The Tamil Nadu Irrigation Works (Repair, Improvement and Construction) Act, 1943

Act 18 of 1943

Keyword(s):
Repair or Improvement, Private Irrigation Works, New Irrigation Works

Verified RealEstate™

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 TAMIL NADU IRRIGATION WORKS (REPAIRS, IMPROVEMENT AND CONSTRUCTION) ACT, 1943.

TABLE OF CONTENTS.

SECTIONS.	
1	Short title and extent
2	Power to repair, improve and construct irrigation works and to supply water from Government irrigation works.
3	Recovery of the cost and of fees.
4	Cost and fees payable on issue of written notice of demand.
5	Cost and fees recoverable as an arrear of land revenue.
6	Power of entry and inspection.
7	Delegation of the powers of the State Government.
8	Jurisdiction of Courts ousted in certain cases.
9	Bar of certain proceedings.
10	Limitation for certain proceedings.
11	Power to make rules.
12	Act to override other enactments.

Verified RealEstate™

[1][TAMIL NADU] ACT XVIII OF 1943[2] AS AMENDED BY [1][TAMIL NADU] ACT No. IV OF 1945.

[THE [1][TAMIL NADU] IRRIGATION WORKS (REPAIRS, IMPROVEMENT AND CONSTRUCTION) ACT, 1943.]

(*Received the assent of the Governor on the 29th September* 1943; *first published in the* Fort St. George Gazette *on the 5th October* 1943.)

An Act to provide for the repair or improvement of private irrigation works, the construction of new irrigation works on private lands and the supply of water from Government to private irrigation works, in the [3][State of Tamil Nadu].

WHEREAS it is expedient [4][* *] to empower the [5][State Government] to repair or improve private irrigation works, to construct new irrigation works on private lands, to supply water from Government irrigation works to private irrigation works, and to

---

[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 20th April 1943, Part IV-A, pages 19-20.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 28 of the Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964 (Tamil Nadu Act 30 of 1964) repealing the corresponding law in force in that territory.

[3] This expression was substituted for the expression "Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

[4] The words "for the purpose of maintaining and increasing the production of food in the present emergency in the province of Madras" were omitted by section 3 of, and the Second Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).

[5] This expression was substituted for the expression "Provincial Government" by the Tamil Nadu Adaptation of Laws Order, 1970.

recover the cost of doing so in the cases aforesaid :

[It is hereby enacted as follows :—]

Short title and extent.

1. (1) This Act may be called the [2][Tamil Nadu] Irrigation Works (Repairs, Improvement and Construction) Act, 1943.

(2) It extends to the whole of the [3][State of Tamil Nadu].

Power to repair, improve and construct irrigation works and to supply water from Government irrigation works.

2. If, in the opinion of the [4][State] Government, it is necessary or expedient so to do [5][* *], they may—

(*a*) execute or cause to be executed, repairs to any irrigation work in private ownership which is not working at maximum efficiency ;

(*b*) improve or cause to be improved, any irrigation work in private ownership ;

(*c*) construct or cause to be constructed, a new irrigation work on [6][land situated in an estate as defined in the [2][Tamil Nadu] Estates Land Act, 1908]; [2][Tamil Nadu] Act I of 1908.

---

[1] These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).

[2] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[3] This expression was substituted for the expression "State of Madras" by *ibid.*

[4] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[5] The words "in order to maintain or increase the production of food in the Province" were omitted by section 3 of, and the Second Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).

[6] These words were substituted for the words "land not being Crown property" by section 2 (i) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945).

Central Act I of 1894. [2][Tamil Nadu] Act I of 1908.

[1][(*cc*) acquire in accordance with the provisions of the Land Acquisition Act, 1894, any land in an estate as defined in the [2][Tamil Nadu] Estates Land Act, 1908, necessary for the purpose of constructing a new irrigation work, if the work is intended to serve lands situated in two or more estates as so defined or partly lands situated in such estate or estates and partly lands in ryotwari tracts, and construct or cause to be constructed the irrigation work on the land which has been acquired ;]

(*d*) provide for the supply of water from any Government irrigation work to any irrigation work in private ownership.

Recovery of the cost and of fees.

3. (1) The [3][State] Government shall—

(*a*) meet in the first instance the cost of the measure referred to in [4][clause] (*a*), (*b*), or (*c*) of section 2 ;

(*b*) determine the amount of such cost after the execution of the said measures.

[5][ ]

[6][(1-A) In the cases referred to in clauses (*a*) and (*b*) of section 2, the [3][State] Government shall be entitled to recover in a lump-sum the amount determined under clause (*b*) of sub-section (1) from the

---

[1] This clause was inserted by section 2 (ii) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945).

[2] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[3] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[4] This word was substituted for the word 'clauses' by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as the added territories are concerned, the above amendment was made by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

[5] Clause (*c*) was omitted by section 3(i) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945).

[6] Sub-sections (1-A) to (1-D) were inserted by section 3 (ii). *Ibid.*

landholder or other person who by any law or custom is bound to keep the irrigation work in repair.

(1-B) In the case referred to in clause (*c*) of section 2, the [1][State] Government shall be entitled to recover in a lump-sum from the landholder on whose land the new irrigation work has been constructed—

(i) if the irrigation work is intended to serve exclusively lands situated in the estate, the cost of the measure as determined under clause (*b*) of sub-section (1) ;

(ii) if the irrigation work is intended to serve partly lands situated in such estate and partly lands in ryotwari tracts, such proportion of the cost of the measure as determined under clause (*b*) of sub-section (1) as the extent of the lands in the estate served by the irrigation work bears to the total extent of the lands served by the work :

Provided that the amount recoverable under this sub-section shall not exceed the value capitalized at four per cent of the average net additional annual income estimated by the [1][State] Government as likely to be derived by the landholder as a result of the construction of the irrigation work.

(1-C) (*a*) On the expiry of five fasli years after the completion of the irrigation work, the [1][State] Government shall determine the value capitalized at four per cent of the actual amount of the average net additional annual income derived by the landholder as a result of the construction of the irrigation work during the said fasli years.

(*b*) If the value determined under clause (*a*) exceeds the amount recovered from the landholder under sub-section(1-B), the difference shall be recovered from him and if such value is less than the amount recovered from him, the difference shall be refunded to him.

---

[1] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(1-D) The irrigation work referred to in clause (ii) of sub-section (1-B) shall be maintained by the landholder and the cost of maintenance shall be shared between the landholder and the [1][State] Government in the proportion in which the cost of the work has been shared.]

(2) In the cases referred to in clauses (*b*) and (*c*) of section 2, where the [2][person liable under sub-section (1-A) or sub-section (1-B)] to pay the cost of the measures is the landholder of an estate as defined in the [3][Tamil Nadu] Estates Land Act, 1908, he shall be entitled to apply under clause (ii) of section 30 of the said Act for an enhancement of the rent payable by the ryots benefited by such measures. [3][Tamil Nadu] Act I of 1908.

Explanation.—It shall not be open to any ryot to refuse a supply or an improved supply of water which may result from the measures aforesaid.

[4][(2-A) In the case referred to in clause (*c*) of section 2, the [1][State] Government shall be entitled to—

(*a*) fix the area to be irrigated from such work in the estate and in ryotwari tracts, if any ; and

(*b*) charge fees for the water supplied from the irrigation work to the lands situated in ryotwari tracts, if any, at such rates as they deem fit and recover

---

[1] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[2] These words, brackets, figures and letters were substituted for the words, brackets and figure " person liable under sub-section (1) " by section 3 (iii) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945).

[3] These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[4] This sub-section was inserted by section 3 (iv) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945).

the fees from such persons, at such times and on such terms and conditions as may be specified in accordance with the rules made under this Act.]

(3) In the [1][cases referred to in clauses (*cc*) and (*d*) of section 2,] the [2][State] Government shall be entitled to charge fees for the water supplied by them at such rates as they deem fit, and the fees so charged shall be recovered from such persons, at such times and on such terms and conditions as may be specified in accordance with rules made under this Act.

ost and fees ıyable on sue of ritten otice of emand.

4. (1) Any cost or fee recoverable by the [2][State] Government under section 3 shall become payable to them, on the person concerned being served with a written notice of demand issued by such Government and in accordance with the terms thereof.

(2) Such cost or fee shall carry interest, from the date on which it becomes payable, at such rate as may be notified by the [2][State] Government in that behalf.

st and fees overable an arrear land enue.

5. Any cost or fee which has become payable under section 4—

(*a*) may be recovered as if it were an arrear of land revenue from the person by whom it is payable ; and

(*b*) shall be a charge on the interest of such person in lands served by the irrigation work concerned.

wer of ry and ection.

6. The District Collector or any officer appointed by him in this behalf may, for the purposes of this Act, at all reasonable times, enter upon and inspect any land including the irrigation work, if any, situated therein.

---

[1] These words, brackets, letters and figure were substituted for the words, brackets, letter and figure " case referred to in clause (d) of section 2 " by section 3 (v) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945).

[2] This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

Delegation of the powers of the State Government.

7. (1) The [1][State] Government may, by notification in the *Fort St. George Gazette*, delegate all or any of their powers under this Act except those conferred upon them by this section and section 11, to any person or authority subordinate to the [1][State] Government, and may in like manner withdraw any powers so delegated.

(2) The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions, limitations and conditions, and to control and revision by such authority or authorities, as may be specified in the notification.

Jurisdiction of Courts ousted in certain cases.

8. Any action taken or thing done under section 2, 3 or 4 shall, subject to the provisions of sub-section (2) of section 7, be final, and shall not, save as otherwise provided in any rules made under this Act, be liable to be called in question in any Court of law ; nor shall any Court of law issue an injunction in regard to any action or thing proposed to be taken or done under section 2, 3 or 4.

Bar of certain proceedings.

9. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the [1][State] Government, for any act done or purporting to be done under this Act, without the previous sanction of the [1][State] Government.

(2) No officer or servant of the [1][State] Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Limitation for certain proceedings.

10. No suit shall be instituted against the [2][Government], and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the [1][State] Government in respect of any act done

[1] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[2] This word was substituted for the word "Crown" by *ibid.*

or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

Power to make rules.

11. (1) The [1][State] Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(*a*) for any matter required or allowed by this Act to be regulated by rules ;

(*b*) for the procedure to be adopted under this Act ;

(*c*) for determining and adjusting the rights and liabilities of the landholders and ryots, where the irrigation work concerned serves two or more estates as defined in the [2][Tamil Nadu] Estates Land Act, 1908; [2][Tamil Nadu] Act I of 1908.

(*d*) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the [1][State] Government necessary, for giving effect to the purposes of this Act.

(3) All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act.

Act to override other enactments.

12. The provisions of this Act and of any rules, orders, proceedings, action or other thing made, taken or done thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other enactment or law for the time being in force.

---

1 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.