

**ANDHRA PRADESH (TELANGANA AREA) RAILWAYS,
GOVERNMENT IRRIGATION SOURCES AND OTHER PUBLIC
BUILDINGS PROTECTION ACT, 1321**

1 of 1321

[8th Thir, 1321F]

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WHEREAS, it is expedient to protect the railway lines, Government irrigation sources and other public buildings against injury from the escape and over flow of water which may not be due to extraordinary storm, from rivers, tanks, channels or irrigation sources, situated within the Telangana area of the State of Andhra Pradesh; It is hereby enacted as follows

1. Short title, commencement and extent :-

This Act may be called the Andhra Pradesh (Telangana Area) Railways, Government Irrigation Sources and other Public Buildings Protection Act, 1321 F. and it shall come into force in the Telangana area of the State of Andhra Pradesh from the date of its publication in the Official Gazette.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,

(1) Omitted.

(2) the word "landholder" includes Makhtadars, Inamdars, Dastbandars, Pattadars and Banjardars;

(3) the word "railway" means a railway used for public conveyance of passengers or goods and includes:

(a) all lands situated within the fence or other boundry marks, which shall be laid under the Indian Railways Act No. IX of 1890;

(b) railway lines, extra sidings or branches worked over for the purpose of or in connection with a railway;

(c) all stations, offices, warehouses, machinery fixed in the ground and other buildings constructed for the purpose of or in connection

with a railway;

(4) the words "public buildings" also include bridges whether under the supervision of the Government or any local authority;

(5) the words "irrigation sources" mean and include tanks, ponds, rivers, brooks, embankments, sluices, weirs, revetments and other sources of like description;

(6) the words "Superintending Engineer" means the District Superintending Engineer incharge of irrigation work.

3. Collector and Superintending Engineer may inspect irrigation sources :-

The Collector or any officer, not below the rank of a Deputy or Assistant Collector appointed by him for the work or any Superintending Engineer may, at any time, enter upon the land of any landholder and inspect or cause to be inspected any irrigation sources which shall be so situated on such land that any railway, Government irrigation sources or other public buildings are liable to be injured from the overflow or escape of water therefrom.

4. When Collector considers necessary to have any work executed to protect any railway, Government irrigation sources of public building, he shall cause plan and estimate of proposed work to be prepared :-

When it appears to the Collector, after consultation with the Superintending Engineer that any work should be executed in respect of any irrigation sources, situate on the land of any landholder for the protection of any railway, Government irrigation sources or other public building against the overflow or escape of water, which is not the result of any extraordinary storm, he shall cause to be prepared plan and estimates thereof, specifying the work which, having regard to the safety of the railway lines, Government irrigation sources, other public buildings and the interest of the landholder and other persons concerned, he may think necessary, and he shall also draw a statement showing with reasons, the proportion in which in his opinion, the landholder in possession of or having control over the said irrigation sources shall contribute towards the expenses for executing the work. The statement shall contain the estimated cost of the proposed work together with the following particulars:

(1) A description of the irrigation sources in respect of which the work is to be executed.

(2) The name of the landholder who, to the Collector's knowledge and belief, is in possession of or has control over such irrigation sources.

(3) The proportion of the estimated expenditure which is to be borne by the landholder.

(4) The portion of the estimated expenditure which is to be borne by the local authority or the Government. The Collector shall have the statement translated in the language spoken in the district and cause copies thereof to be fixed at a conspicuous place or places in the village or villages to which the said sources belong.

5. Collector to send plan and estimate to landholder concerned with order to execute work or show cause why he should not execute it :-

The Collector shall, upon the preparation of the Plan, estimate and statement referred to in the preceding section, send copies thereof to the landholder mentioned in the statement as being in possession of or having control over the said irrigation sources and shall also order in writing requiring the landholder to execute within a reasonable time mentioned in the order the work specified in such plan and estimate or to represent to the Collector in writing, or personally or through an agent or attorney and show cause why he should not execute the same.

6. Collector may cancel or modify order :-

If the landholder, after making objection in writing or through an agent or attorney satisfies the Collector, after such inquiry as he thinks fit, that the irrigation source specified in the statement is not wholly or partly in his possession or control or that the work other than the work proposed may be carried out for protection of the Government irrigation sources or other public building or that the whole or any part of the cost demanded from him to carry out the proposed work, should not be charged to the area the Collector shall cancel or modify his order.

7. If order is upheld Collector to call upon landholder by notice to execute work :-

If the Collector does not cancel the order, he shall send a notice to the aforesaid landholder requiring him to carry out, within such reasonable time, to be specified in the notice, as may be sufficient for the completion of work mentioned in the original or modified order; a copy of the order to be carried out, shall be enclosed with

the notice.

8. Persons concerned may submit objections to Collector as to nature of proposed work :-

Pending inquiry by the Collector or within 60 days from the date when the copy of the notice is affixed in the aforesaid manner all concerned persons may submit their objections to the Collector in regard to the nature of the proposed work.

9. If landholder fails to execute work, Collector shall report the matter to Government who may direct execution thereof :-

If the work mentioned in the order specified in Section 7 is not executed within the fixed period, the Collector shall report the matter to the Government in the Finance Department who may direct that the proposed work be carried out or may pass any other suitable order. A copy of the order of the Government shall be caused to be served on the column landholder and it shall also be published in the Official Gazette.

10. After execution of work, memorandum for payment of cost thereof to be served on landholder :-

After the execution of work as required by Section 9, the Collector shall cause to be served upon the column landholder a memorandum showing the total cost incurred in the execution of the work and also the sum which is required to be paid, in the opinion of the Collector, by the landholder. A notice requiring payment of amount within a period specified therein shall also be sent along with the memorandum.

11. Procedure in case of emergency :-

(1) If the Collector has reason to believe that the immediate execution of any work in respect of any irrigation sources in the possession or under the control of a column landholder is necessary for protection against injury by flood, which may not be due to extraordinary storm, to any railway, Government irrigation sources or other public building and that the circumstances of the case do not permit of action first being taken under Sections 4 and 5 of this Act, the Collector shall, after recording reasons therefor, take immediate steps for the execution of such work. Thereafter, Collector shall, without unnecessary delay, prepare a report showing the grounds on which his opinion is based together with the material facts of the case; A copy of the said report shall be

caused to be served by the Collector upon the landholder, whom he believes to be in possession of or to have control over such irrigation sources and to it shall be appended a memorandum specifying the nature of the work, the total cost thereof and the sum which, in the opinion of the Collector the said landholder should pay. A notice calling upon him to pay such sum within the period fixed therein or to appear before the Collector and show cause why he should not be made to pay the same, shall also be appended.

(2) A copy of the said report, when prepared shall be submitted to the Government forthwith together with a copy of the memorandum appended thereto.

12. Collector to decide amount to be paid by landholder :-

If the landholder or their attorney, agent or secretary, show cause before the Collector under Section 11, the Collector shall, after such inquiry as he may deem fit, decide the amount to be paid by the landholder and shall cause a notice to be served upon him requiring him to pay the amount within the period fixed in the notice.

13. Collector may appoint Punch to determine liability of column landholder :-

When the Collector is holding an inquiry under Section 6 or Section 12, he may, on the application of the landholder appoint a Punch for the purposes of ascertaining whether the landholder is liable to payment and if so, to what extent. The number of such Punch including the Sarpanch, who shall be acceptable to both the parties, shall not exceed five and of the remaining Punch, half the number shall be nominated by the Collector and the other half by the landholder, and in case of difference over the appointment of Sarpanch, the decision of the Board of Revenue shall be final. The Collector may summon the Punch at such place and at such time as he thinks fit and may also fix the period within which they are to submit their opinion.

14. If landholder fails to pay amount Collector may recover it as arrears of land revenue :-

If any column landholder, to whom an order has been given under Sections 10, 11 or 12, neglects or refuses to pay the sum mentioned therein, whole or in part, the Collector may recover the sum from the sit column landholder like arrears of land revenue under the provisions of the Land Revenue Act.

15. Compensation to landholder for loss caused by execution of work :-

Any landholder or any other person shall be entitled to reasonable compensation for any loss or damage occasioned to him by, or in the course of the execution of work done, under Sections 5, 7, 9 or 11. The amount of compensation shall be fixed by the Collector after such inquiry as he may deem fit.

16. Collector may appoint Punch to settle compensation :-

For the purposes of inquiry, the Collector may, on the application of the claimant appoint Punch, not exceeding five in number including the Sarpanch, who shall be acceptable to both the parties, of the remaining Punch half the number shall be nominated by the Collector and half by the claimant. In the case of disagreement as to the appointment of Sarpanch, the decision of the Board of Revenue shall be final. The Collector may summon the Punch at such place and at such time as he thinks fit and may also fix a period within which they shall submit their opinion.

17. If landholder is dissatisfied with compensation awarded he may have arbitrator appointed :-

(1) In the event of the Collector and the column landholder or other person, being unable to come to an agreement as to the amount of compensation, the said column landholder or other person may apply that the amount of compensation be fixed by an arbitrator.

(2) The Government, when it disagrees with the amount of compensation fixed by the Collector and every landholder when he is not satisfied with any order mentioned in Section 10 or Section 12, may apply for the settlement of the matter by an arbitrator.

(3) On an application mentioned in sub sections (1) and (2) being made, the matter shall be referred to a Judge of the High Court or the District Judge who may be appointed as an arbitrator by the Government and his decision shall be final.

18. Notice, how to be served :-

Every notice issued under the provisions of this Act shall, as far as possible, be served on the person to whom it is addressed or if he is not present, shall be left at his usual or last known place of abode with some adult member of his family, servant or agent or may be sent by a registered letter or be affixed upon a conspicuous part of his usual or last known place of abode. When the notice is

so served it shall be deemed to have been duly presented or served.

19. Procedure when Collector is of opinion that portion of cost should be borne by the local authority or Government

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(1) When the Collector is of opinion that a portion of the awarded cost should be borne by the local authority or the Government, he shall forward a copy of the report to the concerned department.

(2) Within thirty days of the receipt of the copy of the report, the local authority or Government shall intimate to the Collector approval or disapproval of the work.

(3) If the the local authority approves the execution of the work, it shall pay the amount which the Collector has determined as payable by it and in case of disapproval, the matter shall be referred to the Finance Department for order of the Government and the order of the Government in this behalf shall be final.

20. When Collector considers work in respect of any irrigation source under control of Government should be executed for protection of railway, Government Irrigation sources or public building he shall report to Government :-

(1) Whenever it shall appear necessary to the Collector that any work should be executed in respect of any irrigation sources under the control of the Government for the protection of any railway, Government irrigation sources or other public building, he shall at once report the matter to the Government in the Finance Department and suitable orders in this behalf shall be issued by the Government.

(2) Omitted

21. Damage not to be claimed for breach of this Act :-

Nothing herein contained shall entitle Railway Administration or local authority to claim damages for breach of the provisions of this Act.

22. Government may confer upon Deputy or Assistant Collector powers of Collector :-

The Government may by notification, authorise any Deputy or Assistant Collector to exercise any powers of a Collector vested in him under this Act.

