) of the Bombay Municipal Corporation Act, 1955 [as applicable to Gujrat] or Section 231 of the Bombay Provincial Municipal Corporation Act [BPMC Act] empowers the Commissioner to remove any wall, fence, rail, post, step, booth or other structure or fixture, permanent or moveable, which shall be erected or set up in or upon any street or upon or over any open channel, drain, well or tank, contrary to the provisions of subsection (1) of Section 312 after the same came into force in the city of Ahmedabad or in the Super-bazars after the Bombay Municipal (Extension of Limits) Act, 1950 came into force or in the tended suburbs after the date of the coming into force of the Bombay Municipal Act, 1955 [for short, the "Act"]. The power to remove encroachments on street, pavement or footpath was conferred upon the Commissioner, the highest officer