

Telangana Railways, Government Irrigation Sources and Other Public Buildings Protection Act, 1321 F

TELENGANA

India

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Act 1 of 1321

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Telangana Railways, Government Irrigation Sources and Other Public Buildings Protection Act, 1321 F(Act No. 1 of 1321 F.)Last Updated 20th January, 2020The Andhra Pradesh (Telangana Area) Railways, Government Irrigation Sources and other Public Buildings Protection Act, 1321 F. 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 (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

1. Short title, commencement and extent.

- This Act may be called [the Telangana Railways, Government Irrigation Sources and other Public Buildings Protection Act, 1321 F.] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] and it shall come into force in [the Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] from the date of its publication in the [Official Gazette] [Substituted for the word 'Jarida' by the Andhra Pradesh Adaptation of Laws Order, 1957 (A.P.A.O. 1957)].

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(1)[[XXX] [Clause (1) was omitted by the Andhra Pradesh Adaptation of Laws Order, 1957.](2)the word "landholder" includes Makhtadars, Inamdars, Dastbandars, pattadars and Banjardars;(3)the word "railway" means a railway used for public conveyance of passengers or goods and includes:-(a)all lands situated within the fence or other boundary marks, which shall be laid under the Indian Railways Act No. IX of 1890;(b)railway lines, extra-sidings or branches worked over for the purpose of or in connection

with a railway;(c)all stations, offices, warehouses, machinery fixed in the ground and other buildings constructed for the purpose of or in connection with a railway;(4)the words "public buildings" also include bridges whether under the supervision of the Government [or any local authority] [Substituted by the A.P.A.O. 1957.];(5)the words "irrigation sources" mean and include, tanks, ponds, rivers, brooks, embankments, sluices, weirs, revetments and other sources of like description;(6)the words "Superintending Engineer" mean the District Superintending Engineer incharge of irrigation work.

3. Collector and Superintending Engineer may inspect irrigation sources.

- The [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] or any officer, not below the rank of a [Deputy or Assistant Collector] [Substituted for the word 'Suwam Taluqdar' (Third Taluqdar) by the A.P.A.O. 1957.], appointed by him for the work or any Superintending Engineer may, at any time, enter upon the land of any[XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder and inspect or cause to be inspected any irrigation sources which shall be so situated on such land that any railway, Government irrigation sources or other public buildings are liable to be injured from the overflow or escape of water therefrom.

4. When Collector considers necessary to have any work executed to protect any railway, Government irrigation sources or public building, he shall cause plan and estimate of proposed work to be prepared.

- When it appears to the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.], after consultation with the Superintending Engineer, that any work should be executed in respect of any irrigation sources, situate on the land of any [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder for the protection of any railway, Government irrigation sources or other public building, against the overflow or escape of water, which is not the result of any extraordinary storm, he shall cause to be prepared plan and estimates thereof, specifying the work which, having regard to the safety of the railway lines, Government irrigation sources, other public buildings and the interest of the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder and other persons concerned, he may think necessary, and he shall also draw a statement showing with reasons, the proportion in which in his opinion, the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder in possession of or having control over the said irrigation sources shall contribute towards the expenses for executing the work. The statement shall contain the estimated cost of the proposed work together with the following particulars:-(1)A description of the irrigation sources in respect of which the work is to be executed.(2)The name of the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder who, to the [Collector s] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] knowledge and belief, is in possession of or has control over such irrigation sources.(3)The proportion of the estimated expenditure which is to be borne by the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder.(4)The portion of the estimated expenditure which is to be borne by [the local authority] [Substituted by the A.P.A.O. 1957.] or the Government. The [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] shall have the statement translated in the language spoken in the

district and cause copies thereof to be fixed at a conspicuous place or places in the village or villages to which the said sources belong.

5. Collector to send plan and estimate to [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder concerned with order to execute work or show cause why he should not execute it.

- The [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] shall, upon the preparation of the plan, estimate and statement referred to in the preceding section, send copies thereof to the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder mentioned in the statement as being in possession of or having control over the said irrigation sources and shall also order in writing requiring the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder to execute within a reasonable time mentioned in the order the work specified in such plan and estimate or to represent to the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] in writing, or personally or through an agent or attorney and show cause why he should not execute the same.

6. Collector may cancel or modify order.

- If the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder, after making objection in writing or through an agent or attorney, satisfies the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.], after such Inquiry as he thinks fit, that the irrigation source specified in the statement is not wholly or partly in his possession or control or that the work other than the work proposed may be carried out for protection of the Government irrigation sources or other public building or that the whole or any part or the cost demanded from him to carry out the proposed work, should not be charged to the area, the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] shall cancel or modify his order.

7. If order is upheld, Collector to call upon [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder by notice to execute work.

- If the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] does not cancel the order, he shall send a notice to the aforesaid [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder requiring him to carry out, within such reasonable time, to be specified in the notice, as may be sufficient for the completion of work mentioned in the original or modified order; a copy of the order to be carried out, shall be enclosed with the notice.

8. Persons concerned may submit objections to Collector as to nature of proposed work.

- Pending inquiry by the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] or within 60 days from the date when the copy of the notice is affixed in the aforesaid manner, all concerned persons may submit their objections to the [Collector] [Substituted for the word

'Talukdar' by the A.P.A.O. 1957.] in regard to the nature of the proposed work.

9. If [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder fails to execute work, Collector shall report the matter to Government who may direct execution thereof.

- If the work mentioned in the order specified in section 7 is not executed within the fixed period, the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] shall report the matter to the Government in the Finance Department who may direct that the proposed work be carried out or may pass any other suitable order. A copy of the order of the Government shall be caused to be served on the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder and it shall also be published in the [Official Gazette] [Substituted for the word 'Jarida' by the A.P.A.O. 1957.].

10. After execution of work, memorandum for payment of cost thereof to be served on [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder.

- After the execution of work as required by section 9, the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] shall cause to be served upon the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder a memorandum showing the total cost incurred in the execution of the work and also the sum which is required to be paid, in the opinion of the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.], by the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder. A notice requiring payment of amount within a period specified therein shall also be sent along with the memorandum.

11. Procedure in case of emergency.

(1) If the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] has reason to believe that the immediate execution of any work in respect of any irrigation sources in the possession or under the control of a [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder is necessary for protection against injury by flood, which may not be due to extraordinary storm, to any railway, Government irrigation sources or other public building and that the circumstances of the case do not permit of action first being taken under sections 4 and 5 of this Act, the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] shall, after recording reasons therefor, take immediate steps for the execution of such work. Thereafter, the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] shall, without unnecessary delay, prepare a report showing the grounds on which his opinion is based together with the material facts of the case. A copy of the said report shall be caused to be served by the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] upon the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder, whom he believes to be in possession of or to have control over such irrigation sources and to it shall be appended a memorandum specifying the nature of the work, the total cost thereof and the sum which, in the opinion of the [Collector] [Substituted for the word

'Talukdar' by the A.P.A.O. 1957.] the said [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder should pay. A notice calling upon him to pay such sum within the period fixed therein or to appear before the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] and show cause why he should not be made to pay the same, shall also be appended.(2)A copy of the said report, when prepared shall be submitted to [the Government] [Amended by Act No.III of 1308 F.] forthwith together with a copy of the memorandum appended thereto.

12. Collector to decide amount to be paid by [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder.

- If the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder or their attorney, agent or secretary, shows cause before the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] under section 11, the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] shall after such inquiry as he may deem fit, decide the amount to be paid by the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder and shall cause a notice to be served upon him requiring him to pay the amount within the period fixed in the notice.

13. Collector may appoint punch to determine liability of [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder.

- When the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] is holding an inquiry under section 6 or section 12, he may, on the application of the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder appoint a Punch for the purposes of ascertaining whether the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder is liable to payment and if so, to what extent. The number of such Punch including the Sar-Punch, who shall be acceptable to both the parties, shall not exceed five and of the remaining Punch, half the number shall be nominated by the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] and the other half by the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder, and in case of difference over the appointment of Sar- Punch, the decision of the [Board of Revenue] [Substituted for the word 'Subedar' by the A.P.A.O. 1957.] shall be final. The [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] may summon the Punch at such place and at such time as he thinks fit and may also fix the period within which they are to submit their opinion.

14. If [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder fails to pay amount Collector may recover it as arrears of land revenue.

- If any [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder, to whom an order has been given under sections 10, 11 or 12, neglects or refuses to pay the sum mentioned therein, in whole or in part, the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] may recover the sum from the said [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder like arrears of land revenue under the provisions of the Land Revenue

Act.

15. Compensation to landholder for loss caused by execution of work.

- Any [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder or any other person shall be entitled to reasonable compensation for any loss or damage occasioned to him by, or in the course of the execution of work done, under sections 5, 7, 9 or 11. The amount of compensation shall be fixed by the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] after such inquiry as he may deem fit.

16. Collector may appoint Punch to settle compensation.

- For the purposes of inquiry, the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] may, on the application of the claimant, appoint Punch, not exceeding five in number including the Sar-Punch, who shall be acceptable to both the parties, of the remaining Punch half the number shall be nominated by the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] and half by the claimant. In case of disagreement as to the appointment of Sar-Punch, the decision of the [Board of Revenue] [Substituted for the word 'Subedar' by the A.P.A.O. 1957.] shall be final. The [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] may summon the Punch at such place and at such time as he thinks fit and may also fix a period within which they shall submit their opinion.

17. If [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder is dissatisfied with compensation awarded he may have arbitrator appointed.

(1)In the event of the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] and the [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder or other person, being unable to come to an agreement as to the amount of compensation, the said [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder or other person may apply that the amount of compensation be fixed by an arbitrator.(2)The Government, when it disagrees with the amount of compensation fixed by the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] and every [XXX] [The Words 'Jagirdar or' were omitted by the A.P.A.O. 1957.] landholder when he is not satisfied with any order mentioned in section 10 or section 12, may apply for the settlement of the matter by an arbitrator.(3)On an application mentioned in sub-sections (1) and (2) being made, the matter shall be referred to a Judge of the High Court [or the District Judge] [Substituted for 'Ya Nazim Sadar Adalt' (or Divisional Judge) by the A.P.A.O. 1957.] who may be appointed as an arbitrator by the Government and his decision shall be final.

18. Notice, how to be served.

- Every notice issued under the provisions of this Act shall, as far as possible, be served on the person to whom it is addressed or if he is not present, shall be left at his usual or last known place of

abode with some adult member of his family, servant or agent or may be sent by a registered letter or be affixed upon a conspicuous part of his usual or last known place of abode. When the notice is so served it shall be deemed to have been duly presented or served.

19. Procedure when Collector is of opinion that portion of cost should be borne by the local authority or Government.

(1)When the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] is of opinion that a portion of the awarded cost should be borne by [the local authority] [Substituted by the A.P.A.O. 1957.] or the Government, he shall forward a copy of the report to the concerned department.(2)Within thirty days of the receipt of the copy of the report, [the local authority] [Substituted by the A.P.A.O. 1957.] or Government shall intimate to the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] approval or disapproval of the work.(3)If [the local authority] [Substituted by the A.P.A.O. 1957.] approves the execution of the work, it shall pay the amount which the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] has determined as payable by it and in case of disapproval, the matter shall be referred to the Finance Department for order of the Government and the order of the Government in this behalf shall be final.

20. When Collector considers work in respect of any irrigation source under control of Government should be executed for protection of railway, Government Irrigation sources or public building he shall report to Government.

(1)Whenever it shall appear necessary to the [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957 and marginal heading amended by Act No.III of 1308 F.] that any work should be executed in respect of any irrigation sources under the control of the Government for the protection of any railway, Government irrigation sources or other public building, he shall at once report the matter to the Government in the Finance Department and suitable orders in this behalf shall be issued by the Government.(2)[XXX] [Clause (2) was omitted by the A.P.A.O. 1957.]

21. Damage not to be claimed for breach of this Act.

- Nothing herein contained shall entitle [Railway Administration or local authority] [Substituted for the words 'Railway Company Municipality or local board' by the A.P.A.O. 1957.] to claim damages for breach of the provisions of this Act.

22. Government may confer upon Deputy or Assistant Collector powers of Collector.

- The Government may by notification, authorise any [Deputy or Assistant Collector] [Substituted for the words 'Duwwum or Suwwum Taluqdar' (Second and Third Taluqdar) by the A.P.A.O. 1957.]

to exercise any of the powers of a [Collector] [Substituted for the word 'Talukdar' by the A.P.A.O. 1957.] vested in him under this Act.