

Bengal Development Act, 1935

Section 32 - Power to modify obstructions to the passage of water through or over land

section 35, incidental to the exercise of such powers shall be applicable mutatis mutandis so far as they may reasonably be applied. 1) The 2222. Words "Provincial Government" subs, for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950. [State Government] may, by notification, declare that in any area specified in the notification every person shall be bound, for irrigation purposes or for the drainage of land which has been irrigated, to afford a free passage to water through or over any land in his possession or under his control 2323. Words ins. by W.B. Act 1 of 1963. [and, for that purpose, to allow, when so required by the Collector by order made in this behalf, the construction and maintenance of such channels as may be necessary without causing unnecessary loss or damage to such land.] 2424. Sub-sections (1A) and (IB) ins. by W. B. Act 1 of 1963. (1A) If any person refuses to comply with an order of the Collector under sub-section (1) for the construction or maintenance of any channel, the Collector may cause the channel to be constructed or maintained, as the case may be, and may recover the costs thereof from such person. 2424. Sub-sections (1A) and (IB) ins. by W. B. Act 1 of 1963. (1B) Notwithstanding anything contained in any other law for the time being in force, no person shall be entitled to claim any compensation for any damage or loss which may be caused as a result of the construction or maintenance of any channel under sub-section (1) or sub-section (1A). (2) After the issue of a notification under sub-section (1) the Collector, if in his opinion the free passage of water through or over any land in such area is necessary for irrigation purposes or for the drainage of land which has been irrigated, may, subject to rules made under this Act, from time to time issue a general or special order upon persons who have such land in their possession or under thie control to modify, in such manner and within such period as may be specified in the order, any artificial obstruction that exists on such land 2525. Words, figures, letter and brackets ins. by W.B. Act 1 of 1963. [or in any channel constructed thereon under sub-section (1) or sub-section (1A)] to such free passage, or to show cause against such order. (3) If the Collector is not satisfied with any cause that may have been shown, he shall fix a further period within which the obstruction shall be modified. (4) If any person fails to comply with an order under sub-section (2) or sub-section (3), or under