

# **Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007**

TAMILNADU

India

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### **Rule**

### **TAMIL-NADU-PROTECTION-OF-TANKS-AND-EVICTION-OF-ENCROACHMENT RULES, 2007**

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Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007Published vide Notification No. G.O. (Ms.) No. 320, Public Works (W2), dated 28.09.2007Last Updated 27th November, 2019No. SRO A-44(a)/2007. - In exercise of the powers conferred by sub-section (1) of Section 13 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007), the Governor of Tamil Nadu hereby makes the following Rules:-

### **2. These Rules shall come into force with effect on and from the 1st day of October 2007,**

#### **1. Short title.**

- These Rules may be called the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007.

#### **2. Definitions.**

(1)In these Rules, unless the context otherwise requires,-(a)'Act' means the Tamil Nadu Protection of Tanks and Eviction. of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007);(b)'Chart' means field measurement book sketches covering each of the survey numbers traversed in a tank and map available with the Revenue Department showing the boundaries of a tank clearly marked in distinct colours and includes a separate map showing encroachments, if any;(c)'form' means form appended to these Rules;(d)'officer' means the Assistant Engineer or Junior Engineer or Overseer of the Water

Resources Organisation of Public Works Department, incharge of the tanks lying in his jurisdiction for the purpose of enforcing the provisions of the Act and the Rules;(e)'register' means a document containing information regarding the survey number, area encroached, etc., contained in Form I;(f)'survey officer' means the firka surveyor or town surveyor or any officer not below the rank of the survey officer of the Survey and Land Records Department;(g)'tank poramboke' means the land liable to submersion when a tank is full either at full tank level or maximum water level, as the case may be, and includes all the land components form part and parcel of the tank with its appurtenances;(2)The words used but not defined in these Rules shall have the same meaning respectively, assigned to them in the Act.

### **3. Survey of tanks.**

- Survey shall be carried out by traversing along the tank and the boundaries be demarcated, based on the original records of the tanks available with the Revenue Department in every taluk and district and simultaneously identifying the areas encroached upon and areas alienated by the Government, in public interest, within the demarcated boundaries, and proper charts and registers be-prepared' setting forth these details.

### **4. Appointment of Survey Officer.**

(1)The Assistant Director of Survey and Land Records Department is authorised to appoint, by order the survey officer, who is not below the rank of taluk surveyor, for surveying the tanks within such local limits as may be specified in such order.(2)The survey officer appointed under sub-rule (1) shall carry out the survey work in the manner provided in Rule 3.(3)The officer of the Public Works Department having control over the tank shall co-ordinate and extend all assistance required by the survey officer for the conduct of such survey and demarcation of the limits of all the tanks.(4)As and when the boundary lines are demarcated by the survey officer, the officer referred to in sub-rule (3), shall arrange to fix the boundary stones on a permanent basis at desired locations and carry out appropriate measures to maintain the boundary lines without any external interference.

### **5. Report of Survey Officer.**

(1)The survey officer, after the completion of the survey of tanks shall prepare charts and registers in the manner provided in Rule 3.(2)The charts and registers prepared under sub-rule (1) and duly authorised by the Tahsildar concerned shall be handed over to the officer referred to in sub-rule (3) of Rule 4, having control over such tank.(3)The officer shall, within one month from the date of handing over the chart and register, publish a notice in Form-II together with the map of the tank in the notice boards of the offices of the Village Administrative Officer, Village Panchayat Office and Water Resources Organisation concerned.

### **6. Eviction of Encroachment.**

(1)If any person has encroached upon any land of the tank,the officer referred to in sub-rule (3) of

Rule 4, shall prepare a notice in Form ill and call upon the person concerned to remove the encroachment.(2)Notwithstanding anything contained in sub-rule (1), such notice shall be served by delivering a copy either to the encroacher or to a member of his family at his usual place of abode, or to his authorised agent, or by affixing a copy thereof in some conspicuous part of his last known residence or in any part of the area encroached upon or in any of the offices of the Village Chavadi, Village Panchayat, District Collector, Revenue Divisional Officer, Tahsildar, Village Administrative Officer, Panchayat Unions and in the Section, Sub-Division and Divisions concerned of the Water Resources Organisation of the Public Works Department as the officer deems fit and proper.(3)If the encroacher has not removed the encroachment within the period specified in the notice referred to in sub-rule (1), the officer shall inform the area Station House officer of Police Department, in writing to provide adequate Police personnel, as may be necessary and shall remove the encroachment or obstructions or any building or any crop or any product raised on the land or anything deposited and forfeit them and take possession of the land as specified in sub- sections (2) and (3) of Section 7 of the Act.(4)The officer shall also impose the cost of eviction against such person, by preferring a complaint against such person with the competent Judicial Magistrate for recovery.

## 7. Offences and Penalties.

(1)If any person indulges in any of the activities prohibited in Section 8 of the Act, the officer shall on sun mote, prefer a complaint in writing against such person before a Metropolitan Magistrate or a Judicial Magistrate of first class, as the case may be, for punishment as specified in Section 8 of the Act and no Court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by the officer.(2)The officer shall also compound the cost of making good the loss and cost of eviction and impose against such person, simultaneously.AppendixForm I[see Clause (e) of sub-rule (1) of Rule 2]Statement of Area EncroachedName of the

Tank.....Name of the

Village(s).....Name of the

Taluk(s).....Name of the District(s).....

Serial Number	Description	Village	Taluk	Field Number.	Extent (m2)	encroachment	oachment and (m2)	Address	Encroachment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Water Spread area								
2	Fore Shore area								
3	Downstream side of the Tank Bund								
4	Supply Channel from--								
	(i) Anicut								
	(ii) River (direct of take)								
	(ii) Other diversion systems (Odais, rivuletsspring channels and others)								
5	Field channels in canal Poramboke lands								
6	Drainage channels in tank Poramboke lands								

7 Surplus course conveying Excess water from the tanks

8 Any other component constituting integral part of the tank

Tahsildar, Revenue Department, ..... Taluk Form II [See Sub-rule (3) of Rule

5] Notice Showing the Index Map of Tank and Boundaries Name of the

Tank ..... Name of the

Village(s) ..... Name of the Taluk(s)

..... Name of the District(s) ..... Notice It is

hereby notified for public information in accordance with the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007 (Tamil Nadu Act 8 of 2007) that all the part and pieces of land shown within the boundaries marked in the map duly authorised by the Tahsildar of ..... Taluk

as below are belonging to the Water Resources Organisation of Public Works Department. The public are ordered not to encroach upon any land within the boundaries. Any encroachment within the boundaries is liable for eviction under section 7 of the Act and the offenders shall be punished with imprisonment for a term, which may extend to three months or fine of rupees five thousand or with both under section 8 of the Act. Place: Date: Name

..... Designation ..... Form III [See sub-rule (1) of Rule

6] Notice to Order for Removal of Encroachment I ..... the Officer, is of the opinion that the portion of the ..... tank to an extent of

..... m<sup>2</sup> in Survey Field Number

..... in the

Village ..... in ..... Taluk,

in ..... District, belonging to the Water Resources Organisation of Public Works Department is encroached by you and in your occupation. I call upon you to evict your encroachment from the said piece and part of land within twenty one days from the date of receipt of this notice, failing which I shall remove the encroachment and impose the cost for removal of encroachment against you. The Department shall not take any responsibility for encroachments removed from within the land and disposed

off. Place: Date: Name ..... Designation .....