The Tamil Nadu Agricultural Produce Markets Act, 1959

Act 23 of 1959

Keyword(s):
Agriculture Produce, Agriculture, Co-operative Marketing Society, Market, Market Committee Notified Market Area

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[1][TAMIL NADU] ACT No. 25 OF 1959[2].

THE [1][TAMIL NADU] IRRIGATION WORKS (CONSTRUCTION OF FIELD BOTHIES) ACT, 1959.

[*Received the assent of the Governor on the* 19*th February* 1960, *first published in the* Fort St. George Gazette *on the* 2*nd March* 1960 (*Phalguna* 12, 1881)].

An Act to provide for the construction or digging of field bothies by the Government and by owners of lands entitled to irrigation under certain irrigation works in the [3][State of Tamil Nadu].

WHEREAS it is expedient to provide for the construction or digging of field bothies by the Government and by owners of lands entitled to irrigation under certain irrigation works in the [3][State of Tamil Nadu];

BE it enacted in the Tenth Year of the Republic of India as follows :—

1. (1) This Act may be called the [1][Tamil Nadu] Irrigation Works (Construction of Field Bothies) Act, 1959. Short title, extent and commencement.

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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 28th August 1959, Part IV-A, page 289.

So much of this Act as was in force on the date of the commencement of the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964) in the State of Madras was extended to the added territories by section 3 of, and the First Schedule to, the latter Act.

[3] 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.

(2) It extends to the whole of the [1][State of Tamil Nadu].

(3) It shall come into force on such date as the Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'ayacut' in relation to an irrigation work means the lands which have been registered as lands entitled to irrigation under that irrigation work by any authority or officer authorized by the Government ;

(*b*) 'Collector' means a Revenue Divisional Officer and includes any person appointed by the Government to exercise any of the functions of a Collector under this Act ;

(*c*) 'field bothies' means small channels which run from outlets in the Government channels and which convey and distribute water to individual fields ;

(*d*) 'Government' means the State Government ;

(*e*) 'irrigation work' means any of the projects or canals specified in the Schedule to this Act and any other project or canal which may be declared by the Government by notification to be an irrigation work ;

(*f*) 'owner' means—

(i) any person holding land in severally or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government, or

(ii) a landholder as defined in the [2][Tamil Nadu] Estates Land Act, 1908 ([2][Tamil Nadu] Act I of 1908) or a ryot as defined in that Act, or

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(iii) an inamdar not being a landholder defined as aforesaid,

and includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver, for another person, the rent or profit derivable from land, or a mortgagee with possession ;

(g) 'water course' means a river, stream, natural channel, lake or natural collection of water and includes any tributary or branch of any river, stream or channel.

Collector to require owners by notice to construct or dig field bothies.

3. If the Collector is satisfied that it is necessary or expedient that any owner should construct or dig field bothies in his land in the ayacut of an irrigation work, he shall by notice require the owner to construct or dig field bothies in that land within such time as may be specified in the notice and in such manner as may be prescribed.

Penalty for failure to comply with notice under section 3.

4. If the owner fails to construct or dig field bothies in his land as required in the notice and in the manner prescribed under section 3, the Collector may, after giving the owner a reasonable opportunity of being heard, make an order excluding such land from the ayacut of the irrigation work concerned.

Appeal against order under section 4.

5. (1) Any person aggrieved by an order of the Collector under section 4 may, within a period of thirty days from the date on which the order was served on him in the manner prescribed, appeal against such order to the District Collector :

Provided that the District Collector may admit an appeal presented after the expiration of the said period of thirty days, if he is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

(2) The appeal shall be in such form and shall be verified in such manner and shall be accompanied by such fee as may be prescribed.

(3) In disposing of an appeal, the District Collector may, after giving the appellant a reasonable opportunity of being heard, pass such order on the appeal as he thinks fit. The order of the District Collector on such appeal shall be final and shall not be called in question in any court of law.

Government to construct or dig field bothies.

6. (1) It shall be lawful for the Government to construct or dig field bothies on any land belonging to them or acquired by them for the purpose, for utilizing the water for the purpose of irrigation, notwithstanding that such construction or digging may interfere with the right of any person to take water from any water course for the purpose of irrigating his land or for any other purpose.

(2) Where, in pursuance of sub-section (1), any field bothy is constructed or dug by the Government, the cost of construction or digging of such bothy, or such portion of the cost as the Collector may specify, may be recovered by the Collector from the owners of the lands and other properties benefited by the field bothy in such proportions and in such manner as may be prescribed.

Explanation.—For the purposes of this sub-section, the expression 'cost of construction or digging of such bothy' shall include—

(i) the cost of the land acquired for the purpose, and

(ii) the expenditure incurred towards the employment of the special staff for the purpose.

(3) Any amount recoverable by the Collector under sub-section (2) may be recovered as if it were an arrear of land revenue.

Obstruction or interference with water flowing in field bothy prohibited in certain cases.

7. (1) No person shall, except in accordance with such rules as may be prescribed, do anything which obstructs or interferes or is likely to obstruct or interfere with the flow of water in any field bothy.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisionment which may extend to six months or with fine which may extend to one thousand rupees or with both.

8. (1) No suit or other legal proceedings shall lie against the Government, at the instance of any person— **Bar of suits and proceedings**

(*a*) in respect of any act done or purporting to be done under this Act, or

(*b*) on the ground that any field bothy interferes or is likely to interfere with his rights in any manner.

(2) No suit, prosecution or other legal proceeding shall lie against any officer or servant of the Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

9. (1) The Government may, by notification, make rules to carry out the purposes of this Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any matter required or allowed by this Act to be prescribed.

(3) All rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

THE SCHEDULE.

[*See* section 2 (*e*).]

(1) Amaravathi Project.
(2) Kattalai High Level Canal.
(3) Krishnagiri Project.
(4) Lower Bhavani Project.
(5) Manimuthar Project.
(6) Mettur Canal.
(7) Pullambadi Canal.
(8) Sathanur Project.
(9) Vaigai Project.
(10) Vidur Project.
(11) Cauvery-Mettur Project.

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