

**Tamil Nadu Municipal Laws And The Chennai Metropolitan
Area Groundwater (Regulation) Amendment Act, 2014**

23 OF 2014

[03 September 2014]

CONTENTS

PART 1 :- PRELIMINARY

1. Short title and commencement

**PART 2 :- AMENDMENTSTO THE TAMIL NADU DISTRICT
MUNICIPALITIES ACT, 1920**

2. Amendment of section 223
3. Insertion of new sections 223-A and 223-B
4. Insertion of new sections 316-A

**PART 3 :- AMENDMENTSTO THE MADURAI CITY MUNICIPAL
CORPORATION ACT, 1971**

5. Amendment of section 331
6. Insertion of new sections 331-A and 331-B
7. Insertion of new section 446-A

**PART 4 :- AMENDMENTSTO THE COIMBATORE CITY MUNICIPAL
CORPORATION ACT, 1981**

8. Amendment of of section 331
9. Insertion of new sections 331-A and 331-B
10. Insertion of new section 445-A

**PART 5 :- AMENDMENTSTO THE CHENNAI METROPOLITAN AREA
GROUNDWATER (REGULATION) ACT, 1987**

11. Amendment of section 3
12. Insertion of new section 4-A
13. Insertion of new section 10-A

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An Act further to amend the Laws relating to the Municipal Corporations and Municipalities and the Chennai Metropolitan Area Groundwater (Regulation) Act.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

PART 1 PRELIMINARY

1. Short title and commencement :-

(1) This Act may be called the Tamil Nadu Municipal Laws and the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2014.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART 2 AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920

2. Amendment of section 223 :-

In section 223 of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act),-

(1) in the marginal heading, the expression "wells" shall be omitted;

(2) in sub-section (1), the expression "well" shall be omitted.

3. Insertion of new sections 223-A and 223-B :-

After section 223 of the 1920 Act, the following sections shall be inserted, namely:-

"223-A. Grant of permit to sink well.-

(1) No person shall, either himself or through any person on his behalf engage in sinking any well in any area of third grade municipality, town panchayat or municipality for any purpose without obtaining a permit from the executive authority:

Provided that this sub-section shall not apply for sinking of well for domestic purpose:

Provided further that this sub-section shall not apply to the revenue villages specified in the Schedule to the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1987).

(2) Any person desiring to sink a well shall apply to the executive authority, for grant of permit for this purpose and shall not proceed

with any activity connected with such sinking of well, unless a permit has been granted by the executive authority.

(3) Every application for grant of permit shall be made in such form and contain such particulars as may be prescribed, and shall be accompanied by such fee not exceeding five thousand rupees, as may be prescribed.

(4) On receipt of an application under sub-section (2), the executive authority may grant, subject to such conditions and restrictions as it may specify, a permit authorising sinking of well or refuse to grant such permit: Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the executive authority to the applicant within such period as may be prescribed.

(6) Any person aggrieved by the decision of the executive authority under sub-section (5) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the State Government, by notification, in this behalf.

(7) The owner of every well in use or disuse shall follow such safety measures, as may be prescribed.

223-B. Grant of certificate of registration.-

(1) Every person desiring to carry on the business of sinking well in any area of third grade municipality, town panchayat or municipality shall apply to the Collector for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees, as may be prescribed.

(3) On receipt of an application under sub-section (1), the Collector may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration:

Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the Collector to the applicant within such period as may be prescribed.

(5) Any person aggrieved by the decision of the Collector under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the

State Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed.

Explanation.-For the purpose of sections 220, 223-A and 223-B,-

(a) "sink" with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;

(b) "well" means a well sunk for search or extraction of groundwater and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, but does not include a well sunk by the State Government or Central Government for carrying out scientific investigation, exploration, development or management work for the survey and assessment of groundwater resources;

(c) "person" includes a company or association of individuals, whether incorporated or not."

4. Insertion of new sections 316-A :-

After section 316 of the 1920 Act, the following section shall be inserted, namely:-

"316-A. Penalty for sinking well without permit or registration.-

Whoever contravenes any of the provisions of section 223-A or 223-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees."

PART 3 AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971

5. Amendment of section 331 :-

In section 331 of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act),-

(1) in the marginal heading, the expression "wells" shall be omitted;

(2) in sub-section (1), the expression "well" shall be omitted.

6. Insertion of new sections 331-A and 331-B :-

After section 331 of the 1971 Act, the following sections shall be inserted, namely:-

"331-A. Grant of permit to sink well.-

(1) No person shall, either himself or through any person on his behalf engage in sinking any well in any area in the city of Madurai for any purpose without obtaining a permit from the commissioner: Provided that this sub-section shall not apply for sinking of well for domestic purpose.

(2) Any person desiring to sink a well shall apply to the commissioner, for grant of permit for this purpose and shall not proceed with any activity connected with such sinking of well, unless a permit has been granted by the commissioner.

(3) Every application for grant of permit shall be made in such form and contain such particulars as may be prescribed, and shall be accompanied by such fee not exceeding five thousand rupees, as may be prescribed.

(4) On receipt of an application under sub-section (2), the commissioner may grant, subject to such conditions and restrictions as he may specify, a permit authorising sinking of well or refuse to grant such permit:

Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the commissioner to the applicant within such period as may be prescribed.

(6) Any person aggrieved by the decision of the commissioner under subsection (5) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(7) The owner of every well in use or disuse shall follow such safety measures, as may be prescribed.

331-B. Grant of certificate of registration.-

(1) Every person desiring to carry on the business of sinking well in any area in the city of Madurai shall apply to the commissioner for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees, as may be prescribed.

(3) On receipt of an application under sub-section (1), the commissioner may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration: Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the commissioner to the applicant within such period as may be prescribed.

(5) Any person aggrieved by the decision of the commissioner under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking of well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed.

Explanation.-For the purpose of sections 329, 331-A and 331-B,-

(a) "sink" with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;

(b) "well" means a well sunk for search or extraction of groundwater and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, but does not include a well sunk by the Government or Central Government for carrying out scientific investigation, exploration, development or management work for the survey and assessment of groundwater resources;

(c) "person" includes a company or association of individuals, whether incorporated or not."

7. Insertion of new section 446-A :-

After section 446 of the 1971 Act, the following section shall be inserted, namely:-

"446-A. Penalty for sinking well without permit or registration.-

Whoever contravenes any of the provisions of section 331-A or 331-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees."

PART 4 AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981

8. Amendment of section 331 :-

In section 331 of the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act),-

(1) in the marginal heading, the expression "wells" shall be omitted;

(2) in sub-section (1), the expression "well" shall be omitted.

9. Insertion of new sections 331-A and 331-B :-

After section 331 of the 1981 Act, the following sections shall be inserted, namely:-

"331-A. Grant of permit to sink well.-

(1) No person shall, either himself or through any person on his behalf engage in sinking any well in any area in the city of Coimbatore for any purpose without obtaining a permit from the commissioner: Provided that this sub-section shall not apply for sinking of well for domestic purpose.

(2) Any person desiring to sink a well shall apply to the commissioner, for grant of permit for this purpose and shall not proceed with any activity connected with such sinking of well, unless a permit has been granted by the commissioner.

(3) Every application for grant of permit shall be made in such form and contain such particulars as may be prescribed, and shall be accompanied by such fee not exceeding five thousand rupees, as may be prescribed.

(4) On receipt of an application under sub-section (2), the commissioner may grant, subject to such conditions and restrictions as he may specify, a permit authorising sinking of well or refuse to grant such permit:

Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the commissioner to the applicant within such period as may be prescribed.

(6) Any person aggrieved by the decision of the commissioner under subsection (5) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(7) The owner of every well in use or disuse shall follow such safety measures, as may be prescribed.

331-B. Grant of certificate of registration.-

(1) Every person desiring to carry on the business of sinking well in any area in the city of Coimbatore shall apply to the commissioner for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding

fifteen thousand rupees, as may be prescribed.

(3) On receipt of an application under sub-section (1), the commissioner may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration: Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the commissioner to the applicant within such period as may be prescribed.

(5) Any person aggrieved by the decision of the commissioner under subsection (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed.

Explanation.-For the purpose of sections 329, 331-A and 331-B,-

(a) "sink" with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;

(b) "well" means a well sunk for search or extraction of groundwater and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, but does not include a well sunk by the Government or Central Government for carrying out scientific investigation, exploration, development or management work for the survey and assessment of groundwater resources;

(c) "person" includes a company or association of individuals, whether incorporated or not."

10. Insertion of new section 445-A :-

After section 445 of the 1981 Act, the following section shall be inserted, namely:-

"445-A. Penalty for sinking well without permit or registration.-Whoever contravenes any of the provisions of section 331-A or 331-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees."

PART 5 AMENDMENTS TO THE CHENNAI METROPOLITAN AREA GROUNDWATER (REGULATION) ACT, 1987

11. Amendment of section 3 :-

In section 3 of the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987 (hereafter in this Part referred to as the 1987 Act), after sub-section (7), the following sub-section shall be added, namely:-

"(8) The owner of every well in use or disuse shall follow such safety measures, as may be prescribed."

12. Insertion of new section 4-A :-

After section 4 of the 1987 Act, the following section shall be inserted, namely:-

"4-A. Grant of certificate of registration.-(1) Every person desiring to carry on the business of sinking well in the scheduled area shall apply to the competent authority for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees, as may be prescribed.

(3) On receipt of an application under sub-section (1), the competent authority may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration: Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the competent authority to the applicant within such period as may be prescribed.

(5) Any person aggrieved by the decision of the competent authority under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed."

13. Insertion of new section 10-A :-

After section 10 of the 1987 Act, the following section shall be inserted, namely:-

"10-A. Penalty for sinking well without permit or registration.-

Notwithstanding anything contained in section 10, whoever contravenes any of the provisions of section 3 or 4-A or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees."