

The Bihar Irrigation Act

Section 45 - Divisional Canal Officer may authorise supply

1) Whenever application is made to a Divisional Canal Officer for supply of water from an irrigation work, and it appears to him expedient that such supply should be given and that it should be conveyed through some village channel, he shall give notice to the persons responsible for the maintenance of such village channel to show cause on a day not less than fourteen days from the date of such notice, why the said supply should not be so conveyed, and, after making enquiry on such day, the Divisional Canal Officer shall determine whether and on what conditions the said supply shall be conveyed through such village channel; Provided that such application is made for lands already included in the irrigation work.(2) Any person, aggrieved by the determination of the Divisional Canal Officer, may prefer an appeal to the Superintending Engineer within thirty days of such determination.(3) When the Divisional Canal Officer determines that supply of water of an irrigation work may be conveyed through any village channel as aforesaid, his decision shall, when confirmed or modified by the Superintending Engineer on appeal, be binding on the applicant and also on the person responsible for the maintenance of the said village channel.(4) Such applicant shall not be entitled to use such village channel until he has paid the expense of any alteration of such village channel necessary in order to his being supplied through it, and also such share of the first cost of such village channel as the Divisional Canal Officer or, as the case may be, Superintending Engineer may determine. (5) Such applicant shall also be liable for his share of the cost of maintenance of such village channel so long as he uses it.(6) The Canal Officer shall fix a sum as rent to be paid for the use of suchSection 46 - village channel to the owner