

(vii) Where the applicant desires to lay, repair or renew the pipe, he shall do so after reasonable notice to the neighbouring holders of his intention so to do and in so doing shall cause as little damage as possible to the land or any crops standing thereon.

(viii) Such other conditions as the Tahsildar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be apportioned among the neighbouring holders and all persons interested in the land.

(4) Any order made under sub-section (2) shall be final and be a complete authority to him or to any agent or other person employed by him for the purpose to enter upon the land specified in the order with assistants or workmen and to do all such work as may be necessary for the construction of the water course and for renewing or repairing the same.

(5) If the applicant in whose favour an order under sub-section (2) is made—

(a) fails to pay the amount of compensation or the amount of rent, it shall be recovered as an arrear of land revenue, on an application being made to the Tahsildar by the person entitled thereto ;

(b) fails to maintain the water course in a proper state of repairs, he shall be liable to pay such compensation as may be determined by the Tahsildar for any damage caused on account of such failure.

(6) If a person intends to remove or discontinue the water course constructed under the authority conferred on him under this section, he may do so after giving notice to the Tahsildar and the neighbouring holder.

In the event of removal or discontinuance of such water course, the person taking the water shall fill in and reinstate the land at his own cost with the least practicable delay. If he fails to do so, the neighbouring holder may apply to the Tahsildar who shall require such person to fill in and reinstate the land.

(7) The neighbouring holder or any person, on his behalf shall have the right to the use of any surplus water from the water course on payment of such rates as may be agreed upon between the parties, and on failure of agreement, as may be determined by the Tahsildar. If a dispute arises whether there is or is no surplus water in the water course, it shall be determined by the Tahsildar, and his decision shall be final.

(8) There shall be no appeal from any order passed by a Tahsildar under this section. But the Collector may call for and examine the record of any case and if he considers that the order passed by the Tahsildar is illegal or improper, he may, after due notice to the parties, pass such order as he deems fit.

(9) The orders passed by the Tahsildar or Collector under this section shall not be called in question in any Court.

(10) Where any person, who after a summary inquiry before the Collector or a Survey Officer, Tahsildar or Naib-Tahsildar is proved to have wilfully injured or damaged any water course duly constructed or laid under this section, he shall be liable to a fine not exceeding one hundred rupees every time for the injury or damage so caused.