

The Construction of Watercourses (Marathwada) Rules, 1968

MAHARASHTRA

India

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Rule

THE-CONSTRUCTION-OF-WATERCOURSES-MARATHWADA-RULES- of 1968

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The Construction of Watercourses (Marathwada) Rules, 1968 Published vide Notification No. G. N., I. & P. D., No. BLA. 1166/4365-(2)-1-(5), dated 1st February, 1969 (M.G., Part 4B, p. 247) In exercise of the powers conferred by clauses (e1), (e2), (e3), (e4), (e5) and (e6) of sub-section (3) of section 67 of the Irrigation Act (Hyderabad No. XXIV of 1357-Fasli) as amended by section 16 of the Irrigation Laws (Amendment) Act, 1964 (Maharashtra XLVII of 1965), and of all other powers enabling it in that behalf, and after due compliance with the provision of sub-section (1) of section 67 of the said Hyderabad Irrigation Act, the Government of Maharashtra hereby makes the following rules namely:-

1. Short title.

- These rules may be called the Construction of Watercourses (Marathwada) Rules, 1968.

2. Definitions.

- In these rules, unless the context otherwise requires,-(1)"Act" means the Irrigation Act (Hyderabad No. XXIV of 1357-F);(2)"Form" means a Form appended to these rules;(3)"Pattedar or occupier of land" means a person whose land receives or would receive the benefit of a water-course constructed or to be constructed under a scheme under the Act, irrespective of the fact whether or not such benefit is availed of;(4)"Section" means section of the Act.

3. Manner of obtaining consent of pattedars or occupiers of land under section 17A.

(1)Where an authorised Irrigation Officer proceeds to prepare a draft scheme for the construction of a water-course for the supply of irrigation water to the best advantage of any area under section 17A, every pattedar or occupier of land within such area shall be served with a notice in Form A by the authorised Irrigation Officer.(2)The pattedar or occupier of land shall (unless he requires any information pertaining to the draft scheme which information the authorised Irrigation Officer shall give) within fifteen days from the date of service of the notice, inform the authorised Irrigation Officer in writing, whether or not he consents to the preparation of such scheme. If no intimation in writing is received within such period, the pattedar or occupier of land shall, unless the contrary is proved, be deemed to have consented to the preparation of the scheme.Explanation. - In computing the period of fifteen days, the time required for obtaining the information shall be excluded;

4. Apportionment of cost of land and of construction of watercourse amongst pattedars or occupiers of land.

- For the purpose of apportioning the cost of acquisition of land and of the construction of a water-course amongst the pattedars or occupiers of land included in a scheme, the extent of liability of each pattedar or occupier of land shall be limited to the area commanded by the water-course, and cost shall be calculated by the authorised Irrigation Officer in proportion of the area so commanded.

5. Manner of publication of draft scheme under section 17A(3).

(1)The authorised Irrigation Officer shall, immediately on the publication of a draft scheme in the Official Gazette, display or cause to be displayed copies of such draft scheme on the notice board at the following places, namely :-(i)the office of the authorised Officer,(ii)the village chawdi and if there is no village chawdi in a village, the village school or any other public place suitable for display of copies of the draft scheme,(iii)the office of the village panchayat, if any, for the village within the revenue limits of which the lands referred to in the draft scheme are suitable,(iv)the office of the Tahsildar or Naib-Tahsildar within whose jurisdiction such lands are situate,(v)the office of such sub-division of the Irrigation and Power Department within the jurisdiction of which such lands are situate,(vi)the office of the Zilla Parishad or Zilla Parishads of the district or districts in which such lands are situate.(2)The authorised Irrigation Officer shall also send a copy of the draft scheme to the Gram Sevak of each of the villages within the revenue limits of which the lands mentioned in the draft scheme are situate, and the Gram Sevak shall give due publicity to the draft scheme in the village by beat of drums.(3)The notice calling for suggestions or objections to the draft scheme referred to in sub-section (3) of section 17A shall be in Form B and shall be displayed along with the draft scheme.

6. Manner of publication of final scheme.

- The provisions of rule 5 for the publication of a draft scheme shall mutatis mutandis apply for the publication of the final scheme under sub-section (4) of section 17A.

7. Manner of constructing water-course under scheme.

- Before any water-course is constructed by any pattedar or occupier of land, he shall obtain details of the construction thereof from authorised Irrigation Officer or the sectional Officer, Irrigation and Power Department; and thereafter, the water-course shall be so constructed that the dimension and the bed-slopes of the water-course shall be such as are adequate for the easy passage of water-through the water course to all the fields through which water is supplied from the canal.

8. Provisions in relation to notice under section 17E.

(1)The notice requiring each pattedar or occupier of land to construct a watercourse referred to in sub-section (1) of section 17E shall be in Form C.(2)Every such notice shall be served on a pattedar or occupier of land by registered post, or by hand delivery either to the pattedar or occupier of land himself or to any adult member of his family residing with him.(3)Where a notice is delivered by hand, the signature or thumb impression of the person on whom the notice is served shall be taken in token of service of the notice.(4)If the pattedar or occupier of land cannot be found or authorised Irrigation Officer is satisfied that he is evading service or that he refuses to take the notice, the notice may be served by affixing a copy thereof on some conspicuous part of the house in which the pattedar or occupier of land ordinarily resides.

9. Form of certificate under section 17G.

- The certificate to be issued under clause (a) of sub-section (1) of section 17G to all pattedars or occupiers of land in the final scheme shall be in Form D.

10. Payment of cost of acquisition of land and of cost of construction of water-course.

(a)(i)Any payment in lump sum for cost of acquisition of land under sub-section (1) of section 17F shall be made within a period of six months from the date of notice in Form C under subsection (1) of that section.(ii)Any payment in lump sum for cost of construction of watercourse under sub-section (1) of section 17H shall be made within a period of six months from the date of notice under section 17E. The notice shall be in Form E.(b)Where the cost is paid in instalments, it shall be paid in instalments not exceeding five, together with simple interest at 4½ per cent, per annum. each payment of instalment being made before the 31st March every year.

11. Recovery and Refunds.

- If the cost of acquisition of land according to the award is found to be more or less than the sum demanded from the pattedar or occupier of land in the notice in the Form C served under section 17E, the authorised Irrigation Officer shall take steps to recover the excess amount from or to refund the excess payment, to the pattedar or occupier of land, as the case may be. A notice in Form F shall be served upon the pattedar or occupier of land to recover the excess cost of acquisition of the land. A notice in Form G shall be served upon pattedar or occupier of land to receive payment of the amount paid in excess. Form A [See rule 3(1)] Notice for obtaining consent of pattedars or occupiers of land To Shri Address This is to inform you that although water for irrigation is available in (here specify the area) from (mention here the name of the canal, distributary, outlet)

nevertheless lands capable of being irrigated therefrom| are not being prevented from being irrigated for the reason (herein specify the reason)

and that in the opinion of the undersigned, in the interest of general; it is necessary to irrigate the lands from the canal in the said area, and for that purpose, it is proposed to prepare a draft scheme providing for the construction of a water-course for the supply of irrigation water to the best advantage in such area, as provided by section 17A of the Irrigation Act (Hyderabad No. XXIV of 1357-F.) as amended by the Irrigation Laws (Amendment) Act, 1964 (Maharashtra XLVII of 1965). You are requested to inform the undersigned in writing, within fifteen days from the date of receipt of this notice, whether or not, you consent to the preparation of the draft scheme. If no intimation in writing is received within the said period, you shall, unless you prove to the contrary, be deemed to have consented to the preparation of the scheme. Any information about the proposed scheme which you may require for the purpose of giving your consent can be had from the office of the undersigned or the office of the Sub Divisional Officer, Irrigation Sub-Division. Place : Date : Signature, Authorised Irrigation Officer. Form B [See rule 5(3)] Notice calling for suggestions and objections to the draft scheme Whereas, the draft scheme for the construction of a water-course through village/villages in the taluka of district is published in Part of the Maharashtra Government Gazette, dated the at page under Notification No dated issued by the, all the pattedars or occupiers of lands and all persons affected by the scheme are hereby called upon to submit to the undersigned in writing their suggestions or objections, if any, in respect of the draft scheme within one month from the date of this notice. Place : Date : Signature, Authorised Canal Officer. Form C [See rule 8(1)] Notice for construction of water-course To Shri Address Whereas, in accordance with the final scheme for the construction of water-course through village/villages in the taluka of district which is published in Part of the Maharashtra Government Gazette, dated under Notification No. dated the issued by the lands specified in that scheme are required in accordance with the provisions of section 17C of the Irrigation Act (Hyderabad No. XXIV of 1357-F); And whereas, I have been put in possession of the land so acquired; And whereas, you have been mentioned in the said scheme as the pattedar or occupier of the following land, that is to say,-

Village Survey No. Area in acres affected by the proposed water-course

Now, therefore, in pursuance of the provisions of section 17 of the said Act, you are hereby called upon, - (1) to construct within the period specified in the final scheme i.e. within and in the manner specified therein, the water-course to the extent to which it passes through your lands under that scheme; and (2) to pay Rs. as a sum payable by you in accordance with the apportionment of the cost of acquisition of land made under the said scheme. You may pay the amount either, - (i) in lump sum within a period of the six months from the date of this notice; or (ii) by instalments not exceeding five with simple interest at 4½ per cent, per annum before the 31st day of March every year. If you desire to pay the amount in instalments, you are requested to inform me accordingly, in writing, within one month from the date of this notice. Place : Date : Signature, Authorised Irrigation Officer. Form D (See rule 9) Certificate for completion of construction of water-course. Certified that the construction of the water-course through survey numbers of village/villages mentioned in the final scheme which is published in Part of the Maharashtra Government Gazette, dated the at page under Notification No. dated 20 issued by the has been completed on 20, by the pattedar (s) or occupier(s) of lands by the Government. Place : Date : Signature, Authorised Canal Officer. Form E [See rule 10(a)(ii)] To Shri Address Whereas, in accordance with the notice, dated (under section 17F), you were called upon to construct within the period specified in the final scheme i.e., within the water-course to the extent to which it passes through your lands; And whereas, you have not constructed the said water-course to the extent so specified; And whereas, on expiry of the period specified in the final scheme, the said water course to the said extent has been constructed by Government; Now, therefore, in pursuance of the provisions of sub-section (1) of section 17H of the said Act, you are called upon to pay Rs. as payable by you as the cost of construction of the water-course under the said scheme. You may pay the amount either, - (i) in lumpsum within a period of six months from the date of this notice, or (ii) by instalments not exceeding five with simple interest at 4½ per cent, per annum before the 31st March every year. If you desire to pay the amount in instalments, you are requested to inform me accordingly, in writing, within one month from the date of this notice. Place : Date : Signature, Authorised Irrigation Officer. Form F (See rule 11) To Shri Address Whereas, the cost of acquisition of land according to the award is found to be more than the sum mentioned in the notice in Form C, dated as payable by you in accordance with the apportionment of the cost of acquisition of land made under the final scheme; Now, therefore, you are called upon to pay Rs. as a sum payable by you in accordance with the apportionment of the excess cost of acquisition of land. You may pay the amount in one lumpsum within six months from the date of this notice, if you so desire. If you desire to pay the sum in instalments, you are requested to intimate to me accordingly in writing within one month from the date of this notice. The payment can be made in instalments not exceeding five with simple interest at 4½ per cent, per annum will have to be made before the 31st March every year. Place : Date : Signature, Authorised Irrigation Officer. Form G (See rule 11) To Shri Address Whereas, the cost of acquisition of land according to the award is found to be less than the sum mentioned in the notice in Form C, dated as payable by you in accordance with the apportionment of the cost of acquisition of land made under the final scheme; Now, therefore, you are called upon to receive payment of Rs. as a sum payable to you in accordance with the apportionment of the reduced cost of acquisition of land. Place : Date : Signature, Authorised Canal Officer.