Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007

(Act No. 8 of 2007)

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Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007

(Act No. 8 of 2007)

[22nd May 2007]

An Act to provide measures for checking the encroachment, eviction of encroachment in tanks which are under the control and management of Public Works Department, protection of such tanks and for matters incidental thereto.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-eighth Year of the Republic of India as follows:

1. Short title, extent and commencement. - (1) This Act may be called the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

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

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

2. Definitions. - In this Act, unless the context otherwise requires, -

(a) *'ayacut area'* means area irrigated under any irrigation system within its command ability:

(b) *'field channel'* means a channel existing or to be constructed to receive and distribute water for irrigation;

(c) *'field drainage'* means a water course which discharges waste or surplus water from the land;

(d) *'foreshore area'* means the land above full tank level and upstream of the tank bund;

(e) *'full tank level'* means the level of water in the tank when the water is stored up to the crest of the surplus weir;

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

(g) *'land'* includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(h) *'prescribed'* means prescribed by rules;

(i) *'supply channel'* means a channel, which receives water from a water source and supply to the lower down tank;

(j) *'surplus course'* means a channel which conveys the surplus spilling from the tank to the next tank downstream or river nearby;

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(k) *'surplus weir'* means a device to lead away the surplus water not required to be stored in the tank safely to the river lower down or tank;

(l) *'tank'* means a storage structure built in for harnessing water for use and includes supply channel, and its cross masonries, tank sluice, surplus weir, surplus course and its cross masonries; field channel and its cross masonries besides the drains and tank poramboke lands which are under the control and management of Public Works Department;

(m) *'tank bund'* means a small fixed earth dam;

(n) *'tank sluice'* means a vent way provided for the purpose of supplying water from the tank;

(o) *'water spread area'* means an area covered by water spread at full tank level.

3. Power to direct survey of tanks. - The Government may direct that a survey- be made, with reference to the records available with the Revenue Department, of tanks in every district for the purpose of determining their limits in respect of area and that proper charts and registers be prepared setting- forth the channel and all boundaries and- marks and all other matters necessary for the purpose of identifying such limits.

4. Appointment of Survey Officers. - (1) The Government or any other officer-authorized by it may, by order, appoint any officer not below the rank of Taluk Surveyor as Survey Officer for surveying the tanks within such local limits as may be specified in such order.

(2) The Survey Officer shall carry out the survey of tanks in such manner as may be prescribed.

(3) The Survey Officer shad be assisted by such officers of the Public Works Department having control over such tanks.

5. Power to enter upon. - The Survey Officer and officers assisting the Survey Officer shall have power to enter upon any land and to do all acts necessary for the survey of tanks.

6. Report of Survey Officer. - (1) The Survey Officer shall after the completion of the survey of tanks, prepare a chart and a register pointing out the boundaries of the tanks and such other informations necessary for the purpose of identifying the limits of tank.

(2) The chart and the register prepared under sub-section (1) shall be handed over to an Officer of the Public Works Department, having control over such tanks as may be specified by the Government.

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(3) The officer referred to in sub-section (2), shall within one month from the date of handing over of the chart and register, publish a notice in such manner as may be prescribed pointing out the boundaries of the tank.

7. Eviction of encroachment. - (1) If the officer specified in sub-section (2) of Section 6 is of opinion that any person has encroached upon any land within the boundaries of the tank and that the encroacher should be evicted, the officer shall issue a notice in the manner as may be prescribed, calling upon the person concerned to remove the encroachment before a date specified in the notice.

(2) Where, within the period specified in the notice under sub-section (1), the encroacher has not removed the encroachment and has not vacated the land within the boundaries of the tank, the officer referred to in sub-section (2) of section 6 shall remove the encroachment and take possession of the land within the boundaries of the tank encroached upon, by taking such police assistance as may be necessary. Any police officer whose help is required for this purpose shall render necessary help to that officer.

(3) Any crop or other product raised on the land within the boundaries of the tank shall be liable to forfeiture and any building or other construction erected or anything deposited thereon shall also, if not removed by the encroacher after a notice under subsection (1), be liable to forfeiture.

8. Offences and Penalties. - Whoever,-

(a) Enters the land in the water spread and foreshore areas of the tank without any lawful authority,

(b) practices crop cultivation without any lawful authority,

(c) raises plantation crops without any lawful authority,

(d) damages the tank bund, tank sluices, surplus weirs and other built in structures,

(e) obstructs the officers in carrying out their work under this Act,

(f) interferes with the flow in the supply channels feeding the tanks and encroaches upon adjoining canal poramboke lands,

(g) interferes with the flow in the field channels taking off from tank sluices to feed the ayacut area,

(h) damages distribution and control structures located in the field channels,

(i) damages and obstructs the flows in the field drainage systems,

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(j) lifts water from the tank through mechanical and electrical devices for cultivation, without lawful authority,

shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine of rupees five thousand or with both.

9. Protection of action taken in good faith. - No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or a rule or order made thereunder:

10. Power to remove difficulties. - If any difficulty arises in giving effect to the provisions of the Act, the Government may by order published in the Tamil Nadu Government Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulties:
Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

11. Operation of other laws not affected. - The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

12. Alienation of poramboke lands. - The Government may, in the public interest, alienate any part of the tank poramboke land which is under the control of Public Works Department without interfering with storage capacity and water quality.

13. Power to make rules. - (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) (a) All rules made under this Act. shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule or order made or notification issued under this Act shall as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or in the next session, the Legislative Assembly makes any modification in any such rule, order or notification or the Legislative Assembly decides that the rule, order or notification should not be made or issued, the rule,

order or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, order or notification.

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