

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

TELENGANA

India

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### Act 12 of 1965

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Telangana Irrigation (Construction and Maintenance of Water Courses) Act, 1965(Act No. 12 of 1965)Last Updated 11th January, 2020The Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Act, 1965 received the assent of the President on the 23rd April, 1965. The said Act in force in the combined state, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016 issued in G.O.Ms.No. 45, Law (F) Department, dated 01.06.2016.

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

(1)This Act may be called the [Telangana] [Substituted by G.O.Ms.No. 45, Law (F) Department, dated 01.06.2016.] Irrigation (Construction and Maintenance of Water Courses) Act, 1965.(2)It extends to the whole of the State of [Telangana] [Substituted by G.O.Ms.No. 45, Law (F) Department, dated 01.06.2016.].(3)It shall come into force on such [date] [Came into force on 1st May, 1965.] as the State Government may, by notification in the [Telangana] [Substituted by G.O.Ms.No. 45, Law (F) Department, dated 01.06.2016.] 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 of storage of water for purposes of irrigation;(iv)all canals, channels, anicuts, dams, embankments, weirs, sluies, groins, kuntas and other work other than escape channels, connected with, or auxiliary to the irrigation 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 incharge of a Revenue division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector ;(j)"watercourse" 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 maintain, at their own cost, watercourses 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 watercourse 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 watercourse, is expedient or necessary, he shall ascertain the most suitable alignment for the said watercourse 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 watercourse 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 watercourse or to make use of the watercourse 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 watercourse or interested in the land on which it is proposed to construct the watercourse 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 watercourse is proposed to be taken and to the District Collector for publication in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] 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 watercourse together with a plan showing the alignment thereof and the 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 watercourse is proposed to be taken] [Substituted by Act No. 8 of 1966.], pass such orders in respect of the proposed construction as he may deem necessary and the order so passed shall be published in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette.(2)The order passed under sub-section (1) shall, if it is decided, to construct a watercourse, contain the following particulars, namely -(i)the district, taluk, village and the survey number and description of the land on which the watercourse 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] [Substituted by Act No. 8 of 1966.] from the date of publication of the order of the Revenue Divisional Officer in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] 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 [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, be final.

## 6. Acquisition of land.

- [(1)] [Renumbered by Act No.8 of 1966.] Where the land needed for the construction of the watercourse is not provided by the persons to be benefitted by the watercourse, the Revenue Divisional Officer shall proceed to acquire the land under [the Land Acquisition Act, 1894 (Central Act 1 of 1894);] [The Land Acquisition Act, 1894 has been repealed by the Central Act No.30 of 2013.][provided that the land needed for the construction of any watercourse 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] [Added by 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 the 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 watercourse under the Nagarjunasagar Project shall be deemed to be proceeding

started or action taken in pursuance of the aforesaid subsection (1) of section 6;(ii)the Revenue Divisional Officer may, after the commencement of the Andhra Pradesh Irrigation (Construction and Maintenance of Watercourses) 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 of 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 watercourse has been started or taken under any of the said Acts.] [Added by Act No.8 of 1966.]

#### **6A. [ Acquisition of land with the consent of the beneficiaries. [Inserted by Act No. 8 of 1966.]**

- 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 any watercourse other than a watercourse 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 watercourse 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 construction of the watercourse 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 watercourse, of water or drainage which the watercourse 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 watercourse in proportion to their respective extents of lands which may be served by the watercourse.

#### **8. [ Construction of watercourse. [Substituted by Act No.8 of 1966.]**

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

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

(1)The Revenue Divisional Officer may order the recovery in such installments 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 watercourse got constructed by the Irrigation Officer] [Substituted by Act No. 8 of 1966.] 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] [Inserted by Act No. 8 of 1966.] to the District Collector whose decision thereon shall be final.

## **10. Discontinuance from the construction of watercourses.**

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

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

(1)The owner or owners of lands which receive or discharge water through a watercourse shall be bound -(a)to maintain the watercourse in a fit state of repair;(b)to maintain all works necessary for the passage across the watercourse 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 orders 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] [Inserted by Act No. 8 of 1966.] 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 watercourse.(3)Where a watercourse 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 inconsistent 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 [Telangana] [Substituted by G.O.Ms.No. 45, Law (F) Department, dated 01.06.2016.] 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 is so laid or the session immediately following, both Houses agree in making any modification 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 [Telangana] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] Irrigation Act, 1357 F. (Act XXIV of 1357 F.) are hereby repealed.