

The Bhavani Reservoir Irrigation Cess Act, 1933

TAMILNADU

India

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Act 16 of 1933

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The Bhavani Reservoir Irrigation Cess Act, 1933 Act No. 16 of 1933 Received the assent of the Governor-General on the 11th March 1938 and published in the Fort St. George Gazette, dated the 22nd March 1938. An Act to provide for the levy of water-cess on lands irrigable from the Bhavani Reservoir. Whereas, the Government proposes to construct a reservoir on the Bhavani river near its junction with the Moyar river in order to provide water to supplement rainfall for the irrigation [* *] [Word 'dry' was omitted by section 2 of the Bhavani Reservoir Irrigation Cess (Amendment) Act, 1952 (Madras Act V of 1952).] crops; And Whereas, it is necessary, in order to safeguard the Government revenue, that the payment of water-cess in respect of all lands the irrigation of which from the reservoir is permitted should be made obligatory whether the water is taken or not; And Whereas the previous sanction of the Governor-General has been obtained to the passing of this Act. It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Bhavani Reservoir Irrigation Cess Act, 1933. (2) It extends to all lands the irrigation of which from the Bhavani Reservoir (hereinafter called the reservoir) is allowed by or under, the orders of the State Government, but does not extend to any land which on the date this Act comes into force is entitled to irrigation with water of the Bhavani river, or any other source belonging to, or constructed [by, or on behalf of, the Government] [Substituted for the words 'by the Local Government' by the Adaptation Order of 1937.]. (3) It shall come into force on such [date] [Came into force on 23.5.1933.] as the State Government may, by notification in the Official Gazette, appoint.

2. Levy of water-cess on lands allowed to be irrigated from the Bhavani.

- Notwithstanding anything contained in the [Tamil Nadu] [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.] Irrigation Cess Act, 1865 ([Tamil Nadu] [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.] Act VII of 1865), it shall be lawful for the State Government to levy every fasli water-cess on all lands the irrigation of which from the reservoir is allowed by or under the orders of the State Government, whether such lands are actually irrigated with water from the reservoir or not; and the State Government may, by rule, prescribe the conditions under which and the rates at which such water-cess shall be levied: Provided that the water-cess shall not be levied under this Act on any land unless a permit has been issued in respect thereof under section 3 and unless such permit is in force: Provided further that the rate of water-cess charged under this Act [shall not exceed twenty rupees per acre in the case of cotton, fifteen rupees per acre in the case of paddy, seven rupees and eight annas per acre in the case of millets, and such rates as may, from time to time, be notified by the State Government in the case of any other crop permitted under section 3.] [Substituted by Tamil Nadu Act V of 1952.]

3. Permit.

(1) Permit shall be issued in respect of all lands the irrigation of which from the reservoir is allowed by or under the orders of the State Government. (2) Every such permit shall be issued by such authority and shall be in such form as the State Government may, by rule, prescribe and shall specify the conditions under which the land in respect of which it is issued may be irrigated, [and such conditions may relate to the period in every fasli during which the land may be irrigated, the crop or crops which may be grown on the land, and the source through which water may be taken for irrigation :] [Substituted by Tamil Nadu Act V of 1952.] Provided that where the State Government, by notification in the district gazette, so direct a permit shall not be issued under this sub-section in respect of any land after the date specified in such notification in that behalf except on payment of such fee and on such other terms and by such authority as the State Government may by rule prescribe. (3) Every permit issued under sub-section (2) shall be served on, or tendered to, the registered holder of the land in respect of which it is issued, in such manner as the State Government may, by rule, prescribe. (4) The registered holder may, within three months from the date on which the permit is so served on, or tendered to, him, apply to the Collector of the district for the cancellation or modification of the permit on the ground that it is not advantageous to irrigate such land or any specified portion thereof either on account of the rate of water-cess prescribed by the State Government or for any other reason, such as the unsuitability of the water for the soil or for the crop usually grown on the land. Against the order of the Collector on such application, the registered holder may, within three months from the date of the order, appeal to the Board of Revenue which may pass such order on the appeal as it thinks fit. The registered holder shall not be entitled to call such permit in question except in the manner provided in this sub-section. (5) Any permit issued under this Act may, by order, be cancelled or modified at any time by such authority as the State Government may, by rule, prescribe. (6) Every permit issued under this Act with such modifications, if any, as may be made therein under sub-section (4) of the sub-section (5) shall-(a) remain in force until it is cancelled under either of the said sub-sections; and (b) be binding on the registered holder as well as the owner of the land, for the time being.

4. Sections 1-A and 2 of the [Tamil Nadu] [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.] Irrigation Cess Act, 1865 to apply.

- The provisions of sections [1-A] [Now see the notification published under the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980).] and [2] [Now see the notification published under the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980).] of the , [Tamil Nadu] [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.] Irrigation Cess Act, 1865 (Tamil Nadu Act VII of 1865) shall apply to the levy of water-cess under this Act as if it were a cess levied under the [Tamil Nadu] [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.] Irrigation Cess Act, 1865 (Tamil Nadu Act VII of 1865).

5. Exclusion of jurisdiction of Civil Courts.

- No Civil Court shall take cognizance of any suit or proceeding brought by any person questioning the rate of water-cess levied under this Act or the liability of any person to pay such cess or any order passed under section 3 :Provided that nothing in this section shall prevent any person from obtaining in the Civil Court any relief to which he may be entitled on the ground that he is not liable to pay any such cess because he is neither the registered holder nor the owner of the land in respect of which the levy has been made or on the ground that the land in respect of which the levy has been made is entitled on the date on which this Act comes into force to irrigation with water of Bhavani river, or any other source belonging to, or constructed by, or on behalf of, the Government.

6. Rules.

- The State Government may, by notification in the Official Gazette, make rules consistent with this Act to carry into effect the purposes thereof.

7. Saving as to water-cess leviable under the [Tamil Nadu] [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.] Irrigation Cess Act, 1865.

- Nothing in this Act shall operate as a bar to the levy of water-cess under the Tamil Nadu Irrigation Cess Act, 1865 ([Tamil Nadu] [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.] Act VII of 1865), for any water taken or used otherwise than under, and in accordance with, the terms of a permit in force issued under this Act.