

*Explanation.*—For the purposes of this section, the neighbouring holder includes the person to whom the land belongs and all persons holding through or under him.

(2) On receipt of the application, if the Tahsildar after making an enquiry and after giving the neighbouring holder and all other persons interested in the land, an opportunity of stating any objection to the application, is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant it is necessary to construct the water course, he may by order in writing, direct the neighbouring holder to permit the applicant to construct the water course on the following conditions :—

(i) The water course shall be constructed through such land in such direction and manner as is agreed upon by the parties, or failing agreement, as directed by the Tahsildar, so as to cause as little damage to the land through which it is constructed, as may be possible.

(ii) Where the water course consists of pipes laid under or over the surface, it shall, as far as possible, be along the shortest distance through such land, regard being had to all the circumstances of the land of the neighbouring holder. Where the water course consists of underground pipes, the pipes shall be laid at a depth not less than half a metre from the surface of the land.

(iii) Where the water course consists of a water channel, the width of the channel shall not be more than is absolutely necessary for the carriage of water, and in any case shall not exceed one and one-half metres.

(iv) The applicant shall pay to the neighbouring holder—

(a) such compensation for any damage caused to such land by reason of the construction of the water course injuriously affecting such land ;

(b) such annual rent as the Tahsildar may decide to be reasonable in cases where the water course consists of a water channel and pipes laid over the surface; and where it consists of underground pipes, say, at a rate of 25 *paise* for every ten metres or a fraction thereof for the total length of land under which the underground pipe is laid.

(v) The applicant shall maintain the water course in a proper state of repair.

(vi) Where the water course consists of underground pipes, the applicant shall—

(a) cause the underground pipe to be laid with the least practicable delay ; and

(b) dig up no more land than is reasonably necessary for the purpose of laying the underground pipe and any land so dug up shall be filled in, reinstated and made good by the applicant at his own cost for use by the neighbouring holder.