The Tamil Nadu Irrigation Tanks (Improvement) Act,1949

Act 19 of 1949

Keyword(s):
Government, Owner, Tank

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[1][TAMIL NADU] ACT No. XIX OF 1949[2].

[THE [1][TAMIL NADU] IRRIGATION TANKS (IMPROVEMENT) ACT, 1949.]

(*Received the assent of the Governor on the* 13*th July* 1949 ; *first published in the* Fort St. George Gazette *on the* 19*th July* 1949.)

An Act to empower the [3][State Government] to increase the capacity and efficiency of irrigation tanks in the [4][State of Tamil Nadu].

WHEREAS it is expedient to empower the [3][State Government] to increase the capacity and efficiency of irrigation tanks in the [4][State of Tamil Nadu] ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the [1][Tamil Nadu] Irrigation Tanks (Improvement) Act, 1949.

(2) It extends to the whole of the [5][State of Tamil Nadu].

(3) It shall come into force at once.

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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*, Extraordinary, dated the 8th June 1949, Part IV-A, page 236.

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).

3 This expression was substituted for the expression "Provincial Government" by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

4 This expression was substituted for the expression "Province of Madras" by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

5 This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Definitions.

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

(*a*) "Government" means the [1][State] Government;

(*b*) "owner" in relation to any land or property, includes any person having an interest in such land or property;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "tank" means an irrigation tank in the [2][State of Tamil Nadu].

Power to take measures for increasing the capacity or efficiency of irrigation tanks.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Government shall have power to raise the full-tank level of any tank or to take any other measures for increasing its capacity or efficiency, wherever it may be situated and whether in a ryotwari, zamindari, inamdari or other area.

(2) The owner of a tank not belonging to the Government shall not be required to bear any portion of the cost of carrying out any measures in respect of the tank under sub-section (1).

(3) Where in pursuance of sub-section (1), any measures are carried out in respect of a tank, the cost of carrying them out or such portion of the cost as the Government may specify, may be recovered by the District Collector from the owners of the lands and other properties benefited by the work in such proportions, and in such manner, as may be prescribed.

Suits and applications for injunctions barred

4. No Court shall entertain any suit or application for the issue of any injunction to restrain the exercise of any powers conferred on the Government by section 3.

Compensation.

5. (1) Where in consequence of anything done in pursuance of section 3, the owner of any land or property sustains loss or damage, he shall be entitled to such compensation as the District Collector may by order determine:

Provided that where the loss or damage was sustained by reason of the diminution of the supply of water to any

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

[2] This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

land or to any tank or other source from which water is supplied to any land, compensation shall be payable only in such cases, and to such extent, as may be prescribed.

(2) No compensation shall be payable to any person under sub-section (1), unless he has preferred to the District Collector, an application in that behalf setting forth the grounds of his claim, within three years from the date on which the loss or damage was sustained or such further time as the District Collector may think fit to allow.

(3) On receipt of an application under sub-section (2) the District Collector shall hold an enquiry in the prescribed manner.

(4) The compensation payable to any person under this section shall be a lump sum in all cases including those where the loss or damage sustained by him is a recurring one, and shall be determined by the District Collector in the prescribed manner.

(5) All compensation payable to any person under this section shall be paid by the Government, and the total amount paid by way of compensation in consequence of any measures taken in pursuance of section 3 in respect of any tank or such portion of the total amount aforesaid as the Government may specify may be recovered by the District Collector from the owners of the lands and other properties benefitted by the measures taken, in such proportions and in accordance with such rules, as may be prescribed.

Appeal against order of the District Collector.

6. (1) The Government or any person deeming himself aggrieved by an order of the District Collector under section 5, sub-section (1), or any person deeming himself aggrieved by any recovery ordered by the District Collector under section 3, sub-section (3), or under section 5, sub-section (5), may appeal against such order to the Subordinate Judge's Court having jurisdiction over the area in which the land or property to which the order relates is situated, or if there is no such court, to the District Court having jurisdiction over such area or if such area is in the Presidency town, to the Madras City Civil Court.

(2) Such appeal shall be made within ninety days from the date on which the order appealed against was served on the Government or the person concerned as the case may be or such further time as the court may think fit to allow.

Power to make rules.

7. (1) The Government may, by notification in the *Fort St. George Gazette*, 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 for—

(*a*) the entry on, and inspection of, any irrigation tank or any land adjacent thereto or in the neighbourhood thereof ;

(*b*) the delegation of the powers of the Government under section 3 to any officer or authority subordinate to them, and the control and revision of the acts or proceedings of any such officer or authority ;

(*c*) the procedure to be followed in disposing of applications preferred under this Act ; and

(*d*) the manner of service of orders under this Act.

* Now the Tamil Nadu Government Gazette.

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