

**The Announcement of the National Executive Council**

**No. 44**

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It appears that there are persons who are only concerned with their own interest and have built residential or commercial premises on people's thoroughfares or public places which are public properties of the country, causing troubles and nuisances, obstructing traffic, or causing dirtiness and an untidy environment which has become sources of diseases, and causing a major obstacle to the growth and development of the country. The aforementioned acts have occurred and are still occurring in many places, and the officials are unable to solve the problems because the absolute authority to perform duties as deemed appropriate has never been granted. The National Executive Council has considered that the authority shall be granted to the officials in order to perform duties in eliminating such matters.

Therefore, the Chief of the National Executive Council hereby issues orders as follows:

Clause 1. In case there is any building or construction has been constructed or planted into river or canal which is a public thoroughfare or jointly used by the public, or has encroached on such places, the officials who have authority and duties to take care of public properties shall report to the provincial governor where such place is located, and the provincial governor shall examine such place. In case the provincial governor has inspected and found that such building or construction has certainly been constructed or planted into river or canal which is a public thoroughfare or jointly used by public with no doubt, the provincial governor shall have the authority to issue an order in writing notifying its owner or possessor to demolish such building or construction from the public properties. Or in case its owner or possessor has not been found, the provincial governor shall post the order at such building or construction. After a period of 15 days and such building or construction has not been demolished, the officials who have authority and duties to take care of public properties can demolish such building or construction. In this regard, the officials shall have authority to sell the demolished property or properties found in such building or construction by a process as deemed appropriate. The provisions of Section 1327 of the Civil and Commercial Code shall be adapted to apply to the money acquired by selling such property.

Clause 2. In case there is any installation or placement or abandonment in public thoroughfares or places jointly used by public, and there is the owner or possessor of such object, the officials who have authority and duties to take care of public properties shall notify the owner or possessor to transfer or remove such object away from public thoroughfares or places jointly used by public. In case such object has not been removed within appropriate period, or the owner

or possessor has not been found, the officials who have authority and duties to take care of public properties can remove and sell such construction by a process as deemed appropriate. The provisions of Section 1327 of the Civil and Commercial Code shall be adapted to apply to the money acquired by selling such property.

Clause 3. This announcement does not withdraw the official's authority to arrest and investigate in a criminal offense by reason of any construction, planting, installation, placement or abandonment in the aforementioned places under Clause 1 and Clause 2.

Clause 4<sup>1</sup>. This announcement shall be enforced in the area of Phra Nakhon province and Thonburi province, and shall be enforced only in municipal areas of other provinces.

This announcement shall become effective from this date onwards.

Announced on the 11<sup>th</sup> day of January B.E. 2502 (1959)

Field Marshal Sarit Thanarat

Chief of the National Executive Council

La-Ong typed, 3 July 2001

Sanchai edited,

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<sup>1</sup> Government Gazette Vol. 76, Chapter 6, Special Edition, Page 1, 11<sup>th</sup> January B.E. 2502 (1959).