

ANDHRA PRADESH IRRIGATION (CONSTRUCTION AND MAINTENANCE OF WATER COURSES) RULES, 1966

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ANDHRA PRADESH IRRIGATION (CONSTRUCTION AND MAINTENANCE OF WATER COURSES) RULES, 1966

In exercise of the powers conferred by sub section (1) of Section 15 of the Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Act, (Andhra Pradesh Act 12 of 1965), the Governor of Andhra Pradesh hereby makes the following rules for carrying out all or any of the purposes of the Act, the same having been published as required by sub section (1) of Section 15 of the Act at pages 278 278 of the Rules Supplement to Part 11 of the Andhra Pradesh Gazette, dated the 17th September, 1965.

1. Short title, extent and Commencement :-

(1) These rules may be called the Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Rules, 1966.

2. Definitions :-

In these rules, unless the context otherwise requires

(i) "Act " means the Andhra Pradesh Irrigation (Construction and Maintenance of Water Course) Act, 1965.

(ii) "Form" means a Form appended to these rules.

3. . :-

The Collector may for purposes of Section 3 notify in respect of any irrigation work, block of such extent not exceeding one hundred acres in the ayacut of the work as the block of extent within which the owners of all lands shall be liable to construct and maintain at their own cost water courses, required for supply of water to their lands from the distributaries of the irrigation work for irrigation purposes and for discharge of water of surplus water from these lands. Explanation:- For purposes of this rule, the "District Collector" means the Collector of the District in which the Irrigation work lies or in the case of irrigation work which extends to two or three districts the Collector of the District in which the irrigation work substantially lies.

4. . :-

The notices referred to in sub section (2) of Section 4 shall be in Form I and shall be published in the village through which the water course is proposed to be taken in the following manner, namely:

(i) by affixing in the village chavadi or if there is no village chavadi, in any conspicuous place in the village; and

(ii) by beat of tom tom in the village.

5. Enquiry into objections against alignment and publication :-

The notice referred to in sub section (1) Section 5 shall be in Form II.

6. Acquisition of land :-

Before proceeding to acquire the land needed for the construction of the water course under Section 6, a notice Form III, shall be issued to the persons to be benefitted by the water course requiring them to

provide the land needed for the construction of the water course, within three weeks from the date of receipt of the notice.

7. The cost of construction of water course :-

The cost of construction of any water course shall also include the cost of the works of the water course and the establishment charges at ten percent of the cost of the works thereof.

8. Recovery of cost of construction of water course when it is carried out by the Irrigation officer :-

The cost of construction of the water course as well as the amount of compensation, payable or which has been paid for the land acquired for the purpose shall be recovered in not more than five annual instalments.

9. Notice of provisional demand for payment of the cost of construction of water course :-

A notice of provisional demand in Form IV, specifying the amount of each instalment of the cost of construction of the water course payable, and requiring him to pay the said amount within one month from the date of service of the notice of demand shall be issued to every owner of the land served by the water course. Any person aggrieved by the demand may put in an application before the Revenue Divisional Officer setting out the grounds of the objection. The Revenue Divisional Officer shall make necessary enquiry into the matter after giving an opportunity to the party to be heard and pass such orders thereon as he deems fit.

10. Appeals under sub section (3) of Section 9 or sub section (3) of Section 11 of the Act :-

(1) Every appeal under the Act shall be accompanied by a copy of the order appealed against and shall concisely set forth the grounds of objection to the said order. Explanation:- An appeal may be filed jointly subject to payment by each of the appellants of such stamp duty as would have been payable had the appeal been filed individually.

(2) Every appeal under sub section (3) of Section 9 or sub section (3) of Section 11 may be presented within sixty days from the date of communication of the order appealed against. Provided that the appellate authority may condone any delay in filing the appeal.

11. Right to enforce the obligation under Section 11 :-

The period within which the defaulter may be required under sub section (1) of Section 12 to execute the necessary work or repair shall not exceed three months and the notice in this behalf shall be in Form V.

12. Service of notice under the Act :-

Every notice under the Act shall be served by delivering it to the person concerned or to his agent or to any major member of his family, or where none of the above courses is practicable by

affixing the notice at his last known place of residence or by sending it to his last known address by registered post.