
MAHARASHTRA LAND REVENUE (PERMISSION FOR USE OF WATER) RULES, 1969

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In exercise of the powers conferred by clause (ixiii) of sub-section (2) of Section 328 read with Section 70 and sub-section (2) of Section 328 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and in supersession of all previous rules made in this behalf and continued in force by virtue of the proviso to Section 336 of the said Code, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (1), of Section 329 of the said Code, namely

1. Short title :-

These Rules may be called the Maharashtra Land Revenue (Permission for Use of Water) Rules, 1969.

2. Application for permission to use water :-

Subject to the provisions of Rule 3, no person shall, without the previous permission in writing of a revenue officer not below the rank of a Naib Tahsildar (such permission being obtained after making an application in that behalf) make use of any water, the right to which vests in the Government, for the purpose of irrigating land unless -

- (i) the land is assessed for the advantages accruing to it from such water under the provision of the Code, or
- (ii) the land is subject to an existing 'nala-chad' on account of

irrigation by means of a budki or pumping plant or any other contrivance, or

(iii) a water rate is levied for the supply of water to the land under any law relating to irrigation in force in the State.

3. Procedure for grant of permission :-

The revenue officer on receipt of an application under Rule 2 , -

(a) shall send to the applicant a written acknowledgment of its receipt, and

(b) may, after due enquiry and after taking into consideration the interests of all persons already permitted to use such water, either grant the permission applied for, or after recording his reasons refuse the permission:

Provided that, when the revenue officer fails to inform the applicant of his decision within a period of fifteen days from the date of receipt of the application, the permission applied for shall be deemed to have been granted.

Provided further that, no permission shall be refused unless the applicant is given a reasonable opportunity of being heard.

4. Rate for use of water :-

Where permission for use of water is granted or deemed to have been granted under Rule 3, such permission shall be subject to the payment of water rate as provided in the proviso to Section 70 of the Code.

5. Application for use of water for non- agricultural purposes :-

An application for use of water, the right to which vests in the Government for any non-agricultural purpose shall be made to the Collector. Such application shall clearly state the particulars of non-agricultural purposes for which water is to be used, the quantity of water and the period for which water is required, the Government source of water from which it is to be taken and such other particulars as may be required by the Collector for considering the application.

6. Collector to decide application :-

On receipt of an application, the Collector may, after due enquiry and after taking into consideration the interests of all persons already authorised or permitted to use water, for such non-

agricultural purpose either grant the permission applied for subject to the payment of water rate at the rate sanctioned by the Government from time to time under Section 70 of the Code, or after recording his reasons, refuse the permission.

Provided that, no permission shall be refused unless the applicant is given a reasonable opportunity of being heard.

7. Penalty :-

Any person committing a breach of the provisions of any of these rules shall, in addition to any other consequences that would ensue from such breach be punishable with such fine not exceeding Rs. 200 if the water is used for an irrigation purpose, and not exceeding Rs. 1,000 if it is used for any other purpose, as the Collector may, after giving such person an opportunity to be heard, deem fit to impose.