

Article 40 (including where Article 43, paragraph 2 applies) of any airdrome for public use has been made. However, the same shall not apply in cases where such object is removed by the scheduled commencement date of use.

2. The operator of an airdrome may request the owner of, and other persons having authority over, any object installed, planted or left in violation of preceding paragraph (including plants which have grown up to project above the approach or transitional surface), to remove the object.

3. The operator of an airdrome may request the owner of, and persons having authority over, the object existent at the time of the notification under paragraph 1, which projects above the approach or transitional surface (including plants existent at the time of notification which have grown up to project above the approach or transitional surface) to eliminate such portion of the object as projects above the approach or transitional surface, but he shall pay compensation for damages as may normally be caused thereby, in accordance with the provisions of a Cabinet Order.

4. The owner of any object or any land on which such object mentioned in the preceding paragraph exists may request the operator of an airdrome to purchase the object or land, when, by the removal of the object mentioned in the same paragraph, it has become extremely difficult to make use of the object or land for the purpose for which it has hitherto been utilized.

5. The amount of damages to be compensated for under paragraph 3, and conditions for the purchase and price, etc. under the preceding paragraph, shall be decided after consultation between the persons concerned. The Minister of Transportation shall decide in cases where consultation has not led or cannot lead to an agreement.

6. Any person who is dissatisfied with the amount of damages and the purchase price decided upon under the preceding paragraph may bring a suit for an increase or decrease of the amount within 30 days from the day when he has received a notification of the decision.

7. The operator of the airdrome or the owner of any object or land or any other person in authority shall be a defendant in a suit under the preceding paragraph.

Article 50. The operator of an airdrome for public use in accordance with the provision of a Cabinet Order, shall compensate the owner of any land and other person having authority over it, for damages as may normally be caused by the limitation of utilization under the provision of item (1) of the preceding paragraph with regard to the land (only in cases where the distance from the approach or transitional surface is less than 10 meters) corresponding to the projection surface of the approach or transitional surface as a result of the operation of said airdrome or the alteration of any facilities under Article 43, paragraph 1.

2. By the limitation of the utilization under the provision of paragraph 1 of the preceding Article, when it has become extremely difficult to make use of the land for the purpose for which it has hitherto been utilized, the owner of the land under the preceding paragraph may request the operator of an airdrome to purchase the land in accordance with the provision of a Cabinet Order, except in any case under paragraph 4 of the same Article.