

# Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Act, 1965

ANDHRA PRADESH

India

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### Rule

### ANDHRA-PRADESH-IRRIGATION-CONSTRUCTION-AND-MAINTENANCE of 1965

- Published on 1 January 1965
- Commenced on 1 January 1965
- [This is the version of this document from 1 January 1965.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Act, 1965Last Updated 13th January, 2020An Act to provide for the construction and maintenance of water courses in the ayacut of irrigation works and for matters connected therewith.Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixteenth Year of the Republic of India as follows -

### 1. Short title, extent and Commencement.

(1)This Act may be called the Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Act, 1965.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

### 2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"ayacut" in relation to an irrigation work means all the lands which are entitled to irrigation under that irrigation work;(b)"ayacutdar" means owner of land in an ayacut;(c)"construction" includes extension, improvement or alteration of water course;(d)"Government" means the State Government;(e)"Irrigation Officer" means any officer of the Revenue Department or the Public Works Department not below the rank of a Revenue Divisional Officer or an Executive Engineer, empowered or authorised by the Government to exercise all or any of the functions of an Irrigation Officer under this Act;(f)"Irrigation work" includes(i)all rivers and natural streams or parts thereof;(ii)all lakes and other natural collections of water or parts thereof;(iii)all tanks, wells, tube wells, reservoirs, ponds, kuntas, streams, madugus

used for the supply or storage of water for purpose of irrigation;(iv)all canals, channels, anicuts, dams, embankments, weirs, sluices, groins, kuntas, and other works other than escape channels connected with, or auxiliary works referred to in sub clauses (i) to (iii).(v)all drainage channels, the water of which is utilised for the purpose of irrigation;(vi)all lands used for the purpose of irrigation works referred to in sub clauses (i) to (v) ; and(vii)all buildings, machinery, fences, gates, roads and other erections occupied by, or belonging to, the Government and connected with an irrigation work; which are owned, maintained, constructed or controlled by the Government.(g)"owner" in relation to any land in respect of which land revenue is payable means the person liable to pay land revenue and in relation to any land in respect of which no land revenue is payable means the person who would have been liable to pay land revenue if it had been payable on such land; and includes a ryot having a permanent right of occupancy in the land:(h)"prescribed" means prescribed by rules made under this Act;(i)"Revenue Divisional Officer" means any officer in charge of a Revenue division and includes a Deputy Collector, a Sub Collector and an Assistant Collector;(j)"water course" means a field channel which receives supply of water from the outlet of an irrigation work and conveys water to lands included within the ayacut of that work and which is not maintained at the cost of the Government and includes all subsidiary works connected with any such channel except the sluice or outlet through which water is supplied from irrigation work to such channel.

### **3. Obligation of ayacutdars to construct water courses.**

- The owners of all lands within each distinct block of such extent not exceeding one hundred acres as may be prescribed, in the ayacut of an irrigation work shall be liable to construct and and maintain at their own cost, water courses required for the supply of water to their lands from the distributaries of the irrigation work for irrigation purposes and for the discharge of waste or surplus water from those lands in accordance with such directions as may be issued by the Irrigation Officer.

### **4. Power of Irrigation officer to construct water course suo motu or on application.**

(1)Whenever an Irrigation Officer considers suo motu or on the application of an ayacutdar that the construction of a water course, is expedient or necessary, he shall ascertain the most suitable alignment for the said water course and cause the land which in his opinion is necessary for the construction thereof to be marked out on the ground.(2)He shall thereupon publish a notice in the prescribed manner in every village through which the water course is proposed to be taken specifying the extent of land which lies in such village and which has been marked out under sub section (1) and requiring:(a)every owner who wishes to receive supply of water to his land through the water course or to make use of the water course for drainage purposes to make an application in that behalf to the Irrigation Officer within thirty days of publication of notice:(b)Every person likely to be affected by the construction of the water course or interested in the land on which it is proposed to construct the water course to submit his petition to the Irrigation Officer stating his objections to the proposed construction within sixty days of publication of the notice.(3)The Irrigation Officer shall also send copies of the notice to every person known or believed to be the owner of the land through which the water course is proposed to be taken and to the District Collector for publication in the Andhra Pradesh Gazette.(4)The Irrigation Officer where he is not the

Revenue Divisional Officer shall, as soon as may be after the expiry of the period specified in the notice, make a report to the Revenue Divisional Officer regarding the proposed water course together with a plan showing the alignment thereof and objections, if any, received by him.

## **5. Enquiry into objections and publication.**

(1)The Revenue Divisional Officer shall, after giving notice to every person known or believed to be the beneficiary and the owner of the land through which the water course is proposed to be taken, pass such orders in respect of the proposed construction as he may deem necessary and the order so passed shall be published in the Andhra Pradesh Gazette.(2)The order passed under sub section (1) shall, if it is decided to construct a water course, contain the following particulars, namely:(i)the district, taluk, village and the survey number and description of the land on which the water course is proposed to be constructed;(ii)the approximate area of such land:(iii)where the plan of the land is made, the place where such plan may be inspected.(3)Against any order passed by the Revenue Divisional Officer under sub section (1) an appeal shall lie to the District Collector, within thirty days from the date of publication of the order of the Revenue Divisional Officer in the Andhra Pradesh Gazette and the District Collector may after giving the parties to the appeal an opportunity of being heard pass orders on the appeal.(4)The decision of the District Collector under sub section (3) and where no appeal is filed, the decision of the Revenue Divisional Officer under sub section (1) shall, on publication in the Andhra Pradesh Gazette, be final.

## **6. Acquisition of land.**

(1)Where the land needed for the construction of the water course is not provided by the persons to be benefited by the water course the Revenue Divisional Officer shall proceed to acquire the land under the Land Acquisition Act, 1894 (Central Act V of 1894).Provided that the land needed for the construction of any water course under the Nagarjunasagar Project shall be acquired under the provisions of the Land Acquisition Act, 1894 as modified by the Nagarjunasagar Project (Acquisition of Land) Act, 1956 (Act No. 8 of 1966).(2)Notwithstanding anything in sub section (1) of Section 6, Section 3, Section 4 or Section 5 of this Act.(i)any proceeding started or action taken by or on behalf of the Government under the provisions of Land Acquisition Act, 1894 as modified by the Nagarjunasagar Project (Acquisition of Land) Act, 1956 before the commencement of the Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Amendment Act, 1966, for the acquisition of land needed for the construction of any water course under the Nagarjunasagar Project shall be deemed to be proceeding started or action taken in pursuance of the aforesaid sub section (1) of Section 6;(ii)the Revenue Divisional Officer may, after the commencement of the Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Amendment Act, 1966, acquire any land needed for the construction of any water course under the Nagarjunasagar Project under the provisions of the Land Acquisition Act, 1894 as modified by the Nagarjunasagar Project (Acquisition of Land) Act, 1956 and any proceeding started or action taken in respect thereof shall be deemed to be proceeding started or action taken in pursuance of the aforesaid sub section (1) of Section 6.(3)Notwithstanding anything in the Land Acquisition Act, 1894 and the Nagarjunasagar Project (Acquisition Land) Act, 1956, it shall be lawful for the Revenue Divisional Officer to take possession of any land with the consent in writing of the owner of the land in respect

of which any proceeding or action for acquisition for the construction of any water course has been started or taken under any of the said Acts.

## **6A. Acquisition of land with the consent of the beneficiaries.**

- Notwithstanding anything in Section 3, Section 4, Section 5 or Section 6 of this Act, where all the owners of lands to be benefited by the water course other than a water course under the Nagarjunasagar Project give their consent in writing, in the form prescribed, to the Revenue Divisional Officer, for the acquisition of the land needed for the construction of the water course at their cost as provided in this Act, the Revenue Divisional Officer may thereupon proceed to acquire the land under the Land Acquisition Act, 1894.

## **7. The cost of construction of water course.**

(1)The cost of the construction of water course shall include the following namely: -(i)the cost of acquiring the land for the purpose:(ii)the cost of the works if any, to be constructed for the passage across the water course, of water or drainage which the water course may intercept and for providing suitable means of communication across it, wherever necessary;(iii)such other costs as may be prescribed.(2)The cost referred to in sub section (1) shall be apportioned among all the owners of the lands entitled to the use of the water course in proportion to their respective extents of lands which may be served by the water course.

## **8. Construction of water course.**

- After the land needed for the construction of a water course is secured, the Irrigation Officer may get the water course constructed or permit the persons to be benefited to construct the water course themselves subject to such conditions as may be prescribed.

## **9. Recovery of the cost of construction of water course when it is carried out by the Irrigation Officer.**

(1)The Revenue Divisional Officer may order the recovery in such instalments as may be prescribed, of the cost of construction of any water course including the amount of any compensation payable or that may have been paid for the purpose, from the owners of the land served by the water course got constructed by the Irrigation Officer under Section 8 in proportion to the extent of land owned by them as provided in the rules.(2)Any amount due under this section shall be recoverable as an arrear of land revenue.(3)Against any order passed by the Revenue Divisional Officer under sub section (1), an appeal shall lie within thirty days from the date of communication of the order to the District Collector whose decision thereon shall be final.

## **10. Discontinuance from the construction of water course.**

- The Irrigation Officer, may, at any time after obtaining sanction of the Government and shall, where the Government so direct, discontinue the construction of water course.

## **11. Obligation of owners of lands which receive or discharge water through water course.**

(1)The owner or owners of lands which receive or discharge water through a water course shall be bound -(a)to maintain the water course in a fit state of repair;(b)to maintain all work necessary for the passage across the water course of any public road or irrigation or drainage work in use at the time of its construction and of the drainage intercepted by it.(2)Where one or some of the owners carry out the obligations imposed under this Section and any other or others of them dispute their liability to contribute, an application may be made in writing to the Irrigation Officer by any of the owners setting out the matter in dispute and the Irrigation Officer, shall make necessary inquiry into the matter after giving an opportunity to the parties to be heard and pass such order thereon as he deems fit.(3)Against an order passed by the Irrigation Officer under sub section (2), an appeal shall lie within thirty days from the date of communication of the order to the District Collector whose decision thereon shall be final.

## **12. Right to enforce the obligation under Section 11.**

(1)If any of the obligations imposed by Section 11 are not carried out, any Irrigation Officer duly empowered in this behalf by the District Collector may require the defaulter by notice in writing to execute the necessary work or repair within such period, as may be prescribed and in case of failure, may execute the same on his behalf.(2)All expenses incurred by the Irrigation Officer in the execution of such work or repair shall be recoverable from the defaulter as an arrear of land revenue and where there are a number of persons in default, such recovery shall be made in proportion to the extent of land held by each of them and served by the water course.(3)Where a water course is not maintained in a fit state of repair and a stoppage of the supply of water thereto is necessary to prevent such waste of water, the Irrigation Officer may stop the supply until the repairs are executed provided three days notice of such stoppage shall be given to the defaulter except where an immediate stoppage is considered necessary to prevent serious waste of water or damage.(4)Against any order passed by the Irrigation Officer under this section, an appeal shall lie within thirty days from the date of communication of the order to the District Collector whose decision thereon shall be final.

## **13. Protection of action taken under the Act.**

- No suit, prosecution or other legal proceeding shall lie against any officer for anything which is done, or intended to be done in good faith, in pursuance of the Act or the rules.

#### **14. Act to override other laws, contracts, etc.**

- The provisions of this Act shall have effect notwithstanding anything in consistent therewith in any other law, custom, usage, or agreement for the time being in force or any decree or order of a court, Tribunal or other authority.

#### **15. Power to make rules.**

(1)The Government may, by notification in the Andhra Pradesh Gazette, and after previous publication for a period of not less than thirty days, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Section shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it so laid or the session immediately following both Houses agree in making any notification in the rule or in the annulment of the rule, the rule shall thereafter have effect only in such modified form or shall stand annulled, 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.

#### **16. Repeal.**

- The provisions of Sections 13 to 18 (both inclusive) of the Andhra Pradesh (Telangana Area) Irrigation Act, 1357 F (Act XXIV of 1357 F) are hereby repealed.