



# THE CEYLON GOVERNMENT GAZETTE

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## PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

	PAGE		PAGE
Governor's Ordinances .. .. .	—	Council of Legal Education Notices .. .. .	—
Supreme Court Notices .. .. .	—	Notices in Insolvency Cases .. .. .	723
Passed Ordinances .. .. .	695	Notices of Fiscals' Sales .. .. .	723
Draft Ordinances .. .. .	721	Notices in Testamentary Actions .. .. .	724
Notifications of Criminal Sessions of the Supreme Court .. .. .	..	List of Notaries .. .. .	..
District and Mines Courts Notices .. .. .	723	Miscellaneous .. .. .	..

### PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

No. 32 of 1946.

An Ordinance to amend and consolidate the law relating to Irrigation.

J. C. HOWARD.

#### TABLE OF SECTIONS.

Section.

1. Short title and date of operation.

#### PART I.

##### *Irrigation Rates.*

2. Irrigation rates.

#### PART II.

##### *District Agricultural Committees.*

3. Constitution of District Agricultural Committees.
4. Duties of District Agricultural Committees.
5. Regulations.

##### *Advisory Committees.*

6. Election of Advisory Committees.
7. Persons entitled to vote at meetings under section 6.
8. Members of Advisory Committees.
9. Filling of vacancies.
10. Government Agent to consult Advisory Committee.

#### PART III.

##### *Meetings of Proprietors.*

11. Powers of proprietors within irrigable area or tract.
12. Powers of proprietors of manawari lands.
13. Power of Government Agent to make rules in certain cases.
14. Approval, and publication of rules.
15. Approval of resolutions.
16. Power to appoint a committee to make rules.
17. Register of absent proprietors.
18. Proxies.
19. Summoning of meetings.
20. Notice of meetings.
21. Constitution of meetings.
22. Presiding officer.

#### PART IV.

##### *Irrigation Headmen.*

23. Irrigation headmen's divisions.
24. Irrigation headmen.
25. Election or appointment of headmen.
26. Dismissal of headmen.
27. Filling of vacancies.
28. Discontinuance of headmen.
29. Duties of headmen.
30. Mode of recovering expenditure incurred by headmen.
31. Payment to irrigation headmen.

## PART V.

*Construction and Maintenance of Irrigation Works.**General Provisions.*

## Section.

32. Irrigation schemes.
33. Scope of irrigation schemes.
34. No rate to be imposed or varied without approval of proprietors.
35. Expenses of maintenance of irrigation work.
36. Extension of irrigation work.
37. Publication of scheme or proposal.
38. Reference of certain questions to arbitration.
39. Court of arbitration.
40. Procedure to be free from formalities.
41. Terms of reference.
42. Decision of court of arbitration.
43. Saving of mutual rights and obligations of Crown and proprietors.
44. Saving of rights of the Crown.

*Special Provisions applicable to Major Irrigation Works.*

45. Confirmation of scheme.
46. Rates to be variable in accordance with scheme.
47. Saving of rights of proprietors of original irrigable area.
48. Adjustment of expenses of maintenance.
49. Specifications.
50. Procedure in case of default in making specification.
51. Procedure on correction of irregularity, informality or defect.
52. Seepage rates.
53. Irrigation by mechanical appliances, and rates therefor.
54. Special irrigation rates.
55. Maintenance rates.
56. Power to exempt work from maintenance rates.
57. Consolidated irrigation rates.
58. Power to remit rate.
59. Payment of contributions in kind.

*Special Provisions applicable to Minor Irrigation Works.*

60. Confirmation of scheme.
61. Defective maintenance of minor irrigation work connected with major irrigation work.
62. Defective maintenance of other minor irrigation works.

## PART VI.

*Protection of Irrigation Works and Conservation of Water.*

63. Regulations for the protection of works and conservation of water.
64. Removal of obstruction or encroachment.
65. Recovery of expenses.
66. Reference to arbitration.
67. Representation of cultivators.
68. Arbitrators.
69. Duty of arbitrators.
70. Award of arbitrators.
71. Fees.
72. Enforcement of award.
73. Power of Government Agent to carry out order of arbitrators.
74. Liability where irrigation work is damaged or water is used without authority or is wasted by a person who cannot be identified.

## PART VII.

*Recovery of Money due.*

75. Register of proprietors.
76. Payment of contributions.
77. Recovery of contributions, &c.
78. Notice of seizure and sale.
79. When seizure of land not to be made.
80. Property exempt from seizure and sale.
81. Movable to be sold first.
82. Sale of immovable property.
83. Upset price.
84. Keeping a person in charge of property seized.
85. Costs of seizure and sale.
86. Steps to be taken after sale.
87. Power to purchase on behalf of the Crown.
88. Cancellation of sale.
89. Re-sale by Crown.
90. Summary ejection of persons in unlawful possession of land sold under this Part.
91. Rights of mortgagees.

## PART VIII.

*Offences.*

92. Causing obstruction or damage to irrigation work or waste of water.
93. Default, negligence or malicious acts of irrigation headmen.
94. Resisting irrigation headmen in the execution of their duty.
95. Breaches of rules or regulations or of established custom.

*Trial of Offences.*

96. Trial of offences.
97. Additional powers of Rural Courts.
98. Powers of Irrigation Tribunal, Government Agent or other

## Section.

99. Issue of summonses and warrants.
100. President of Irrigation Tribunal.
101. Councillors.
102. Proceedings before Irrigation Tribunal to be summary and free from formalities.
103. Representation of parties.
104. Proceedings to be filed of record.
105. Procedure on conclusion of trial.

*Miscellaneous.*

106. Appeals.
107. Duties of Fiscal.
108. Application of Rural Courts Ordinance.
109. Appropriation of fines and penalties.
110. Rules.
111. Proceedings before Government Agent or authorised person.

## PART IX.

*General.*

112. Acquisition of land.
113. Appointment of officers by Government Agent.
114. Plan or survey of channels, water courses, and tanks to be conclusive.
115. Validation of variable irrigation rates in respect of certain lands.
116. Regulations.
117. Interpretation.
118. Savings.
119. Repeals.

L. D.—O. 109/38.

**An Ordinance to amend and consolidate the law relating to Irrigation.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Irrigation Ordinance, No. 32 of 1946, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

Short title and date of operation.

## PART I.

*Irrigation Rates.*

2. (1) An irrigation rate under this Ordinance, with reference to any land to which it relates, is a charge in favour of the Crown imposed upon the land in respect of water supplied, or to be supplied to such land or in respect of the cost of or incidental to, the construction or maintenance of any major irrigation work benefiting or intending to benefit, such land, or of all or any of such matters in combination.

Irrigation rates.

(2) Any charge referred to in sub-section (1) may be imposed—

- (a) by the instrument under which the land is granted, leased, held, or occupied at the time of such grant or lease, or the commencement of such tenancy or occupation ; or
- (b) by express agreement between the Crown and the owner, lessee, tenant, or occupier of the land ; or
- (c) by resolution of the majority of the proprietors of the irrigable area or tract in which the land is comprised, in pursuance of and subject to, the provisions of this Ordinance ; or
- (d) by any other method by which under any special provision of this Ordinance an irrigation rate may be imposed.

(3) Any charge referred to in sub-section (1) may be either in perpetuity or for a limited period, or in the case of a lease, tenancy, or occupancy, for the term of such lease, tenancy, or occupancy, and may be either conditional or unconditional, and may be either for a fixed amount, or may be subject to estimate, measurement, or variation in accordance with the provisions of this Ordinance and the terms of the instrument, agreement, resolution, or order by which it is imposed.

(4) Every charge referred to in sub-section (1) shall be binding on the land and every part thereof ; and such land and every part thereof, and the proprietors of such land and every part thereof, shall be liable for the payment of the said charge into whosoever hands the ownership, possession, tenancy, or occupancy of such land or any part thereof under any circumstances may at any time pass, until such charge is extinguished, and notwithstanding anything to the contrary in any written law other than this Ordinance, such charge shall have priority over all mortgages, hypothecations, incumbrances, and charges whatsoever, whether antecedent in date or otherwise, affecting the land.

## PART II.

*District Agricultural Committees.*

- Constitution of District Agricultural Committees.** 3. There shall be constituted in each revenue district a District Agricultural Committee which shall consist of a Chairman, who shall be the Government Agent, and the holders of such other offices and the representatives of such interests as may be prescribed.
- Duties of District Agricultural Committees.** 4. It shall be the duty of a District Agricultural Committee to advise the Government Agent on all matters affecting or incidental to irrigation and paddy cultivation within the district, and on all other matters relating to agriculture, which the Government Agent may refer to the Committee for advice.
- Regulations.** 5. (1) Regulations may be made for or in respect of all or any of the following matters:—
- (a) the period during which members of a District Agricultural Committee are to hold office;
  - (b) the conduct of business by the Committee;
  - (c) the procedure to be followed at meetings of the Committee; and
  - (d) any other matter connected with or incidental to the matters specifically mentioned in this sub-section.
- (2) Subject to any regulations made under sub-section (1), a District Agricultural Committee may regulate its own procedure.

*Advisory Committees.*

- Election of Advisory Committees.** 6. (1) The Government Agent may, in his discretion, summon a meeting of the proprietors within any irrigable area or tract, or of the proprietors of manawari lands situated in any village area, to elect an Advisory Committee for the purpose of advising him upon matters connected with irrigation or paddy cultivation in such irrigable area, tract, or village area.
- (2) In any case where owing to the extent of any irrigable area, or tract or village area, the Government Agent considers it inconvenient to summon all the proprietors within such irrigable area, tract or village area to one meeting under sub-section (1), he may divide such irrigable area, tract, or village area, as the case may be, into divisions of convenient size and summon a meeting of the proprietors within each such division.
- (3) Where more meetings than one are summoned under sub-section (2) for any irrigable area, tract or village area, the Government Agent shall take steps to ensure that each division elects its proportion of the Committee to make up the number for the entire irrigable area, tract or village area.
- Persons entitled to vote at meetings under section 6.** 7. At every meeting summoned under section 6, every proprietor within the irrigable area, tract, village area, or division for which the meeting has been summoned shall be entitled to vote.
- Members of Advisory Committees.** 8. (1) Every Advisory Committee shall consist of the Government Agent, who shall be the Chairman, the Director of Agriculture or a person nominated by him, the Director of Irrigation or a person nominated by him, and such number of persons, not being more than twelve nor less than three, as the Government Agent may in his discretion determine.
- (2) Every member of an Advisory Committee, other than the Government Agent, the Director of Agriculture or the person nominated by him and the Director of Irrigation or the person nominated by him, shall be elected by a majority of the votes of the proprietors present at the meeting summoned under section 6 for the purpose, and shall hold office for a period of five years.
- Filling of vacancies.** 9. Where any member of an Advisory Committee dies or resigns his office or neglects or refuses to act, or is convicted of any offence which, in the opinion of the Government Agent, disqualifies such member for holding office, it shall be lawful for the Government Agent to appoint a new member in his stead, and such new member shall hold office for the unexpired portion of the term of office of the member in whose stead he was appointed.
- Government Agent to consult Advisory Committee.** 10. It shall be the duty of the Government Agent—
- (a) to summon a meeting of the Advisory Committee of each irrigable area, tract or village area and consult such Committee on matters connected with irrigation or cultivation in such irrigable area, tract or village area, three times at least in each year or at such intervals as may be fixed by rules made under Part III, and
  - (b) to cause full minutes to be made of the proceedings of all such meetings and to cause such minutes to be kept on record at the Kachcheri.

## PART III.

*Meetings of Proprietors.*

11. (1) At a meeting of the proprietors within any irrigable area or tract, a majority of the proprietors present at such meeting shall have power—

Powers of proprietors within irrigable area or tract.

- (a) to make rules for all or any of the following purposes :—
- (i.) the encouragement, extension, regulation, or management of paddy cultivation or any other form of cultivation which is capable of being assisted by irrigation ;
  - (ii.) the enforcement of established customs affecting such cultivation ;
  - (iii.) the regulation of the powers, duties, remuneration and duration of office of irrigation headmen ;
  - (iv.) the regulation and assessment of the contributions of labour to be made by the proprietors for the purposes of works for the construction or maintenance of which the proprietors are, in whole or in part, responsible, and for the payment of money by way of commutation of the liability to make such contributions ; and
  - (v.) the maintenance, conservation, protection or management of the works referred to in paragraph (iv) ;
- (b) by resolution to approve of any scheme under Part V, or to impose or vary any irrigation rate in pursuance of any such scheme ;
- (c) by resolution to amend or rescind any resolution passed or deemed to be passed under this Ordinance, or to correct any irregularity, informality or defect in any proceeding at any earlier meeting of the proprietors of that area or tract ; and
- (d) to decide upon or otherwise deal with any question arising in connection with or in the operation of any scheme under this Ordinance, or any resolution passed at any meeting of proprietors under this Ordinance or under any previous Irrigation Ordinance, which may be referred to the proprietors by the Minister or the Government Agent.

(2) Rules made under this section may, if the majority of the proprietors so require, include rules making provision for the form of cultivation known as *betma* cultivation.

(3) No rules shall be made under this section for any purpose for which regulations are authorised to be made under section 63.

12. At a meeting of the proprietors of manawari lands situated in any village area, a majority of the proprietors present at such meeting shall have power to make rules for all or any of the following purposes :—

Powers of proprietors of manawari lands.

- (a) the regulation or management of such lands, and the conservation of rain water,
- (b) the enforcement of established customs affecting the cultivation of such lands,
- (c) the regulation of the powers, duties, remuneration and duration of office of irrigation headmen,
- (d) the regulation and assessment of the contributions of labour to be made by the proprietors for the purposes of the cultivation of such lands, and for the payment of money by way of commutation of the liability to make such contributions of labour.

13. Where, owing to the sparseness of the population or the inadequate attendance of the proprietors, no public meeting which in the opinion of the Government Agent is adequately representative of the proprietors within any irrigable area or tract, or of the proprietors of manawari lands within any village area, as the case may be, can be convened or held, the power to make rules accorded to a meeting of the proprietors by section 11 or section 12 may be exercised by the Government Agent in consultation with the District Agricultural Committee for all the purposes specified in those sections except the purposes specified in paragraph (a) (iv) of sub-section (1) of section 11 and paragraph (d) of section 12.

Power of Government Agent to make rules in certain cases.

14. (1) No rule made in pursuance of the provisions of this Part shall have effect until it is approved by the Executive Committee and notification of such approval is published in the *Gazette*. Every rule shall, upon notification of such approval in the *Gazette*, be as valid and effectual as if it were herein enacted.

Approval and publication of rules.

(2) Where notification of the approval of any rule is published in the *Gazette* under sub-section (1)—the Government Agent shall forthwith cause such rule to be published in the language or languages prevailing in the district in such manner as the Government Agent may in his discretion consider best adapted for bringing the terms and purport of such rule to the notice of the persons affected thereby,

**Approval  
of resolutions.**

15. (1) No resolution passed in pursuance of the provisions of this Part shall have effect until—

- (a) in the case of a resolution relating to a minor irrigation work, it is approved by the Government Agent, and
- (b) in the case of a resolution relating to a major irrigation work, it is approved by the Executive Committee.

(2) Notice of the fact that any resolution has been approved under sub-section (1) shall be given in such manner as may be prescribed.

**Power to  
appoint a  
committee to  
make rules.**

16. (1) A majority of the proprietors present at any meeting summoned for the purpose of making rules under this Part may appoint a committee, of such number as they may determine, to make rules on their behalf.

(2) All rules made by any committee appointed under sub-section (1) shall be deemed for the purposes of this Ordinance to be rules made by a majority of the proprietors.

(3) Regulations may be made prescribing the manner in which meetings of a committee appointed under sub-section (1) shall be summoned, and the procedure to be followed at such meetings.

**Register  
of absent  
proprietors.**

17. (1) A register shall be kept, at the *Kachcheri* of every revenue district in which irrigation works are situated, of all proprietors of lands under such irrigation works who are resident outside such district and who may desire to have their names entered in such register.

(2) Every proprietor referred to in sub-section (1) shall be entitled to have his name and address entered in the register kept under that sub-section, on payment of an annual fee of one rupee.

**Proxies.**

18. (1) Any proprietor may, by proxy in writing, authorise any other person to represent him and to vote on his behalf at any meeting of proprietors held under the provisions of this Ordinance or any rule or regulation made thereunder; and a proprietor who is so represented at any such meeting shall be deemed to be present thereat for the purpose of determining whether the meeting is validly constituted or whether any rule or resolution has been duly passed by a majority of proprietors.

(2) Every proxy given for the purposes of sub-section (1) shall be signed by the proprietor giving it and shall be attested by two witnesses.

(3) The Government Agent or other officer presiding at the meeting shall have full power to determine the validity of any proxy presented at any such meeting, and his decision shall be final and conclusive.

**Summoning  
of meetings.**

19. (1) The Government Agent may of his own motion summon a meeting of the proprietors within any irrigable area or tract or of the proprietors of manawari lands situated in any village area.

(2) The Government Agent shall, on receipt of a written requisition of the proprietors representing one-fifth or more of the acreage of any irrigable area or tract, or of the manawari lands situated in any village area, summon a meeting of the proprietors of such irrigation area, tract, or lands, as the case may be.

**Notice of  
meetings.**

20. (1) When any meeting is to be held under the provisions of this Ordinance or any rule or regulation made thereunder, the Government Agent shall cause notice (being the longest notice which, in his opinion, is reasonable in the circumstances) to be given of the time and place of the meeting and its objects.

(2) The notice referred to in sub-section (1) shall be given by beat of tom-tom or by exhibiting written notices in the language or languages of the district in suitable places within the area or tract or in such other manner as may appear to the Government Agent to be best adapted for giving publicity thereto.

(3) Where written notices of a meeting are exhibited under sub-section (2), a copy of such notice shall be sent to the Chairman of every village committee constituted within the revenue district in which such meeting is to be held.

(4) Where a person whose name is entered in the register kept under section 17 is entitled to attend any meeting of proprietors held under the provisions of this Ordinance or any rule or regulation made thereunder, the Government Agent shall give notice of such meeting to such person by means of a registered letter directed to the address specified in the register.

21. (1) A meeting which is held under the provisions of this Ordinance or any rule or regulation made thereunder shall not be deemed to be validly constituted unless there are present at least fifty proprietors or proprietors representing one-fifth of the acreage affected by any matter to be discussed at the meeting.

Constitution  
of meetings.

(2) Where at any meeting held under the provisions of this Ordinance or any rule or regulation made thereunder, the owner or any person representing the owner of any land is present together with any lessee, cultivator or occupier of such land under such owner, or where any lessee of such land is present together with any cultivator or occupier under such lessee, the number of the persons claiming under owners or lessees, as the case may be, or the votes of such persons shall not be reckoned in computing the number of persons present or the number of votes.

22. (1) The Government Agent or a person generally or specially authorised by him and referred to by name or by office shall preside at every meeting held under the provisions of this Ordinance or any rule or regulation made thereunder. The Government Agent or the person so authorised is hereinafter referred to as the "presiding officer". Full minutes shall be made of the proceedings at every such meeting and shall be signed by the presiding officer and shall be kept on record at the Kachcheri.

Presiding  
officer.

(2) If at any meeting held under the provisions of this Ordinance or any rule or regulation made thereunder any question arises as to the right of any person to vote, the presiding officer may then and there decide the question, and his decision shall be entered in the minutes and shall be final and conclusive.

#### PART IV.

##### *Irrigation Headmen.*

23. (1) For the purposes of the election of irrigation headmen, the Government Agent may divide—

Irrigation  
headmen's  
divisions.

- (a) each irrigable area in his province or any combination of such irrigable areas into divisions, and declare such divisions to be "irrigation divisions",
- (b) any manawari land or any combination of manawari lands in each village area into divisions, and declare such divisions to be "manawari divisions".

(2) Each irrigation division and each manawari division shall be of such size as the Government Agent may deem convenient for the purposes of administration.

24. For each irrigation division and for each manawari division there shall be one or more irrigation headmen whose duty it shall be, subject to the direction and control of the Government Agent—

Irrigation  
headmen.

- (a) to attend to all matters, connected with the irrigation and cultivation of the lands within that division, and the preservation of rights and the maintenance of irrigation works connected therewith; and
- (b) to prevent, as far as practicable, any act or omission which is contrary to any rules or regulations in force under this Ordinance or to established customs relating to irrigation or cultivation, or whereby damage may be caused to any of the proprietors:

Provided that, notwithstanding anything contained in the preceding provisions of this section, the Government Agent may, if in his opinion it is not advisable to proceed to the election of an irrigation headman for any division, refrain from doing so for such time as the Government Agent may think proper.

25. (1) Every irrigation headman for any irrigation division or for any manawari division shall be elected by a majority of the proprietors within the division at a meeting of such proprietors summoned by the Government Agent for the purpose.

Election or  
appointment  
of headmen.

(2) In any case where no person is elected at any meeting referred to in sub-section (1) for the office of headman, the Government Agent shall himself appoint a person to such office.

(3) No person who is not a proprietor within the division or who has been convicted of any offence which, in the opinion of the Government Agent, disqualifies such person for holding office, shall be eligible to be elected or appointed a headman, and no person who has been dismissed under section 26 for misconduct or neglect of duty shall be so eligible except with the previous consent of the Government Agent.

(4) A letter of appointment signed by the Government Agent shall be issued to every person who is elected or appointed an irrigation headman.

**Retirement and dismissal of headmen.** 26. (1) The Government Agent may at any time dismiss any headman, elected or appointed, or deemed to be elected or appointed, under this Ordinance, who is guilty of any misconduct or neglect of duty, or who is convicted of any offence which, in the opinion of the Government Agent, disqualifies such headman for holding office.

(2) The Government Agent may at any time call upon any headman elected or appointed, or deemed to be elected or appointed, under this Ordinance, to retire from office if in the opinion of the Government Agent such headman is unable to discharge efficiently the duties of his office; and every headman who is so called upon to retire shall forthwith retire from office and if he fails to do so, may be dismissed by the Government Agent.

**Filling of vacancies.** 27. In the event of any vacancy occurring in the office of irrigation headman in consequence of the death, retirement, resignation or dismissal of the holder thereof, or otherwise, the Government Agents shall cause such vacancy to be filled by the election or the appointment of a headman in the manner provided in section 25, and it shall be lawful for the Government Agent to appoint a person to act as headman until the vacancy is so filled.

**Discontinuance of headmen.** 28. If in the opinion of the Government Agent, there has, in any division for which an irrigation headman has been elected or appointed, ceased to be any need for the services of such headman, the Government Agent may summon a meeting of the proprietors within the division for the purpose of deciding the matter, and if the majority of the proprietors within the division decide that such services are not required such headman shall thereupon cease to hold office and to exercise and perform any of the powers and duties conferred or imposed upon irrigation headmen by or under this Ordinance or any rule or regulation made thereunder.

**Duties of headmen.** 29. (1) Where in any irrigation division or manawari division any act is committed or any omission made which is contrary to any established custom or any rule or regulation relating to irrigation or cultivation, or whereby damage may be caused to any of the proprietors within any division, the headmen of that division shall, if the act or omission be of such a nature as to call for prompt action to prevent damage, take such steps as may be necessary in the circumstances, and shall forthwith report the matter to the Government Agent.

(2) No action taken by a headman under sub-section (1) shall be deemed to preclude an investigation, under the provisions of Part VIII, into the act or omission in consequence of which such action has been taken.

**Mode of recovering expenditure incurred by headmen.** 30. (1) Where a headman, acting under section 29, or any officer acting in pursuance of any regulation made under Part VI, incurs any expenditure in the execution of his duty, and the person in consequence of whose act or omission such expenditure was incurred denies his liability to pay the amount incurred, or fails to pay such amount, the Government Agent may, on his being satisfied that such expenditure was properly incurred, and that it is reasonable, sign a certificate setting out the name of the person in consequence of whose act or omission such expenditure was incurred, the amount thereof, the nature of the act or omission, and the name of the headman or officer by whom the expenditure was incurred, and cause such certificate to be delivered to such person.

(2) Where any person to whom a certificate referred to in sub-section (1) has been delivered fails to pay the amount due from him within ten days from the delivery to him of the certificate, the Government Agent may proceed to recover such amount in the manner provided in Part VII.

**Payment to irrigation headmen.** 31. Subject to any rules made under Part III the Government Agent may, in his discretion, award remuneration to irrigation headmen for their services as such, either in kind from the produce of the division for which each such headman is elected or appointed, or in money, and the proprietors within such division shall be liable to make such remuneration, and in case of default in making such remuneration, or in making the remuneration provided by rules under this Ordinance, such remuneration shall be recovered in the manner provided in Part VII.

#### PART V.

#### *Construction and Maintenance of Irrigation Works.*

##### *General Provisions.*

**Irrigation Schemes.** 32. In any case where it is proposed that any irrigation work be constructed, or that any variation be made in the conditions relating to the construction or maintenance of any irrigation work or the supply of water thereunder, or where



any other question relating to any irrigation work has to be determined, a scheme for that purpose may be prepared in accordance with the provisions of this Part.

33. A scheme under this Part may provide for all or any of the following matters :—

Scope of  
irrigation  
schemes.

- (1) In the case of any irrigation work—
  - (a) for the construction or maintenance of the irrigation work ;
  - (b) for the division of the responsibility for the construction or maintenance of the whole or any part of the irrigation work between the Government and the proprietors ;
  - (c) for the variation of the conditions relating to the construction or maintenance of the irrigation work, or the supply of water thereunder, or the variation of any scheme for any of the said purposes ;
  - (d) for the division of the irrigable area into tracts, and for the conditions and methods of the distribution of water to such tracts ;
  - (e) for the adjustment of the expenses of the maintenance of the irrigation work, in any case in which a scheme involves any extension of the work, between the land comprised in the original irrigable area and the lands comprised in the area rendered irrigable by the effect of the extension ;
  - (f) for the abandonment of any irrigation scheme or work ;
  - (g) for any other matter which, in the opinion of the Minister may be appropriately included in any scheme.
- (2) In the case of any major irrigation work—
  - (a) for the imposition of any irrigation rate upon the lands irrigable or to be irrigable under any scheme, and for specifying the limit above which any rate so imposed shall not be increased at any subsequent revision ;
  - (b) for the levying of contributions in labour upon the proprietors for the purpose of the construction or maintenance of the irrigation work or any part thereof, and for the payment of an irrigation rate by way of commutation of the liability to make such contributions in labour ;
  - (c) for the estimation and levying of special irrigation rates in respect of water derived by seepage, mechanical appliances or other special means.
- (3) In the case of any minor irrigation work—
  - (a) for the assessment of contributions, whether in labour or money, from the several proprietors ;
  - (b) for the payment of money by way of commutation of the liability to make such contributions in labour ;
  - (c) for the recovery of such contributions ;
  - (d) for any other matter which in the opinion of the Government Agent, may be appropriately included in any scheme.

34. No irrigation rate, nor any contribution whether in money or in labour, shall be imposed or varied by any irrigation scheme unless such scheme has been approved by a resolution of the majority of the proprietors of the irrigable area or tract at a meeting of the proprietors summoned for the purpose by the Government Agent.

No rate to  
be imposed  
or varied  
without  
approval of  
proprietors.

35. The expenses incurred in carrying out any operation which is necessary for the maintenance of any irrigation work shall not, except in the case of any operation which is carried out in an emergency and as to which it is not practicable to consult the proprietors, be charged to maintenance expenses without the approval of the majority of the proprietors signified at a meeting of the proprietors summoned for the purpose by the Government Agent.

Expenses of  
maintenance  
of irrigation  
work.

36. No adjustment of the expenses of maintenance of any irrigation work shall be made for the purpose of any irrigation scheme under paragraph (1) (c) of section 33, unless the proprietors of the original irrigable area, at a meeting summoned by the Government Agent for the purpose, have, by a resolution passed by a majority of the proprietors, approved a scheme embodying such adjustment.

Extension of  
irrigation  
work.

37. In any case in which any scheme, or any proposal for the imposition or variation of any rate or contribution under any scheme, or any proposal with respect to any other question arising under, or in the course of, the operation of a scheme is to be submitted to a meeting of proprietors, the scheme or proposal to be so submitted shall be published in the language

Publication  
of scheme  
or proposal.

or languages of the district in such manner as may seem to the Government Agent best adapted for bringing the terms and purport of the scheme or proposal to the notice of the persons affected thereby.

Reference of certain questions to arbitration.

38. Where any question arises with reference to any irrigation work between the Government and the proprietors or any section of the proprietors, or between different sections of the proprietors, and it does not appear to be practicable to settle such question by agreement, the Government Agent may, with the sanction of the Executive Committee, order that such question shall be referred to a court of arbitration :

Provided that no such order shall be made unless the reference and the terms thereof have been assented to by a resolution of a majority of the proprietors in question at a meeting summoned by the Government Agent for the purpose, or if the question is between two or more sections of the proprietors, or if two or more sections of the proprietors are otherwise parties to the question, by a resolution passed at such a meeting by a majority of the proprietors constituting each such section.

Court of arbitration.

39. (1) The court of arbitration referred to in section 38 shall consist of one arbitrator nominated by the proprietors in the manner hereinafter provided, one arbitrator nominated by the Director of Irrigation, together with a president chosen by agreement between the arbitrators so nominated :

Provided that where the question is a question between different sections of proprietors, or where different sections of proprietors are otherwise parties to the question, an arbitrator shall be separately nominated by each such section.

(2) In the event of the arbitrators not being able to agree upon a president, the president shall be a person experienced in the law and custom of the country who may be nominated for the purpose by the Legal Secretary.

(3) For the purposes of the nomination of an arbitrator by the proprietors or any section of the proprietors, the Government Agent shall summon a meeting of the proprietors concerned.

(4) At every meeting summoned under sub-section (3) the arbitrator shall be elected by a majority of the proprietors.

Procedure to be free from formalities.

40. Every arbitration under this Part shall be free from the formalities of legal procedure, and shall be conducted in such manner as may be determined by the president for the purpose of securing an effective settlement of all substantial questions at issue between the parties in the matter under reference ; and the arbitrators shall have full power for the purpose aforesaid to make any award which they may deem to be reasonable and equitable in all the circumstances of the case.

Terms of reference.

41. The terms of reference in any arbitration under this Part may at any time in the course of the arbitration be amended by agreement between the parties, such agreement in the case of the proprietors or any section of the proprietors being signified by a resolution of the majority of the proprietors or of that section of the proprietors, as the case may be, at a meeting summoned for the purpose by the Government Agent.

Decision of court of arbitration.

42. (1) The opinion of the arbitrators when unanimous or of a majority of them in case of any difference of opinion, either as regards the award or any question arising in the course of the proceedings, shall in all cases be deemed to be the decision of the court of arbitration.

(2) Where the court of arbitration consists of an even number of arbitrators and such arbitrators are equally divided in their opinions either as regards the award or any question arising in the course of the proceedings, the decision of the president shall be deemed to be the decision of the court of arbitration.

(3) The award in any arbitration under this Part shall be published in the *Gazette*, and upon such publication shall be binding on the parties, and shall have the like effect as a scheme duly confirmed under section 45, or section 60, as the case may be.

(4) No award which is published in the *Gazette* under sub-section (3) shall be challenged or impeached on the ground of any alleged technical defect therein or in any proceeding antecedent thereto.

Saving of mutual rights and obligations of Crown and proprietors.

43. Save as otherwise expressly provided in this Ordinance and subject in particular to the powers accorded to meetings of proprietors, nothing in this Ordinance shall affect the mutual rights and obligations of the Crown and the proprietors with reference to any irrigation work constructed or in course of construction at the appointed date.

Saving of rights of the Crown.

44. Save as otherwise expressly provided in section 57, nothing in this Ordinance, or in any scheme or resolution sanctioned or passed in pursuance of this or any previous Irrigation Ordinance, shall preclude the Crown on the occasion

of the sale or lease of any Crown land then or subsequently to become irrigable under any irrigation work, either actually constructed or under process of construction, or thereafter to be constructed, from imposing in the grant or lease or reserving the right to impose an irrigation rate of such amount and variable in such manner as to the Governor may seem fit.

*Special provisions applicable to Major Irrigation Works.*

45. (1) No scheme relating to a major irrigation work shall have effect until such scheme has been confirmed by the Executive Committee.

Confirmation  
of scheme.

(2) Notice of such confirmation shall be given in such manner as may be prescribed.

(3) After the notice referred to in sub-section (2) has been given, every person interested in the scheme shall be entitled to inspect the scheme, free of charge, at the Kachcheri.

46. All irrigation rates provided for by any scheme under this Part shall be subject to periodical revision in accordance with the scheme :

Rates to be  
variable in  
accordance  
with scheme.

Provided that nothing in the preceding provisions of this section shall be deemed—

(a) to authorise the increase of the rate, at any such revision, above the limit specified in the scheme ; or

(b) to prejudice the right of the proprietors of any irrigable area to the continuance of any perpetuity rate under any scheme in force at the appointed date.

47. Where by the extension of any major irrigation work any new area is rendered irrigable and any question is subsequently submitted or to be submitted for the determination of a meeting of proprietors of lands irrigable under the work, the decision of which may affect the amount or the conditions of the rates payable by the proprietors of the area originally irrigable, the majority of the proprietors of the said original irrigable area may require, either at the said meeting or by notice in writing addressed to the Government Agent before the meeting, that such question be submitted separately to a meeting of the proprietors of the said original irrigable area, and thereupon such question shall be so submitted accordingly ; and in any such case no proposal affecting the amount or the conditions of the rates payable by the proprietors of the said original irrigable area shall be adopted, unless it has been separately assented to by a majority of the proprietors at a meeting of the proprietors of the said original irrigable area, as well as by a majority of the proprietors at a meeting of the proprietors of the new area rendered irrigable by the extension.

Saving of  
rights of  
proprietors of  
original  
irrigable area.

48. (1) Where in connexion with an extension of a major irrigation work, a scheme embodying any adjustment of the expenses of maintenance of such work is not approved by the majority of the proprietors at a meeting summoned under section 36, an annual maintenance rate shall be payable thereafter by the proprietors of the original irrigable area to meet the annual cost of maintenance. Such annual cost of maintenance shall be deemed to be an amount equal to the average annual cost of maintenance of the original work during the ten years previous to the commencement of the extension.

Adjustment of  
expenses of  
maintenance.

(2) The maintenance rate referred to in sub-section (1) in respect of any irrigation work shall be subject every five years to an increase or reduction in the proportion in which the average maintenance rate payable under section 55 in respect of other irrigation works in the same revenue district exceeds or falls short of the maintenance rate paid in respect of that work.

49. (1) For the purpose of any irrigation rate leviable under this Ordinance, or any rate leviable in respect of irrigation under any previous Irrigation Ordinance, the Government Agent, with the assistance of the Director of Irrigation and the Surveyor-General, shall from time to time, in such manner as to him may appear expedient, prepare a specification showing the several lands irrigated or to be irrigated, with the names of the proprietors and the contribution, in money or labour, payable by each in respect of his land ; and such specification shall be conclusive proof that the lands included in the specification and the proprietors thereof are severally bound and liable for the payment or rendering of such contribution.

Specifications.

(2) The Government Agent may from time to time amend any specification, and may exclude from liability to contribution any lands included in any specification which may from time to time be found not to be irrigable, or may, on notice to the proprietors concerned, add thereto such additional lands as may from time to time be found irrigable.

(3) Every specification which is in force at the appointed date shall be revised by the Government Agent within three years after that date and thereafter at intervals of not more than ten years; and every specification prepared after the appointed date shall be revised by the Government Agent at intervals of not more than ten years.

Procedure in case of default in making specification.

50. Whenever it appears to the Minister with respect to any major irrigation work undertaken or completed under the provisions of this or any previous Irrigation Ordinance—

- (a) that the specification, which according to such Ordinance ought to have been made, has not in fact been made; or
- (b) that any specification which has been made is invalid or of doubtful validity by reason of non-compliance with the requirements of such Ordinance,

it shall be lawful for the Minister to direct a specification to be prepared showing the lands irrigated or to be irrigated by the work, and every specification so made shall for all purposes have the like force and validity as if it had been duly made under the provisions of the Ordinance under which the work was undertaken.

Procedure on correction of irregularity, informality, or defect.

51. Where any difficulty arises in the preparation of any specification, or with reference to any existing specification, on the ground of any irregularity, informality, or defect in some proceeding antecedent to the preparation of such specification, or in the specification, as the case may be, and the necessary steps have been taken to deal with such irregularity, informality, or defect under section 11 (1) (c), a specification prepared in accordance with a resolution passed for the purpose under the said section shall for all purposes have the effect of a specification prepared in pursuance of a scheme sanctioned under this Ordinance.

Seepage rates.

52. (1) Every land which, notwithstanding that it is not irrigable under any major irrigation work, derives substantial benefit from such work by seepage, shall be liable to the imposition in respect of such seepage of an irrigation rate (hereinafter referred to as a "seepage rate") not exceeding half the rate ordinarily payable by the proprietors of lands irrigable under the said irrigation work.

(2) In any case in which the Director of Irrigation is satisfied that any land is liable to the imposition of a seepage rate under this section, the Government Agent shall, by notice in writing, inform the proprietor of such land that it is proposed to impose upon such land a seepage rate of the amount specified in the notice, and call upon such proprietor, if he object to the imposition of a seepage rate, to make application in the manner and within the time provided for by this section.

(3) Any proprietor who objects to the imposition of a seepage rate on the ground that the land in question is not deriving substantial benefit by seepage from the irrigation work, may within one month of the receipt of the notice referred to in sub-section (2) apply to the Government Agent for an order that the land in question is not liable to the imposition of a seepage rate, and the Government Agent shall have jurisdiction to inquire into and determine the question, and his decision shall be final so far as it relates to the question of the liability of the land to the imposition of the seepage rate, and no further.

(4) In any case in which no application under sub-section (3) is made within the time specified in that sub-section, or in which, on such application, the question at issue is determined in favour of the Director of Irrigation, it shall be lawful for the Government Agent, by order published in the *Gazette*, to impose a seepage rate upon the land in question in accordance with this section, and to direct the inclusion of the said land in respect of such seepage rate in the specification in force for the purposes of the irrigation work.

Irrigation by mechanical appliances, and rates therefor.

53. (1) In any case in which any land, not otherwise irrigable under any major irrigation work, is capable of deriving benefit from such work by the use of any mechanical appliance, it shall not be lawful—

- (a) to use such appliance for such purpose, unless a certificate that such use has been authorised is issued to the proprietor by or under the authority of the Director of Irrigation, or
- (b) to erect or use such appliance otherwise than in accordance with the terms or conditions subject to which such authorisation has been given.

(2) On the issue of a certificate under sub-section (1), the Government Agent may, by order published in the *Gazette*, impose an irrigation rate upon the land in question of such

an amount as may be approved by the Governor, and such land shall be included in the specification in force in respect of the irrigation work from which such land derives benefit.

54. In any case in which the proprietors of any area not ordinarily entitled to a supply of water from any major irrigation work desire a special supply of water from such work, such special supply may be sanctioned upon a majority of those proprietors passing a resolution, at a meeting summoned for the purpose by the Government Agent, approving of the payment of a special irrigation rate, or upon the proprietors representing two-thirds of the irrigable lands of that area signing an undertaking to pay a special irrigation rate, and thereupon the Government Agent may, by order published in the *Gazette*, impose such a special irrigation rate, and the particulars of the amount due from the several proprietors in respect of such special rate shall be entered in the specification, or in a special specification, in respect of the irrigation work from which such special supply is given.

Special  
irrigation  
rates.

55. (1) Except in the following cases, that is to say—

- (a) in the case of any major irrigation work in respect of which a fixed or variable rate per annum in perpetuity is leviable,
- (b) in the case of any major irrigation work in respect of which other special arrangements for the maintenance thereof are sanctioned under this Ordinance,

Maintenance  
rates.

the lands included in the specification of any major irrigation work constructed, or in course of construction at the appointed date, and the proprietors thereof, shall severally be bound and liable to an annual irrigation rate (hereinafter called the "maintenance rate") for the maintenance of such irrigation work.

(2) The maintenance rate shall be assessed by the Government Agent and divided *pro rata* among the lands set out in the specification. In making his assessment the Government Agent shall be guided, in the case of any work which has been maintained for a period exceeding five years, by the actual cost of maintenance of such work for the five years preceding the date of assessment, and in the case of any work which has been maintained for a period not exceeding five years, by the estimate of the probable cost of annual maintenance which shall be prepared by the Director of Irrigation.

(3) All maintenance rates shall be re-assessed by the Government Agent at the end of every period of five years or at such later date as may in any case be sanctioned by the Minister.

(4) A maintenance rate under this section may be assessed either separately (hereinafter called a "separate rate") in respect of a single irrigation work, or generally (hereinafter called a "general rate") in respect of any group of irrigation works.

(5) An irrigation work which is subject to a separate rate may, on the occasion of any re-assessment, be included in a group of irrigation works, and be made subject to a general rate in respect of such group of works, and *vice versa* :

Provided that before any order is made converting a separate rate into a general rate or *vice versa*, the Government Agent shall consult the proprietors of the various works affected at a meeting or meetings summoned by him for the purpose.

(6) For the purposes of every maintenance rate under this section the Government Agent shall from time to time prepare a specification in the manner provided by section 49, and all the provisions of that section shall, with the necessary modifications, apply to such specification.

56. (1) In any case in which a majority of the proprietors of the lands under any major irrigation work in respect of which a maintenance rate is payable under section 55, by resolution passed at a meeting of the proprietors summoned for the purpose by the Government Agent, request that such work be exempt from the provisions of that section, and themselves undertake to maintain the work, the Minister may, by order published in the *Gazette*, direct that, with effect from such date and subject to such terms and conditions as may be specified in the order, such work shall be exempt from the provisions of that section and shall be maintained by the proprietors in accordance with rules made under Part III, such rules not being inconsistent with any terms and conditions so specified.

Power to  
exempt work  
from  
maintenance  
rate.

(2) The Government Agent shall place before the meeting of the proprietors summoned under sub-section (1), a scheme of maintenance which shall be prepared by the Director of Irrigation in consultation with the Government Agent, and in which all the operations which the proprietors are expected to undertake of the purposes of the maintenance of the irrigation work shall be clearly and completely specified.

(3) Every irrigation work in respect of which an order is published under sub-section (1) shall, with effect from the date specified in the order, be exempt from the provisions of section 55, and shall be maintainable by the proprietors in accordance with rules made under Part III and the terms and conditions, if any, specified in the said order :

Provided that in any case in which the proprietors fail to maintain such work to the satisfaction of the Government Agent, the Minister may, by order published in the *Gazette*, cancel the order made under sub-section (1) in respect of that work, and on the publication of such order, such work shall cease to be exempt from the provisions of section 55.

Consolidated  
irrigation  
rates.

57. (1) Where after the appointed date any major irrigation work is constructed wholly for the purpose of irrigating lands held on grant, permit, lease, or otherwise from the Crown, such lands and the proprietors or owners thereof shall severally be bound and liable to a consolidated irrigation rate for the construction and maintenance of such work and for the water supplied or to be supplied to such lands from such work, in lieu of the rates leviable under the preceding provisions of this Ordinance.

(2) Subject as hereinafter provided, the following matters shall be taken into consideration in determining the amount of any consolidated irrigation rate to be levied under sub-section (1) :—

- (a) the value of the lands irrigated or to be irrigated by the irrigation work, without taking into consideration the value of any improvement to such lands by the construction of such work ;
- (b) the capital cost of the facilities provided by the irrigation work ;
- (c) the estimated cost of maintenance of such facilities ;
- (d) the cost of any other service to be rendered to the proprietors for the development of such lands ; and
- (e) any other matter which may be prescribed :

Provided that the Executive Committee may, in the circumstances of any particular case, direct that any of the matters specified in paragraphs (a) to (d), or prescribed under paragraph (e) shall not be taken into consideration for the purpose of determining the amount of any consolidated irrigation rate.

(3) No consolidated irrigation rate shall be increased unless such increase has been approved by a resolution of the majority of the proprietors of lands subject to such rate at a meeting of those proprietors summoned for the purpose by the Government Agent.

Power to  
remit rate.

58. The Minister may at any time in respect of any year or years remit or refund any rate or any part of a rate payable under this Ordinance.

Payment of  
contributions  
in kind.

59. It shall be lawful for the Government Agent to receive in kind instead of in money any contributions under this Ordinance. Such payment in kind shall be made at such rate of commutation, and shall be collected at such time and place and in such manner, as the Government Agent may from time to time direct. If default is made in such payment in kind at the time and place directed by the Government Agent, the amount of the contribution for which such payment in kind was substituted shall be recovered in the manner provided in Part VII.

*Special provisions applicable to Minor Irrigation Works.*

Confirmation  
of scheme.

60. (1) No scheme relating to a minor irrigation work shall have effect until such scheme has been confirmed by the Executive Committee and until notice of such confirmation has been given in such manner as may be prescribed.

(2) After the notice referred to in sub-section (1) has been given, every person interested in the scheme shall be entitled to inspect the scheme, free of charge, at the *Kachcheri*.

Defective  
maintenance  
of minor  
irrigation work  
connected with  
major  
irrigation  
work.

61. (1) Where any minor irrigation work is so defectively maintained by the proprietors as, in the opinion of the Director of Irrigation, to endanger or impair the effectiveness of any major irrigation work with which such minor work is connected, the Minister may give notice that unless within a time fixed by the notice the arrangements for the maintenance of such minor work are made effective, and unless such work is thereafter effectively maintained, such work will be made subject to a maintenance rate under section 55.

(2) If the requirements of any notice given under sub-section (1) are not complied with to the satisfaction of the Minister it shall be lawful for the Minister by order published in the *Gazette*, to direct that the necessary arrangements for the maintenance of the minor irrigation work in respect of which such notice was given shall be carried out, and that the

expenses of carrying out such arrangements and of the subsequent maintenance of such work shall be recovered by a maintenance rate under section 55, and thereupon the said work shall become maintainable by Government and shall be subject to a maintenance rate as though it were a new major irrigation work.

(3) No action shall be taken under this section unless the matter has been brought before a meeting of the proprietors summoned for the purpose by the Government Agent, and the requirements of the situation have been explained to them and such meeting has failed to make arrangements, by the framing of rules or otherwise, which, in the opinion of the Director of Irrigation, are effective for the purpose in view.

62. (1) Where the Government Agent is satisfied that the condition of any minor irrigation work is so defective, or that such work is so defectively maintained as to endanger or impair the effectiveness of any other such work, or as to prejudice or be likely to prejudice the interests of the proprietors of the lands irrigated by that other work, the Government Agent shall summon a meeting of the proprietors of lands irrigated by the first-mentioned work and shall explain to them the requirements of the situation, and shall call upon them to make arrangements, either by the framing of rules or otherwise, to remedy the defect to his satisfaction.

(2) In the event of the meeting summoned under sub-section (1) failing by a resolution of the majority of the proprietors to make arrangements to the satisfaction of the Government Agent to remedy the defect, it shall be lawful for the Minister, by order published in the *Gazette*, to direct that the necessary arrangements shall be carried out, and that the expenses of carrying out such arrangements and, if necessary, of the subsequent maintenance of the minor irrigation work shall be recoverable by a maintenance rate under section 55, and the said work shall thereupon become subject to a maintenance rate under that section as though it were a new major irrigation work.

Defective maintenance of other minor irrigation works.

#### PART VI.

##### *Protection of Irrigation Works and Conservation of Water.*

63. Regulations may be made in respect of any irrigation work for all or any of the following matters:—

- (a) the prevention of the obstruction, diversion, or cutting of any *ela*, channel, or other water-course comprised in the irrigation work, or of any other damage thereto;
- (b) the prevention of any encroachment upon any such *ela*, channel, or water-course;
- (c) the prevention of any interference with any sluice, dam, or regulating machinery or device in or upon any such *ela*, channel, or water-course;
- (d) the prevention of the obstruction of or interference with any road or path comprised in the irrigation work;
- (e) the construction of field channels and dams in approved places and in accordance with approved alignments;
- (f) the prevention of the waste of any water supplied from the irrigation work;
- (g) the prevention of the obtaining of water from any such *ela*, channel, or other water-course in any manner not authorised;
- (h) the prevention of the diversion by any act or omission, of such water from any of the purposes for which it is intended;
- (i) the limitation of the extent of land to be cultivated under the irrigation work and the fixing of dates for the commencement and completion of cultivation in each season;
- (j) the conditions on which water will be supplied from the irrigation work after the date fixed for the completion of cultivation, and the charges to be paid for such water;
- (k) the maintenance of the irrigation work;
- (l) any other matters necessary for the protection of the irrigation work, or for the conservation of water supplied therefrom.

Regulations for the protection of works and conservation of water.

64. (1) Where any person obstructs or encroaches upon any *ela*, channel, water-course, or tank, it shall be lawful for the Government Agent, by notice in writing served on such person, to require him within such time as may be specified in the notice to remove or abate such obstruction or encroachment.

(2) If any person served with a notice under sub-section (1) refuses or neglects to comply with the requirements of such notice within the specified time, or if there is any doubt as to who is the proper person to be served with such notice, it shall be lawful for the Government Agent to cause such obstruction or encroachment to be forthwith removed or abated; and for

Removal of obstruction or encroachment.

that purpose it shall be lawful for the Government Agent, to enter any land or premises, with such workmen, instruments and things as may be necessary, and to proceed to do therein, or cause to be done, all such things as may be necessary for such removal or abatement.

Recovery of expenses.

65. The expenses incurred in effecting the removal or abatement of any obstruction or encroachment under section 64 shall be paid—

- (a) by the person on account of whose non-compliance with any notice served under sub-section (1) of that section such expenses were incurred, or
- (b) in case no such notice was served owing to any doubt as to who was the proper person to be served with such notice, by such person as the Government Agent may determine, after such inquiry as he may deem necessary, to be the person who should have been served with such notice,

and in case of default shall be recoverable in the manner provided in Part VII.

Reference to arbitration.

66. (1) Whenever the owner or occupier of any land or premises, by the clearance or drainage of such land or premises or by any other act or omission, whether of the same nature or not, in any way affecting any *ela*, channel, or water-course, used for irrigation purposes, or any other irrigation work—

- (a) causes any such *ela*, channel, water-course, or other irrigation work to be blocked up, obstructed or damaged, so that any land which previously derived benefit therefrom is deprived of that benefit, or
- (b) causes damage of any other nature to any land in the neighbourhood of any such *ela*, channel, water-course, or other irrigation work,

any person aggrieved by the act or omission of such owner or occupier may make a complaint to the Government Agent.

(2) In any case where—

- (a) the Government Agent is not able, by agreement between the parties concerned, and with or without such assistance as the Director of Irrigation (not being a party concerned) may be willing to contribute, to settle what steps should be taken and what obligations should be assumed by any owner or occupier against whose act or omission a complaint has been made under sub-section (1) and by the cultivators of the lands affected by such act or omission, for the purpose of removing any blocking up or obstruction, or the repairing of any damage caused by such act or omission, or the prevention of the recurrence of such blocking up, obstruction, or damage; or
- (b) any of the parties to any such agreement fails to take or to assume, within a reasonable time, any of the steps or obligations which he has thereby agreed to take or assume,

the Government Agent may, by written notice addressed to the parties, direct that the matter in dispute be referred to the arbitration of such arbitrator or arbitrators as may be agreed upon by the parties.

Representation of cultivators.

67. The Government Agent may appoint any person for the purpose of representing the interests of the cultivators referred to in section 66 in any matter or dispute or in any arbitration that may take place for its settlement.

Arbitrators.

68. (1) In every notice under section 66, the Government Agent shall inform the parties that, unless by a date specified in the notice or on such further date as he may on application fix, the parties have notified him the name or names of an agreed arbitrator or arbitrators, he will apply to the District Judge to act as arbitrator with or without assessors as to the District Judge may seem proper.

(2) If the parties do not on or before the date specified in the notice under section 66 or such further date as may be fixed by the Government Agent notify to the Government Agent the name or names of an agreed arbitrator or arbitrators, the Government Agent may apply to the District Judge to act as arbitrator; and it shall be the duty of the Judge to act in accordance with such application.

(3) The District Judge may, in his discretion, appoint such assessors as he may think fit to assist him in any arbitration under this section.

Duty of arbitrators.

69. It shall be the duty of the arbitrator or arbitrators and the assessors, if any, to visit the place with respect to which the matter in dispute arises, and to determine such matter without any formalities of legal procedure, and to make such award



with reference to the steps to be taken by and the obligations to be imposed upon all or any of the parties as may be reasonable in all the circumstances of the case.

70. (1) In any case in which the Government Agent, or the Director of Irrigation (not being a party concerned), with a view to facilitating a settlement of the dispute, undertakes to execute the operation of carrying silt, earth, water, or any other substance or any other operation for the purpose of preventing damage to any land, an order for the execution of such operation may be embodied in the award.

Award of arbitrators.

(2) In any case in which the parties consent to the arbitrator or arbitrators determining any claim for damages that may have been made by a party, an order for the payment of damages may be embodied in the award, and where such an order has been so embodied no action shall lie in respect of such claim.

(3) In the event of the arbitrators not being agreed as to the award or as to any point arising in the course of the proceedings, the opinion of the majority shall prevail.

(4) In the event of there being no opinion supported by a majority of the arbitrators, it shall be lawful for the Government Agent to appoint, by writing under his hand, an umpire to decide all matters in question in the arbitration and in any such case the award shall be made by the umpire, and shall be as binding in all respects as if it had been made by the arbitrators or a majority of them.

71. (1) The Government Agent shall fix the fee to be paid to an umpire appointed under the last preceding section, and an order directing the payment of such fee shall be included in and form part of any award made by the umpire.

Fees.

(2) In the event of assessors being appointed to assist a District Judge in the conduct of an arbitration, the District Judge shall fix the fee of the assessors, and an order directing the payment of such fee shall be included in and form part of any award made by such Judge.

72. Every award made by any arbitrator or arbitrators or by an umpire under this Part, on being registered in the District Court, shall be binding on all parties concerned, and may be enforced in the same manner as a decree of the Court: Provided that in so far as such award relates to any obligation to be assumed by the cultivators referred to in section 66, such award shall have the force of a rule made under Part III, and all the provisions of this Ordinance relating to the enforcement of rules under Part III shall apply to such award.

Enforcement of award.

73. (1) In any case in which by any award made under this Part any order is made upon the owner or occupier of any land or premises, the Government Agent shall cause a copy of such order to be served upon such owner or occupier; and if such owner or occupier makes default in complying with such order the Government Agent may from time to time, after reasonable notice to such owner or occupier, himself take the necessary steps to carry out the order, and for that purpose it shall be lawful for the Government Agent or any person thereto authorised in writing by the Government Agent to enter any land or premises with such workmen, instruments and things as may be necessary.

Power of Government Agent to carry out order of arbitrators.

(2) The expenses incurred by the Government Agent under sub-section (1) shall be certified under his hand, and shall be a first charge on the land or premises in respect of which notice was served under sub-section (1), and on any crop or produce thereof, and on any movables thereon, and where default is made in the payment of such expenses, the Government Agent shall proceed to recover such expenses in the manner provided in Part VII.

74. (1) Where water from any elu, channel, water-course or other irrigation work is obtained in any manner not authorised or is allowed to run to waste, and the person who obtained such water or allowed such water to run to waste cannot be identified, then, if any land has derived any benefit from such water, the proprietor of such land shall be liable to pay for such water at such rate as the Government Agent may determine.

Liability where irrigation work is damaged or water is used without authority or is wasted by a person who cannot be identified.

(2) Where any act is committed whereby damage is caused to any irrigation work and the person who committed such act cannot be identified, then, if any land has derived any benefit as a result of the commission of such act, the proprietor of such land shall be liable to pay to the Government Agent the expenses incurred in repairing such damage.

(3) If default is made in the payment of any sum due under this section, such sum shall be recoverable in the manner provided in Part VII.

## PART VII.

*Recovery of Money due.*Register of  
proprietors.

75. (1) A register shall be kept, at the Kachcheri of every revenue district in which irrigation works are situated, of all the proprietors or mortgagees of lands under such irrigation works who may desire to have their names inserted therein.

(2) Every registration under this section shall, subject to any correction or alteration made therein, remain in force for four years, but may be renewed from time to time for a further period of four years. If such registration is not renewed before the end of any period of four years, the registration shall be cancelled.

(3) A fee of one rupee shall be charged for every registration under this section, whether original or by way of renewal, and for every correction or alteration made in such registration.

(4) Regulations may be made prescribing—

(a) the keeping at the Kachcheri of every revenue district in which irrigation works are situated, in lieu of the registers required to be kept under section 17 and sub-section (1) of this section, of a register of all proprietors of lands under such irrigation works ;

(b) the manner in which such register is to be prepared and certified, and the intervals at which such register is to be revised ;

(c) the particulars to be specified in such register ;

(d) the fees, if any, payable for the insertion of any name in such register.

(5) During the continuance in operation of any regulations under sub-section (4) and from the coming into force of any register prepared thereunder, any reference in this Ordinance to the register kept under section 17 or under sub-section (1) of this section shall be read and construed as a reference to the register prepared in pursuance of such regulations, and it shall be a sufficient compliance with the provisions of sub-section (4) of section 20 if the notice required thereunder is given to such of the persons on the register as are resident outside the revenue district to which the register relates.

Payment of  
contributions.

76. (1) All contributions due or deemed to be due under this Ordinance shall be payable in respect of each calendar year, and shall be paid on or before the thirtieth day of June in that year, or on such other date as the Governor may, by order published in the *Gazette*, appoint.

(2) All contributions due or deemed to be due under this Ordinance shall be recovered in accordance with the provisions of this Part.

Recovery of  
contributions,  
&c.

77. (1) Where default is made in the payment of any contribution of money or other sum due or deemed to be due under this Ordinance, the land in respect of which such contribution or other sum is due shall be and is hereby declared to be specially bound and liable for such payment, and it shall be lawful for the Government Agent or any person authorised by writing under his hand, to seize such land and any crop or produce thereof and any movables thereon, to whomsoever such land, crop, produce or movables may belong ; and if such contribution, or other sum, together with any costs payable under section 85, are not sooner paid or tendered, to sell the land, crop, produce or movables, so seized, by public auction at any time not less than twenty-one days from the date of such seizure.

(2) Where default is made in any contribution of labour due or deemed to be due under this Ordinance, it shall be lawful for the Government Agent or any person authorised by writing under his hand to cause such labour to be performed by some person other than the defaulter, and the expenses incurred thereby shall be recoverable in the same manner as contributions of money are recoverable under sub-section (1).

(3) Where the authority imposing any fine or penalty for any offence under this Ordinance, orders that in the event of default in the payment of such fine or penalty, the amount thereof be recovered in the manner provided in this Part, it shall be lawful for the Government Agent or any person authorised by writing under his hand to seize any property whatsoever belonging to the defaulter, wheresoever such property may be found, and, if the amount due, together with any costs payable under section 85, are not sooner paid or tendered, to sell the property so seized by public auction at any time not less than twenty-one days from the date of such seizure.

Notice of  
seizure and  
sale.

78. (1) Where land is seized under section 77, the Government Agent shall forthwith, after such seizure, cause a notice setting out the facts of the seizure, the reasons therefor, and the date fixed for the sale of the land to be affixed in a conspicuous position on the land.

(2) Where a proprietor or mortgagee of land seized under section 77 has registered his address in the register kept under section 17 or section 75, the Government Agent shall cause a notice setting out the facts of the seizure, the reasons therefor, a specification of the property seized and the date fixed for the sale to be sent by registered post to such proprietor or mortgagee at the address specified in the register at least fourteen days before the date fixed for the sale.

79. No seizure of any land shall be made under section 77 if the defaulter surrenders sufficient free and unclaimed movable property to satisfy the total amount due from him.

When seizure of land not to be made.

80. Any property which is exempt from seizure and sale under the provisions of the Civil Procedure Code shall be exempt from seizure and sale under section 77.

Property exempt from seizure and sale. Cap. 88.

81. No land seized under section 77 shall be sold until the crop or produce thereof, and the movables thereon, if any, have been sold, and unless they have failed to realise an amount sufficient to cover the total amount due.

Movables to be sold first.

82. In all cases the sale of immovable property under section 77 shall be conducted on the spot, unless the Government Agent otherwise directs.

Sale of immovable property.

83. For the purposes of a sale under section 77, the Government Agent may fix an upset price; and where an upset price is so fixed the property, which is the subject of the sale, shall not be sold to any person other than the Crown at any price below the upset price.

Upset price.

84. The person making a seizure under section 77 may, if authorised thereto by general or special instructions issued by the Government Agent, appoint a suitable person to have the custody or possession of the property so seized pending the sale.

Keeping a person in charge of property seized.

85. It shall be lawful for the Government Agent, or any person authorised by writing under his hand, to demand, take, and receive from any defaulter referred to in section 77, or from the owner or any joint owner of any property lawfully seized under that section, or to retain out of the proceeds of the sale of the property, sums of money calculated at the following rates for the following purposes :—

Costs of seizure and sale.

- (a) for the cost of proceeding to seize the property, a charge not exceeding fifty cents for every ten rupees or part thereof due;
- (b) for the expenses of any person having the custody or possession of the property, a charge not exceeding one rupee for each continuous period not exceeding twenty-four hours;
- (c) for the expenses of sale, a charge not exceeding twenty-five cents for every ten rupees or part thereof of the net proceeds of the sale.

86. (1) Where any property seized under section 77 is sold, the Government Agent at whose instance such seizure was made shall, after deducting the amount due from the defaulter and also the costs payable under section 85 pay the surplus, if any, arising from such sale to the owner or joint owners of the property sold, or in case the Government Agent is in doubt as to whom the money is to be paid, into the District Court having jurisdiction over the area in which the property was situated at the time of the sale.

Steps to be taken after sale.

(2) Where any land is sold under section 77, the Government Agent shall sign a certificate of sale in such form as may be prescribed, and such certificate shall be sufficient to vest the land sold in the purchaser, and in any case where the land so sold is land under any irrigation work, such land shall vest in the purchaser free from all incumbrances whatsoever, any custom or written law to the contrary notwithstanding.

(3) Every certificate of sale under sub-section (2) shall be liable to the stamp duty fixed for conveyance of immovable property, and to any registration or other charges authorised by law, and such duty and charges shall be paid by the purchaser.

87. (1) The Government Agent or any person authorised by him in writing, may bid for and purchase, on behalf of the Crown, any land sold under section 77.

Power to purchase on behalf of the Crown.

(2) Notwithstanding any custom or written law to the contrary, where any land is purchased under sub-section (1) on behalf of the Crown, such land shall vest in the Crown free from all incumbrances whatsoever, and notwithstanding anything in sub-section (3) of section 86, the certificate of sale issued in respect of that land shall not be liable to any stamp duty or any registration or other charges.

- Cancellation of sale.**
- Cap. 101.**
- Re-sale by Crown.**
- Cap. 101.**
- Summary ejectment of persons in unlawful possession of land sold under this Part.**
- Rights of mortgagees.**
- Causing obstruction or damage to irrigation works or waste of water.**
- 88.** (1) Where at any time before any land which has been purchased on behalf of the Crown under section 87 is re-sold, the defaulter or any person on behalf of the defaulter, "or if the defaulter be dead, any heir of the defaulter or any person on behalf of any such heir, pays to the Government Agent the amount due from the defaulter in respect of such land, the Government Agent shall, by endorsement on a certified copy of the certificate referred to in sub-section (2) of that section, cancel the sale of such land to the Crown, and upon the registration of such endorsement under the Registration of Documents Ordinance, such land shall re-vest in the defaulter or, as the case may be, vest in such heir, as though such sale had never been made.
- (2) Where any portion of any land purchased on behalf of the Crown under section 87 has been re-sold, the provisions of sub-section (1) of this section shall apply, with the necessary modifications, to the portion of such land remaining unsold, and in any such case, the amount due from the defaulter shall be reduced by such amount as the Government Agent may determine in the circumstances of each case.
- (3) In this section "amount due from the defaulter" means the amount in default of payment of which the land was sold under section 77, and includes the costs payable under section 85, together with interest on such amount and costs at such rate not exceeding six per centum per annum as the Government Agent may determine.
- 89.** (1) Where any land has been purchased on behalf of the Crown under section 87, and the sale has not been cancelled under section 88, it shall be lawful for the Government Agent, at any time to re-sell such land, and on such re-sale to transfer to the purchaser, by endorsement on a certified copy of the certificate referred to in sub-section (2) of section 87 all the right, title, and interest which would have been acquired by the purchaser if he had purchased the land at the original sale, and upon the registration of such endorsement under the Registration of Documents Ordinance, such right, title and interest shall vest in the purchaser accordingly.
- (2) Every endorsement under sub-section (1) shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale, and such duty and charges shall be paid by the purchaser in whose favour the endorsement is made.
- 90.** (1) Where, after the sale of any land under the provisions of this Part, any person other than the purchaser or the servant or agent of the purchaser of that land at such sale remains in occupation or possession of that land or any part thereof, a Magistrate having local jurisdiction over the area in which that land is situated shall, on the application of the Government Agent, by order direct the Fiscal or a Police Officer to eject such person from that land and to deliver possession thereof to the Government Agent or to his representative, or to the purchaser or his servant or agent, as the case may be.
- (2) The Fiscal or a Police Officer charged with the execution of an order of ejectment made by a Magistrate under this section shall comply with the directions of the Magistrate and shall make due return in the prescribed form furnishing the prescribed particulars relating to the execution of the order.
- (3) In the execution of an order of ejectment, the Fiscal or a Police Officer or any other officer authorised by or accompanying the Fiscal or Police Officer may use such force as may be necessary to eject any person or persons in possession or occupation of the land or any part thereof and to deliver possession of the land to the Government Agent or his representative, or to the purchaser or his servant or agent, as the case may be.
- 91.** Where any immovable property of any defaulter which is to be sold under the provisions of this Part is subject to a mortgage, it shall be lawful for the mortgagee, after making payment of the amount due from the defaulter together with the costs, if any, payable under section 85, to add the amount so paid by him to the mortgage debt; and the amount so added shall be deemed to be secured in the same manner, and to bear the same interest and to be recoverable on the same conditions, as the mortgage debt, anything in any written law other than this Ordinance to the contrary notwithstanding.

## PART VIII.

## Offences.

**92.** Every person who—

- (a) wilfully and mischievously blocks up or obstructs, or causes to be in any way blocked up or obstructed, any channel or water-course comprised in any irrigation work; or

- (b) wilfully and mischievously cuts the bund, bank, or side of any irrigation work ; or
- (c) wilfully and mischievously causes waste of water conserved by any irrigation work ; or
- (d) wilfully and wrongfully draws off or converts to his own use any such water,

shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

93. Every irrigation headman who—

- (a) fails or neglects to perform the duties devolving upon him, or
- (b) in excess of the authority conferred upon him by this Ordinance or by any rule or regulation made or deemed to have been made thereunder, acts in bad faith or without probable cause or wantonly and maliciously,

Default, negligence or malicious acts of irrigation headmen.

shall be guilty of an offence, and the institution of any proceedings therefor shall not be deemed to affect in any way his civil liability to the person injured by his act or omission.

94. Every person who without lawful cause resists, molests, or obstructs any irrigation headman in the lawful discharge of any duty imposed upon such headman by this Ordinance or by any rule or regulation made or deemed to have been made thereunder shall be guilty of an offence.

Resisting irrigation headmen in the execution of their duty.

95. Every person who commits a breach of any rule or regulation made or deemed to have been made under this Ordinance or a breach of any established custom relating to irrigation or cultivation shall be guilty of an offence.

Breaches of rules or regulations or of established custom.

#### *Trial of Offences.*

96. (1) Every offence under section 93, section 94 or section 95 shall be triable by the Rural Court having jurisdiction over the place where the offence was committed :

Trial of offences.

Provided that every such offence committed in any area, declared to be a special irrigation area by Order made by the Minister under this section and published in the *Gazette*, shall be triable exclusively by an Irrigation Tribunal constituted as hereinafter provided, or where the Minister so directs in such Order, by the Government Agent or a person authorised in that behalf by writing under the hand of the Government Agent.

(2) No Order directing any offence referred to in sub-section (1) to be tried by a Government Agent or a person authorised by the Government Agent shall be made in respect of any area unless the Minister is of opinion that it is impracticable to obtain the assistance of Councillors to constitute an Irrigation Tribunal within that area.

97. In addition to the powers vested in a Rural Court by the Rural Courts Ordinance, a Rural Court in the exercise of any jurisdiction conferred on such Court by this Ordinance shall have the following powers :—

Additional powers of Rural Courts.

(1) Where—

- (a) the complainant in any trial under this Ordinance has sustained damage by reason of the act or omission complained of, or
- (b) such act or omission is of such a nature as to call for prompt action to prevent damage, and any expenditure incurred for that purpose by the headman under section 29, or by any officer acting in pursuance of a regulation made under Part VI has not been recovered under section 30,

it shall be competent to the Rural Court either to direct that the damage suffered or the expenditure incurred shall be made good out of any fine it may impose on the offender, or to adjudge him to pay, in addition to any such fine, the amount of such damage or the amount of such expenditure, and such amount shall be recoverable in the manner provided in Part VII :

Provided that except with the consent of both parties no such Order shall be made in any case in which the amount of the damage claimed or the expenditure incurred exceeds two hundred rupees.

(2) Where a person is convicted of a breach of any regulation made under section 63 for the protection of any irrigation work or the conservation of water supplied therefrom it shall be competent to the Rural Court, in addition to any punishment it may impose, to order such person to pay a penalty not exceeding double the value of the damage caused as a result of such breach.

(3) Where any proprietor is adjudged to pay any fine or penalty for an offence under this Ordinance and default is made in the payment of the fine or penalty, it shall be competent to the Rural Court, instead of sentencing the defaulter to detention or imprisonment, to order the amount of the fine or penalty to be recovered in the manner provided in Part VII of this Ordinance.

Powers of Irrigation Tribunal, Government Agent or other authorised person.

98. Any Irrigation Tribunal, Government Agent or person authorised by a Government Agent may, at the trial of any offence referred to in section 96, exercise the powers conferred on a Rural Court by the Rural Courts Ordinance and by section 97 of this Ordinance.

Issue of summonses and warrants.

99. (1) Where any complaint has been made against any person to an Irrigation Tribunal, the President of such Tribunal may serve or cause to be served on such person a summons requiring the attendance of such person before such Tribunal on a date to be specified in the summons.

(2) Where any person on whom a summons has been served under sub-section (1) fails to appear as required by the summons, the President of the Irrigation Tribunal may issue a warrant to secure the attendance of such person.

President of Irrigation Tribunal.

100. The Government Agent or a person authorised by him in that behalf shall be the President of the Irrigation Tribunal.

Councillors.

101. An Irrigation Tribunal for any area shall consist of not less than three and not more than seven Councillors selected by the President of such Tribunal from among the proprietors of irrigable lands and manawari lands within that area, subject to such right of challenge as may be prescribed by rules made under section 110.

Proceedings before Irrigation Tribunal to be summary and free from formalities.

102. The proceedings before an Irrigation Tribunal shall be conducted in a summary manner and it shall be the duty of such Tribunal to do substantial justice, without regard to matters of form, on all questions coming before such Tribunal.

Representation of parties.

103. No advocate, proctor, agent or other person shall be entitled to appear on behalf of any party in any case before an Irrigation Tribunal:

Provided that the preceding provisions of this section shall not apply to the appearance—

- (a) of a husband, on behalf of his wife; or
- (b) of a guardian or curator, on behalf of the person or persons for whom he acts as such; or
- (c) of an agent resident within the jurisdiction of the Tribunal, on behalf of a principal who is not so resident; or
- (d) of a proprietor, on behalf of his servant or cultivator; or
- (e) of a servant or cultivator, on behalf of a proprietor; or
- (f) of any person (not being an advocate or proctor) expressly authorised thereto by the President of the Tribunal, on behalf of a minor who is not represented by any person legally entitled to represent him, or on behalf of any other party in the special circumstances of any case.

Proceedings to be filed of record.

104. It shall be the duty of the President of an Irrigation Tribunal to record in writing the proceedings at every trial before the Tribunal and to transmit such record to the Kachcheri to be there filed of record.

Procedure on conclusion of trial.

105. (1) On the conclusion of any trial before an Irrigation Tribunal the opinion of the Councillors shall be first expressed and recorded, and afterwards that of the President.

(2) In case of any difference of opinion between the President and the majority of the Councillors, the opinion of the President shall prevail and shall be taken to be the decision in the case, but in every such case a record shall be made of such difference of opinion.

#### Miscellaneous.

Appeals.

106. Any person who is aggrieved by any order or sentence made or imposed under this Part by an Irrigation Tribunal or a Government Agent or person authorised by him may appeal against such order or sentence in the same manner and on the same terms and conditions as though it were the order or

sentence of a Rural Court; and the provisions of any written law for the time being in force relating to appeals from orders or sentences made or imposed by a Rural Court shall apply *mutatis mutandis* or subject to such modifications as may be made under section 110, in the case of appeals under this section.

107. The Fiscal or Deputy Fiscal shall, within the province or district for which he is respectively empowered to act, execute every sentence imposed under this Ordinance by an Irrigation Tribunal, a Government Agent or person authorised by him, and the provisions of sections 2, 6 and 87 of the Prisons Ordinance shall extend and apply to warrants of commitment issued by the President of an Irrigation Tribunal, the Government Agent or authorised person in pursuance of such sentence.

Duties of  
Fiscal.

Cap. 44.

108. The provisions of sections 33, 34 and 35 of the Rural Courts Ordinance shall apply *mutatis mutandis* to summonses and warrants issued under this Ordinance by the President of an Irrigation Tribunal, Government Agent, or person authorised by him.

Application of  
Rural Courts  
Ordinance.

109. All fines and penalties imposed under this Part by any Rural Court, Irrigation Tribunal, Government Agent or person authorised by him, for the breach of any rule or regulation made or deemed to have been made under this Ordinance or of any established custom relating to irrigation or cultivation shall, when deposited with or received or recovered by the Government Agent, be set apart by him as a fund to be used in aid of irrigation works or for the remuneration of irrigation headmen or officers, as the Government Agent may determine, anything in section 40 of the Rural Courts Ordinance to the contrary notwithstanding.

Appropriation  
of fines and  
penalties.

110. The Governor may from time to time make rules for or in respect of all or any of the following matters:—

Rules.

- (a) the selection of Councillors to serve on an Irrigation Tribunal;
- (b) the procedure to be observed in proceedings before an Irrigation Tribunal;
- (c) the adaptation or modification or alteration of any provision of written law for the time being in force relating to appeals from orders or sentences made or imposed by Rural Courts in such manner as may be necessary for the purpose of its application in the case of appeals from orders or sentences made or imposed by Irrigation Tribunals;
- (d) any other matter connected with or incidental to proceedings before an Irrigation Tribunal.

111. In any case where by virtue of an Order under section 96 any offence referred to therein is triable by a Government Agent or other authorised person, the provisions of this Part and any rules made thereunder, relating to proceedings before an Irrigation Tribunal, shall apply *mutatis mutandis* to proceedings before the Government Agent or such authorised person.

Proceedings  
before Govern-  
ment Agent or  
authorised  
person.

## PART IX.

### General.

112. Land required for the purposes of this Ordinance shall be deemed to be land required for a public purpose within the meaning of the Land Acquisition Ordinance.

Acquisition of  
land.

Cap. 203.

113. The Government Agent may, by writing under his hand, appoint officers whose duty it shall be, subject to the general or specific directions of the Government Agent, to assist the Government Agent in exercising and carrying out the powers and duties conferred or imposed upon him by this Ordinance or by any rule or regulation made or deemed to have been made thereunder.

Appointment of  
officers by  
Government  
Agent.

114. If from any plan or survey purporting to have been made under the authority of the Surveyor-General or of the Director of Irrigation it appears that any channel, water-course, or tank has been encroached upon, such plan or survey shall, in the absence of satisfactory proof to the contrary, be deemed to be conclusive proof of the facts exhibited therein.

Plan or survey  
of channels,  
water-courses,  
and tanks to be  
conclusive.

115. In the case of any Crown land sold or leased subject to a condition that it should be subject to an irrigation rate variable in any manner specified in the condition, such land shall be, and shall be deemed to have been, subject to an irrigation rate in accordance with that condition, notwithstanding that at the time of the sale or lease of such land no provision existed for the imposition of variable irrigation rates under any previous Irrigation Ordinance then in force,

Validation of  
variable  
irrigation rates  
in respect of  
certain lands.

and all contributions included in any specification and collected in accordance with such condition shall be deemed to have been validly included and collected.

Regulations.

116. (1) The Executive Committee may make regulations for all matters for which regulations are required or authorised to be made under this Ordinance, all matters required or authorised by this Ordinance to be prescribed, and all other matters incidental to or connected with such matters.

(2) No regulation made by the Executive Committee under this Ordinance shall have effect until it has been approved by the State Council and ratified by the Governor and notification of such approval and ratification is published in the *Gazette*. Every regulation shall, upon notification of such approval and ratification in the *Gazette*, be as valid and effectual as if it were herein enacted.

Interpretation.

117. (1) In this Ordinance, unless the context otherwise requires—

“appointed date” means the date appointed by the Governor by Proclamation under section 1;

“construction” with reference to any irrigation work includes any improvement or extension of any irrigation work, or the repair or restoration of any abandoned irrigation work, or (subject to the definition of “maintenance” hereinafter contained) any operation for the protection of any irrigation work, or the irrigable area thereunder, or of any part of such work or area;

“contribution” includes all rates, subscriptions, charges and assessments made under this Ordinance or under any previous Irrigation Ordinance;

“cost of maintenance”, with reference to any irrigation work in any year, includes such reasonable contribution in respect of establishment charges, cost of plant and of the transport thereof, as may be approved by the Governor;

“Executive Committee” means the Executive Committee of Agriculture and Lands;

“expenses of construction” includes the expenses of survey and inquiries, and such reasonable contribution in respect of establishment charges, the cost of plant and of the transport thereof, as may be approved by the Governor;

“Government Agent” includes an Assistant Government Agent;

“irrigable area” means the area irrigable under or by means of any irrigation work but does not include any manawari lands situated within that area;

“irrigation division” means a division declared to be an irrigation division under section 23;

“irrigation work” includes—

(a) any tank, bund, anicut, ela, channel, distributary, field channel or water-course comprised in or incidental or ancillary to the irrigation work;

(b) any structure, road, bridge, sluice, gate or other engineering work comprised in, or incidental or ancillary to the construction or maintenance of the irrigation work;

(c) any structure, bund, sluice or other engineering work erected for the purpose of draining any cultivated area or of preventing or regulating the flow of salt water into or out of any such area;

“land” in the case of land held on lease or permit from the Crown means the interest of the lessee or permit-holder in the land, and the expression “owner” with reference to such land means the lessee or permit-holder;

“maintenance” with reference to any irrigation work (whether constructed under this Ordinance or under any previous Irrigation Ordinance) includes any operation, for the protection of any existing irrigation work or the irrigable area thereunder or of any part of such work or area, which the authority responsible for the maintenance of the work may declare to be a minor operation;

“major irrigation work” means any irrigation work other than a minor irrigation work;



“majority of proprietors” means—

- (a) a majority consisting of two-thirds at least of the proprietors present at a meeting, such majority representing at least one-third of the acreage the proprietors of which are present and constitute the meeting; or
- (b) if such majority is not obtained, the proprietors present at the meeting who represent two-thirds of the acreage the proprietors of which are present and constitute the meeting;

“manawari division” means a division declared to be a manawari division under section 23;

“manawari land” means any land which is cultivated or to be cultivated with paddy, and which is not supplied with water by any irrigation work, but is dependent for its water supply either upon rain water or on water baled from any well, or from any river, canal, lagoon, lake or other inland water;

“Minister” means the Minister for Agriculture and Lands;

“minor irrigation work” means an irrigation work which is—

- (a) constructed by the proprietors without Government aid or with the aid of masonry works and sluices supplied free of charge by the Government, and
- (b) maintained by the proprietors;

“occupier” means a person in actual occupation of any land or premises and includes a person having the charge, management or control of the land or premises;

“prescribed” means prescribed by this Ordinance or by any regulation made thereunder;

“previous Irrigation Ordinance” includes the Irrigation Ordinance repealed by this Ordinance, Ordinance No. 23 of 1889 and any Ordinance thereby repealed and Ordinances No. 6 of 1892, No. 10 of 1901, No. 16 of 1906, No. 20 of 1908 and No. 11 of 1915;

Cap. 312.

“proprietor”—

- (a) in the case of lands within an irrigable area or tract means the owner of any land irrigated or to be irrigated by any irrigation work, and
  - (b) in the case of manawari lands means the owner of any manawari land,
- and includes the occupier and the cultivator of such land;

“proprietors within the division”—

- (a) when used with reference to an irrigation division, means the proprietors within the irrigable area in that division, and
- (b) when used with reference to a manawari division, means the proprietors of manawari lands within that division;

“proprietor within any irrigable area or tract” means the proprietor of any land within that area or tract;

“regulation” means a regulation made by the Executive Committee under this Ordinance;

“tract” means any portion of any irrigable area defined as a tract by or in pursuance of any scheme under this Ordinance;

“village area” means a village area constituted or deemed to be constituted under the Village Communities Ordinance;

Cap. 198.

“water-course”, “channel”, “ela”, or “tank” includes the banks and bunds of the water-course, channel, ela or tank, as the case may be, and any reservation of Crown land defined as belonging thereto by or under the authority of the Director of Irrigation, either by demarcation on the ground or in any map or plan.

(2) Every expression defined in sub-section (1) shall, when used in any scheme or resolution under this Ordinance, have the meaning assigned to it by that sub-section unless the context otherwise requires.

(3) The powers conferred on a Government Agent by or under this Ordinance may be exercised, within any revenue district, by an Assistant Government Agent.

Savings.

118. On and after the appointed date—

- (1) every rule, made under any previous Irrigation Ordinance by the proprietors within any irrigation district, or in place of such proprietors by the Government Agent in the exercise of the powers vested in him by any previous Irrigation Ordinance, and in force or deemed to be in force at the appointed date, shall, so far as it is not inconsistent with the provisions of this Ordinance continue in force in each of the irrigable areas or tracts within that district and shall be deemed for all purposes to be a rule made by the proprietors within each such irrigable area or tract under this Ordinance ;
- (2) every rule, made under any previous Irrigation Ordinance by the proprietors within any irrigable area or tract, and in force or deemed to be in force at the appointed date, shall, so far as it is not inconsistent with the provisions of this Ordinance continue in force in such irrigable area or tract and shall be deemed for all purposes to be a rule made under this Ordinance ;
- (3) every rule relating to the protection of irrigation works or the conservation of water, made by the Governor under section 56 of the Irrigation Ordinance repealed by this Ordinance or under any other previous Irrigation Ordinance, and in force at the appointed date shall, so far as it is not inconsistent with the provisions of this Ordinance, continue in force and shall be deemed for all purposes to be a regulation made under section 63 of this Ordinance ;
- (4) every rule relating to the form and manner of procedure to be observed in proceedings before a Village Council, a Government Agent or a person authorised by a Government Agent, the process to be issued therein or the mode of enforcing such process, made by the Governor under section 29 of the Irrigation Ordinance repealed by this Ordinance, or deemed to have been made under that Ordinance and in force at the appointed date shall, so far as it is not inconsistent with the provisions of this Ordinance, continue in force and shall be deemed for all purposes to be a rule made under section 110 of this Ordinance ;
- (5) every by-law, made or deemed to have been made under section 49 (2) (xxii) of the Village Communities Ordinance by the Village Committee of any village area, and in force at the appointed date, shall, so far as it is not inconsistent with the provisions of this Ordinance, continue in force and shall be deemed for all purposes to be a rule made by the proprietors of each irrigable area or tract or by the proprietors of manawari lands situated in that village area under section 11 or section 12, as the case may be, of this Ordinance ;
- (6) (a) where any rule or resolution not inconsistent with the provisions of this Ordinance has been made or passed under Chapter III of the Irrigation Ordinance repealed by this Ordinance, before the appointed date but has not been brought into force before that date, such rule or resolution shall be deemed to be made or passed under this Ordinance and may be brought into force in accordance with the provisions of this Ordinance ;
- (b) for the purposes of paragraph (a), any rule or resolution made by a majority of the proprietors within any irrigation district shall be deemed to be a rule or resolution, as the case may be, made or passed by a majority of the proprietors within each irrigable area or tract within that district ;
- (7) every resolution passed by a majority of proprietors under any previous Irrigation Ordinance, and in effect at the appointed date, shall continue in force and be deemed to be a resolution passed under this Ordinance ;
- (8) every headman or other officer elected or appointed or deemed to have been elected or appointed under any previous Irrigation Ordinance, and continuing in office at the appointed date shall be deemed to be a headman or officer elected or appointed, as the case may be, under this Ordinance ;
- (9) all rates, subscriptions, contributions, charges and assessments established, levied, or made under any previous Irrigation Ordinance or any rules thereunder, and in force at the appointed date, shall be deemed to be established, levied or made, as the case may be, under this Ordinance ;

Cap. 312.

Cap. 312.

Cap. 198.

- (10) every Committee (other than a District Advisory Committee) constituted or established under any previous Irrigation Ordinance and in existence at the appointed date shall be deemed for all purposes to be a Committee constituted or established under this Ordinance ;
- (11) any specification, plan, estimate or report prepared or made under or in pursuance of any of the provisions of any previous Irrigation Ordinance or deemed to have been prepared or made under or for the purposes of any such Ordinance shall be deemed to have been duly prepared or made under and for the purposes of this Ordinance ;
- (12) every scheme prepared and sanctioned or deemed to have been sanctioned under any previous Irrigation Ordinance and in effect at the appointed date shall continue in force and shall be deemed for all purposes to be a scheme duly confirmed, ratified and in effect under this Ordinance.

119. (1) The Irrigation Ordinance (Chapter 312) and section 49 (2) (xxii) of the Village Communities Ordinance are hereby repealed.

Repeals.  
Cap. 198.

(2) The Rural Courts Ordinance is hereby amended in the Second Schedule by the omission therefrom of the item relating to the Irrigation Ordinance (Chapter 312).

Passed in Council the Sixteenth day of July, One thousand Nine hundred and Forty-six.

D. C. R. GUNAWARDANA,  
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government, the Ninth day of August, One thousand Nine hundred and Forty-six.

C. H. HARTWELL,  
Secretary to the Governor.

#### DRAFT ORDINANCES.

#### MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—O. 34/36.

M. L. A.—B A 261.

**An Ordinance to extend the operation of Section 2 (1) of the Galle Municipal Council (Differential Rates) Ordinance, No. 31 of 1938.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Galle Municipal Council (Differential Rates) (Fifth Extension) Ordinance, No. of 1946.

Short title.

2. Notwithstanding anything contained in sub-section (2) of section 2 of the Galle Municipal Council (Differential Rates) Ordinance, No. 31 of 1938, sub-section (1) of that section shall continue in operation until the thirty-first day of December, 1947.

Continuation of the operation of section 2 (1) of Ordinance No. 31 of 1938.

#### *Objects and Reasons.*

There is still a certain area of the town of Galle which is not benefited by the electric lighting service provided by the Galle Municipal Council. It is not possible to make that service available to that area by the end of the year 1946. The power to make and assess different rates in different parts of the town of Galle will therefore be necessary for another period of one year. The object of this Bill is to extend the operation of section 2 (1) of the Galle Municipal Council (Differential Rates) Ordinance, No. 31 of 1938, till December 31, 1947.

S. W. R. D. BANDARANAIKE,  
Minister for Local Administration.

Colombo, August 9, 1946.

## MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

**An Ordinance to incorporate the Low-Country Products Association of Ceylon.**

Preamble.	WHEREAS the Low-Country Products Association of Ceylon (hereinafter referred to as the " Association ") has applied for the privileges of incorporation, and it will be for the public advantage to grant the application : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the State Council thereof, as follows :—
Short Title.	1. This Ordinance may be cited as the Low-Country Products Association of Ceylon Ordinance.
Incorporation of the Association.	2. With effect from the date on which this Ordinance comes into operation, the Chairman, other office-bearers and members of the Committee for the time being, and such and so many persons as now are members of the Association, or shall hereafter be admitted members of the corporation hereby constituted, shall be a corporation with limited liability in manner hereinafter provided, with perpetual succession and a common seal under the style and name of the Low-Country Products Association of Ceylon and by that name shall and may sue or be sued in all Courts.
General objects of the corporation.	3. The general objects for which the corporation is constituted are hereby declared to be the promotion, fostering and protection of the agricultural and commercial interests of persons interested in the products of Ceylon, and generally to safeguard the interests of its members.
Power to make rules.	4. (1) It shall be lawful for the corporation from time to time, at any general meeting of members, and by a majority of votes to make such rules as it may deem expedient for any of the following purposes :— <ul style="list-style-type: none"> <li>(a) the admission, withdrawal or expulsion of members ;</li> <li>(b) the fixing of the amount of the subscriptions payable by members and the imposition of fines forfeitures and other penalties for breaches or rules ;</li> <li>(c) the powers, conduct and duties of the Committee and of the various officers, agents and servants of the corporation ;</li> <li>(d) the procedure and the transaction of business ;</li> <li>(e) the administration and management of the property of the corporation, and of all other property that may be vested in it in pursuance of this Ordinance ;</li> <li>(f) the provision of means to settlement or of arbitration of disputes that may be referred to it for that purpose by members of the corporation ;</li> <li>(g) the management of the affairs of the corporation and the accomplishment of its objects.</li> </ul> <p>(2) Any rules made under this section shall be at all times binding upon the members for the time being of the corporation.</p> <p>(3) Pending the making of rules under this section, the affairs of the corporation shall be administered, as nearly as may be, in accordance with the rules of the Association in force at the date of its incorporation.</p>
Property vested in the corporation.	5. With effect from the date on which this Ordinance comes into operation, property belonging to the Association, both movable or immovable whether held in the name of the Association or in the name or names of any person or persons in trust for the Association, shall be and is hereby vested in the corporation hereby constituted, and such property together with all after-acquired property, both movable or immovable, and all subscriptions, contributions, donations, loans and other moneys received or to be received, shall be held by the said corporation for the purposes of this Ordinance and subject to the rules for the time being of the corporation.
Debts due by and payable to the corporation.	6. All debts and liabilities of the Association existing at the time of the coming into operation of this Ordinance shall be paid by the corporation hereby constituted, and all debts due to, and subscriptions, contributions and fines payable to the Association shall be paid to the said corporation for the purposes of this Ordinance.
Procedure in affixing the seal of the corporation.	7. The seal of the corporation shall be affixed to any instrument whatsoever except in the presence of two members of the General Committee, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

8. The corporation shall be capable in law to receive and hold property, both movable or immovable, which may be vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the corporation for the purposes of this Ordinance and subject to the rules for the time being of the said corporation, with full power (subject to any trust attaching to any such property and to the law regulating such trusts) to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation  
may hold pro-  
perty movable  
and immovable.

9. The liability of each member of the Association shall be limited to the transactions of the Association which shall have occurred during the period of his membership, and shall in no case exceed the sum of twenty-five rupees over and above such annual subscriptions as may be due from such member to the Association; and such limitation of liability shall include any contribution that such member may be called upon to make under the rules of the Association to meet any deficit in the annual expenses of the Association.

Limit of  
liability of  
members.

10. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or of any body politic or corporate, or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

Saving of the  
rights of the  
Crown.

*Statement of Objects and Reasons.*

This Bill is designed for the purpose of incorporating the Ceylon Low-Country Products Association. By the Bill the incorporated Association is given the power to hold, manage, control and administer its property, and the power to make rules for the accomplishment of its objects and the management of its affairs.

THOMAS AMARASURIYA,  
M. S. C.

November 5, 1945.

**DISTRICT AND MINOR COURTS NOTICES.**

**The Village Communities Ordinance (Chapter 198).**

NOTICE is hereby given that the records of Criminal cases of the Village Tribunals of Matale District decided prior to December 31, 1944, will be destroyed on September 16, 1946, at the Matale Kachcheri, and that any person may apply to me for any document filed in evidence in any such case before that date.

The Kachcheri, D. E. M. WIJESURIYA,  
Matale, August 13, 1946. for Assistant Government Agent.

**NOTICES OF INSOLVENCY.**

In the District Court of Kandy.

No. 1. 128. In the matter of the insolvency of Ranaweera Bandara Gannawa of Peradeniya.

WHEREAS Ranaweera Bandara Gannawa of Peradeniya has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Dissanayake Kiria Banda Yatawara, under the Ordinance No. 7 of 1853; Notice is hereby given that the said court has adjudged the said R. B. Gannawa insolvent accordingly; and that two public sittings of the court, to wit, on September 10, 1946, and on October 8, 1946, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance of which creditors are hereby required to take notice.

By order of court, T. J. M. FERNANDO,  
August 8, 1946. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 48. In the matter of the insolvency of R. Anthony Pulle Kangany of Venture estate, Norwood.

WHEREAS the above-named R. Anthony Pulle Kangany of Venture estate, Norwood, has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Devapura Athariga Alishamy of Lawrence, Norwood, under the Ordinance No. 7 of 1853; Notice is hereby given that the said court has adjudged the said R. Anthony Pulle, Kangany of Venture estate, Norwood, insolvent accordingly; and that two public sittings of the court, to wit, on August 27, 1946, and on September 3, 1946, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance of which creditors are hereby required to take notice.

District Court, By order of court, N. SOMASUNDARAM,  
Hatton, August 7, 1946. Secretary.

**NOTICES OF FISGALS' SALES.**

**Western Province.**

In the District Court of Colombo.

The Commissioner of Income Tax, Colombo ..... Petitioner.  
No. 18/A. I. 8,474. Vs. .....  
A. C. Weerasekera of Chandragiri, Bendiyamulla, Gam-  
paha ..... Respondent.

NOTICE is hereby given that on Wednesday, September 11, 1946, at 3.30 p.m., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 383 being Income Tax due, viz:—

An undivided half share of Parangiyakumbura *alias* Kalwak-kumbura bearing lot No. C situated at Nawala in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and bounded on the north by field belonging to the Crown, and land belonging to Andris Appu, east by field of Baron Cooray and garden of Bempy Perera and others, south by garden of Pabilis Cooray, Helena Cooray, and William Boteju and High road, and west by field of N. Kumaris Cooray and L. D. Arnolis Appuhamy; and containing in extent 20 acres 1 rood and 7 perches.

Fiscal's Office,  
Colombo, August 13, 1946.

G. M. CHINNATAMBY,  
Deputy Fiscal.

In the District Court of Colombo.

Vansoor Umma of 296, Sea street, Colombo ..... Plaintiff.  
No. 12,335/M. Vs. .....  
T. Chandrapathmawathie, presently of Werahera Junction,  
Boralesgomuwa ..... Defendant.

NOTICE is hereby given that on Tuesday, September 10, 1946, commencing at 3 p.m., will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following properties for the recovery of the sum of Rs. 902.68, with interest thereon at the rate of 9 per cent. per annum from March 24, 1941, till payment in full and costs, viz:—

1. All those premises bearing assessment No. 280, Sea street in St. Paul's Ward within the Municipality and District of Colombo, Western Province; and bounded on the north by property of Seka Marikar Ismail Lebbe, east by property of Pasqual Fernando, south by house No. 139, and west by Sea street; containing in extent 7 perches.

2. All those premises bearing assessment No. 335 situated at Sea street aforesaid; bounded on the north by property of Uduma Lebbe Marikar, east by Sea street, south by property of Ramalal Maba Rajah, and west by sea shore; containing in extent 5 perches.

3. All those bare land bearing assessment No. 207 situated at Sea street aforesaid; bounded on the south by premises No. 205, Sea street, on the east by sea street, north by Beach street leading to Sea Beach road, and west by Sea Beach road; containing in extent about 4 perches.

Fiscal's Office,  
Colombo, August 13, 1946.

G. M. CHINNATAMBY,  
Deputy Fiscal.

In the District Court of Kalutara.

Edward R. Fernando of Katukurunda ..... Plaintiff.  
No. 25,461. Vs.

(1) Illekuttige Peter Leo Fernando of Maha Paiyagala and another, Administrators of the estate of Patabendige Peter Cograv ..... Defendant.

NOTICE is hereby given that on Saturday, September 7, 1946, at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 15,000 together with legal interest at 9 per cent. from May 30, 1946, till payment in full and costs Rs. 667.20. viz. :—

*Appraised value Rs. 1,125.*—(1) Entirety of the soil, trees and building of the land called a defined portion of Liyanaparangiawatta, situated at Paiyagala in Paiyagala Badde of the Kalutara totamune, Kalutara District, Western Province; and bounded on the north by a portion of the same land now belonging to the estate of Kaithan Fernando, east by a portion of the same land now belonging to Gamage Don Theneris and others, south by a portion of the same land, and west by Gorakagahawatta; and containing in extent 1 rood and 20 perches.

*Appraised value Rs. 7,500.*—(2) Entirety of soil and trees, and of tiled house and other buildings of the land called Diganewatta alias Gederawatta, situated at Paiyagala aforesaid; and bounded on the north by Annottuwawatta, east by Kamarangagahawatta, south by Gederawatta, and west by Hakurugewatta alias Arambawatta alias Wagurawatta; and containing in extent inclusive of road 9 feet in width leading to the Church and footpath 3 feet in width A. 0 R. 3 P. 0.

Deputy Fiscal's Office,  
Kalutara, August 13, 1946.T. V. KRISHNAPILLAI,  
Deputy Fiscal.

## Southern Province.

In the District Court of Tangalla.

Kalata Kankanage Victor de Silva of Wala-mulle ..... Petitioner.  
No. Special 195. Vs.

Charlotte Dahanayake of Katuwane ..... Respondent.

NOTICE is hereby given that on Monday, September 16, 1946, at 12 noon will be sold by public auction at the premises the right, title, and interest of the said 3rd respondent in the following property for the recovery of Rs. 127.10, viz. :—

At Daluwakgode.

All that field called Dimitillakumbura situated at Daluwakgode in West Giruwa pattu of the Hambantota District; and bounded on the north by Simapadinohiwatta, east by Godakumbura, south by Nugemure-ela, and west by Olekumbura; containing in extent 28 kurunies of paddy sowing.

Deputy Fiscal's Office,  
Tangalla, August 7, 1946.A. WICKRAMASURYA,  
Additional Deputy Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of  
Jurisdiction. Monarapitiya Appuhamilage Dona Balbina alias  
No. 11,881. Baronchi Karunaratne of Maththumagala,  
Ragama, deceased.Monarapitiya Appuhamilage Don Amerasena Karunaratne of  
Maththumagala, Ragama, ..... Petitioner.

Vs.

(1) Angage Weerasena Pieris Siriwardena of Kumballoluwa, Veyangoda, (2) Angage Hemantha Pieris Wickremaratne Siriwardena of Gonawala, Kelaniya, (3) Angage Theobold Pieris Wickremaratne Siriwardena of Gonawala aforesaid, (4) Kalugampitiya Appuhamilage Dona Clara Hamine of Welikade, Colombo (widow of Gomes Appuhamy), (5) Kalugampitiya Appuhamilage Don Subatheris Appuhamy of Doranagama, (6) Revd. Dafanagama Ratnasiri of Daranagama, (7) Kalugampitiya Appuhamilage Don Martin Appuhamy of Daranagama, (8) Angage Selestina Peiris Wickremaratne Siriwardena of Kumballoluwa, Veyangoda, (9) Angage Theobold Peiris Wickremaratne Siriwardena of Gonawala, Kelaniya, (10) Angage Martin Peiris Wickremaratne Siriwardena of Gonawala, Kelaniya, (11) Angage Somapala Peiris Wickremaratne Siriwardena of Yakwala, Veyangoda, (12) Angage Peiris Wickremaratne Siriwardena (wife of A. D. Baron Appuhamy) of Gonawala, Kelaniya, (13) Monarapitiya Appuhamilage Dona Agustina Karunaratne of Welikeriya, Gampaha ..... Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge, Colombo, on July 31, 1946, in the presence of Mr. S. Kanagarajah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 12, 1946, the Supreme Court order dated May 20, 1946, and the power of attorney dated January 13, 1946, having been read :

It is ordered that the will of the Monarapitiya Appuhamilage Dona Balbina alias Baronchi Karunaratne, deceased, dated December 27, 1945, be and the same is hereby declared proved, unless the respondents above named or any person or persons interested shall, on or before September 12, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is entitled to have letters of administration with will annexed unless the respondents or person or persons interested shall, on or before September 12, 1946, show sufficient cause to the satisfaction of this court.

August 1, 1946.

S. C. SWAN,  
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late  
Jurisdiction. Chandiram Isardas Hathiramani of 126, Main  
No. 11,968. street, Colombo or of Wadhvani lane, Hyderabad  
Sind, North India, deceased.Manghibhai alias Kunjibai of Wadhvani lane, Hyderabad Sind  
by her attorney Mohandas Isardas of 126, Main street,  
Colombo ..... Petitioner.

Vs.

(1) Bhagwandas Chandiram, (2) Mrs. Bhagvandas, (3) Mrs. Chatharam, (4) Kanthandi, (5) Madhudasa, (6) Jhamatmal, (7) Manohar, (8) Sundar, (9) Athamara and (10) Haribal, all of Wadhvani lane, Hyderabad, Sind and 4th, 5th, 6th, 7th, 8th, 9th and 10th respondents, minors by their guardian *ad litem*. (11) Bhagwandas Chandiram of 126, Main Street, Colombo ..... Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on June 19, 1946, in the presence of Mr. S. Kanagarajah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 12, 1946, the Supreme Court order dated May 20, 1946, and the power of attorney dated June 2, 1946, having been read :

It is ordered that the 11th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors the 4th, 5th, 6th, 7th, 8th, 9th and 10th respondents above named; and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly; unless the respondents above named or any person or persons interested shall, on or before September 5, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 19, 1946.

S. C. SWAN,  
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Boolehand  
Jurisdiction. Isardas of 126, Main street, Colombo, or of  
No. 11,969. Wadhvani lane, Hyderabad Sind, North India,  
deceased.Laxmi Bai of Wadhvani lane, Hyderabad Sind, by her attorney,  
Mohandas Isardas of 126, Main street, Colombo .... Petitioner.

Vs.

(1) Shandas, (2) Kamala, (3) Sundari, and (4) Murli, all of Wadhvani lane, and all are minors appearing by their proposed guardian *ad litem*, (5) Bhagwandas Chandiram of 126, Main street, Colombo ..... Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan Esq., Additional District Judge of Colombo, on June 19, 1946, in the presence of Mr. S. Kanagarajah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 12, 1946, the Supreme Court order dated May 20, 1946, and the power of attorney dated January 13, 1946, having been read :

It is ordered that the 5th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, 1st, 2nd, 3rd and 4th respondents above named; and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly; unless the respondents above named or any person or persons interested shall, on or before September 5, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 19, 1946.

S. C. SWAN,  
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

In the Matter of the Intestate Estate of Jayasinghe  
No. 11,970/T. Hendalage Mathias of Kadalawala, Hendala,  
deceased.Kahapola Aratchige Podi Nona Mihindakulasuriya of 77,  
Darley road, Colombo ..... Petitioner.

Vs.

(1) Jayasinghe Hendalage Anthony Perera, (2) Jayasinghe Hendalage David Perera, (3) Jayasinghe Hendalage Emmanuel Perera, (4) Jayasinghe Hendalage Sebastian Perera, (5) Jayasinghe Hendalage Lily Catherine Perera, the 1st to 6th are minors appearing by their guardian *ad litem*, (7) Kahapola Aratchige Bernard Mihindakulasuriya all of 77, Darley road, Colombo ..... Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on June 20, 1946, in the presence of Mr. W. D. N. Selvadurai, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 18, 1946, having been read :

It is ordered that the 7th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors the 1st, 2nd, 3rd, 4th, 5th and 6th respondents and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased to have letters of administration to the estate of the said deceased, issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before September 5, 1946, show sufficient cause to the satisfaction of this court to the contrary.

July 17, 1946.

S. C. SWAN,  
Additional District Judge

In the District Court of Colombo.

*O der Nisi.*

Testamentary In the Matter of the Intestate Estate of the Late Jurisdiction. Ponweera Aratchige Don Rogus Appunhamy of No. 11,987. Nugape, Pamunugama, deceased.

Pahhavadana Aratchige Joseph Perera of Nugape, Pamunugama ..... Petitioner.

Vs.

(1) Alice Theresa, (2) Mary Nicholina, (3) Nicholas Henry, the 2nd and 3rd respondents, minors appearing by their guardian *ad litem*, (4) Bastian Korallalage Johana Rodrigo of Nugape, Pamunugama, (5) Bastiankorallalage Johana Rodrigo of Nugape, Pamunugama ..... Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on June 27, 1946, in the presence of Mr. S. Kanagarajah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 16, 1946, having been read:

It is ordered that the 4th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors the 2nd and 3rd respondents above named, and the petitioner above named be and he is hereby declared entitled, as the brother-in-law of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly; unless the respondents above named or any person or persons interested shall, on or before September 5, 1946, show sufficient cause to the satisfaction of this court to the contrary.

S. C. SWAN,

Additional District Judge.

August 6, 1946.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Pattiya- Jurisdiction. pulage Chandrasekara of Mahara Dalupitiya in No. 11,996. the Adicari pattu of Siyane korale, deceased.

Pattiyapaulage Andirishamy of Maharadalupitiya .... Petitioner.

Vs.

(1) Pattiyapaulage Paulu of Maharadalupitiya aforesaid, (2) Rankarabadalge Podmona de Silva, care of B. S. Ratnasinghe. Cloth boutique, Mirigama, (3) Pattiyapaulage Emahn of Devalapola in Wadumulla, Negombo District, minor, (4) Wedamestrige Don Christian Perera of Paisyagala estate, Kalutara South, (5) Wedamestrige Don Louis Perera, Forward Printers, Limited, 128, Silversmith street, Colombo, (6) Irippuwabadalge Odirishamy of Maharadalupitiya aforesaid, (7) Irippuwabadalge Emi Nona, (8) ditto Mislun, both of Mahara Dalupitiya aforesaid, (9) Irippuwabadalge Mary, care of Jeramias, blacksmith, Pannupitiya, (10) Induruwa Acharige Piyadasa, (11) ditto Peter, (12) ditto David, (13) ditto Albert, (14) ditto Simon, all of Maharadalupitiya aforesaid, the 13th and 14th respondents, minors .. Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on July 3, 1946, in the presence of Mr. S. H. Dias Abeyesingha, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 2, 1946, having been read:

It is ordered that the 1st respondent above named be and he is hereby declared appointed guardian *ad litem* over the minor, the 3rd respondent above named, and the 10th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, 13th and 14th respondents, and the petitioner above named be and he is hereby declared entitled as paternal uncle and heir of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before September 5, 1946, show sufficient cause to the satisfaction of this court to the contrary.

S. C. SWAN,

Additional District Judge.

July 19, 1946.

In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate of Joseph Jurisdiction. Edward Perera of Dehiwala, deceased. No. 12,016.

Francis Charles Perera of 50, Galle road, Dehiwala ..... Petitioner.

And

(1) Irene Maud Claribel Perera and (2) Linda Clarice Dagmer Perera, both of 50, Gallo road, Dehiwala ..... Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on July 16, 1946, in the presence of Mr. D. E. Weerasoorna, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 12, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the father of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before August 22, 1946, show sufficient cause to the satisfaction of this court to the contrary.

S. C. SWAN,

Additional District Judge.

July 23, 1946.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the Late Jurisdiction. Maggona Aratchige Chandratilake of 336, Nagala- No. 12,021. gam street, Colombo, deceased.

Tennekoon Mudiyansele Bisso Menika of 336, Nagalagam street, Colombo ..... Petitioner.

Vs.

(1) M. A. Dharmawardena, (2) M. A. Mallica, (3) M. A. Pathmani Chandralatha, (4) M. A. Piyaseeli, appearing by their proposed guardian *ad litem*, (5) Ratnayake Madiyansele Bandara, all of Nagalagam street, Colombo ..... Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on August 5, 1946, in the presence of Mr. S. Kanagarajah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 10, 1946, having been read:

It is ordered that the 5th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 1st 2nd, 3rd and 4th respondents above named; and the petitioner above named be and she is hereby declared entitled as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly; unless the respondents above named or any person or persons interested shall on or before September 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

S. C. SWAN,

Additional District Judge.

August 6, 1946.

In the District Court of Colombo.

*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Last Will and Testament and Jurisdiction. and Will of Evelyn Mary McCausland of 1, Court No. 12,043. Bournemouth Hampshire, England, widow, deceased.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on August 2, 1946, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Leslie Reuben Atkins of Colombo; and (1) the affidavit of the said petitioner, dated July 31, 1946, (2) the Power of attorney dated March 14, 1946, and (3) the order of the Supreme Court dated July 23, 1946, having been read: It is ordered that the will of the said Evelyn Mary McCausland, deceased, dated March 17, 1942 (with one codicil thereto dated April 21, 1945) a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved: And it is further declared that the said Leslie Reuben Atkins is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will and codicil annexed) issued to him accordingly, unless any person or persons interested shall, on or before September 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

S. C. SWAN,

Additional District Judge.

August 6, 1946.

In the District Court of Negombo.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Pattage Istegu alias Stephen Fernando of No. 3,378. Katana, deceased.

(1) Thuppahige Mary Charlotte Costa of Katana, (2) Ponnamparumage Benedict Fernando of Wennappuwa, (3) Fewafonsekage Cyril Fonseka of Wadduwa ..... Petitioners.

(1) Pattage Mary Apolonia Salina Fernando, wife of Ponnamparumage Benedict Fernando of Wennappuwa, (2) Pattage Mary Matilda Fernando, wife of Fewafonsekage Cyril Fonseka of Wadduwa, (3) Pattage Mary Gertrude Fernando, (4) ditto Mary Adalme Fernando, (5) ditto Peter Joseph Fernando, (6) ditto Hilery Anthony Fernando, (7) ditto Gratian Fernando, (8) ditto Greeta Fernando, (9) ditto Leonard Fernando, (10) ditto Simon Quintus Fernando, all of Katana, being minors by their guardian *ad litem*, (11) Pattage Manuel Fernando of Kadirana ..... Respondents.

THIS matter coming on for disposal before Leonard B. de Silva, Esq., District Judge of Negombo, on July 23, 1946, in the presence of Messrs. Sriwardana & Samaratunga, Proctors, on the part of the petitioners above named; and affidavit of (1) the petitioners dated July 20, 1946, and (2) the affidavit of the attesting Notary and witnesses dated July 20, 1946, having been read:

It is ordered that the last will and testament No. 3,224 and Codicil No. 3,227 of Pattage Istegu alias Stephen Fernando, deceased, the originals of which have been produced and are now deposited in this court be and the same are hereby declared proved and that the petitioners are the executors named in the said will and are hereby declared entitled to have probate thereof issued to them accordingly, and that the 11th respondent, above named, be appointed guardian *ad litem* over the 4th to 10th respondents above named, minors, to represent them for all the purposes of this action, unless any person or persons interested shall, on or before August 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

LEONARD B. DE SILVA,  
District Judge.

July 23, 1946.

## In the District Court of Kalutara.

*Order Absolute.*

Testamentary In the Matter of the Estate of the Late Caroline  
Jurisdiction. Gunasekera, deceased of Noboda.  
No. 3,277.

H. C. K. Jayawardena of Noboda ..... Petitioner.

THIS matter coming on for disposal before G. M. de Silva, Esq., District Judge, Kalutara, on July 2, 1946, in the presence of Mr. H. O. W. Obeyesekere, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated June 3, 1946, and that of notary and witnesses, dated June 10, 1946, read with last will No. 295, dated November 2, 1942, filed of record.

It is ordered that the will of Caroline Gunasekera of Noboda, dated November 2, 1942, and numbered 295 be and the same is hereby declared proved.

It is further declared that the said petitioner is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless those interested in the above estate shall, on or before August 30, 1946, show sufficient cause to the satisfaction of this court to the contrary.

July 2, 1946.

G. M. DE SILVA,  
District Judge.

## In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Ismail  
Jurisdiction. Mohamed of Pussellawa, deceased.  
No. T-517.

Mohamed Sarajudeen Mohothar of Pussellawa ..... Petitioner.

Vs.

(1) Sithi Hafeela Mohamed, (2) Sithi Naheela Mohamed, (3) Sithi Daleela Mohamed, (4) Sitti Theyn N. Sara Mohamed, (5) Sithi Zewah Mohamed, (6) Ummul Barakath Mohamed, (7) Sitti Zareem Mohamed, (8) Baduruzzaman Mohamed, (9) Thahid Mohamed, (10) Sitti Fatheema Mohamed, (11) Muhusin Lail Mohamed, (12) M. H. Adjumain, (13) Sabdeen Adjumain, all of Pussellawa ..... Respondents.

THIS matter coming on for disposal before W. R. de Silva, Additional District Judge of Kandy, on May 20, 1946, in the presence of Messrs. Marikar & Marikar, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 14, 1946, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as the son-in-law of the above-named deceased, to have letters of administration of the estate of the deceased above named issued to him, unless the respondents above named or any other person or persons interested shall, on or before July 8, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 13th respondent be appointed guardian *ad litem* over the minors, the 5th to 11th respondents above named, unless the respondents above named or any other person or persons interested shall, on or before July 8, 1946, show sufficient cause to the satisfaction of this court to the contrary.

W. R. DE SILVA,  
Additional District Judge.

The date for showing cause is extended to August 22, 1946.

W. R. DE SILVA,  
Additional District Judge.

## In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Estate and Effects of the  
Jurisdiction. late Santa Cruz Fernando of Ukuwela, deceased.  
No. T. 610.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kandy, on July 22, 1946, in the presence of Messrs. Coomaraswamy & Vijayarajam, Proctors, on the part of the petitioner, A. C. Lien *alias* Anthony Cruz Leon of Ukuwela; and the affidavit of the said petitioner dated May 20, 1946, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the father-in-law of the above-named deceased, to have letters of administration of the estate of the said deceased issued to him, unless the respondents (1) Joseph Mary Sornammal, (2) Josephine Philomena and (3) Mary Margaret Rosari, all of Somanathapero Munanjipatti, Tinnevely District, South India, or any other person or persons interested shall, on or before September 9, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the first respondent be appointed guardian *ad litem* over the minors, the 2nd and 3rd respondents, unless the respondents or any other person or persons interested shall, on or before September 9, 1946, show sufficient cause to the satisfaction of this court to the contrary.

July 22, 1946.

H. A. DE SILVA,  
District Judge.

## In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Nambukarawasan Gurullatuduwege Girigiris  
No. 8,137. de Silva of Kandewatta, Galle, deceased.

Grace Hewawasan of Kandewatta, Galle ..... Petitioner.

And

(1) Andrew Hewawasan of Kandewatta, Galle, (2) Patrick Hewawasan of Kandewatta, Galle, (3) Florence Wickrematunga of Kaluwella, Galle, (4) Markus Wickramatunga of Kaluwella, Galle ..... Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge of Galle, on July 17, 1945, in the presence of Mr. G. E. Abeyewardene, Proctor, on the part of the petitioner; and the affidavit and the petition of the said petitioner having been read:

It is ordered that the petitioner, as the widow of the said deceased, be and she is hereby declared entitled to have the letter of administration to the estate of the deceased and that the same be issued to her accordingly.

It is further ordered that the 1st respondent be and she is hereby appointed as guardian *ad litem* over the 2nd respondent, minor, and the 4th respondent, as guardian *ad litem* over the 3rd respondent, minor, unless sufficient cause be shown to the contrary on November 9, 1945.

It is further ordered that the 1st respondent do attend court on the said day with the 2nd respondent and the 4th respondent with the 3rd respondent, minor.

July 17, 1946.

R. R. SELVADURAI,  
District Judge.

The date for showing cause is extended to August 22, 1946.

July 18, 1946.

S. J. C. SCHOKMAN,  
District Judge.

## In the District Court of Tangalla.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Welle  
Jurisdiction. Kankanamge Dionis Appu, late of Palapotha,  
No. 1,406. deceased.

Garusin Arachchige Malhamy of Palapotha ..... Petitioner.

Vs.

(1) Welle Kankanamge Anolis Silva of Kahandamodera, (2) ditto Simon Silva of Tangalla, (3) ditto Babynona of Sitanamalawa, (4) ditto David Silva of Behatta, (5) ditto Lentis Silva of Palapotha ..... Respondents.

THIS matter coming on for disposal before Roland de Zoysa, Esq., District Judge of Tangalla, on July 11, 1946, in the presence of Mr. F. L. Pouher, Proctor, on the part of the petitioner; and the affidavit dated July 9, 1946, and the petition dated July 8, 1946, of the petitioner above named having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to the estate of the said deceased issued to her, unless the respondents above named or any person or persons interested in the said estate shall, on or before August 22, 1946, show sufficient cause to the satisfaction of the court to the contrary.

July 11, 1946.

R. DE ZOYSA,  
District Judge.

## In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Rohini-  
Jurisdiction. ammah, wife of Sinnathamby Vallipuram Aiyadurai of Alaveddy, deceased.  
No. 220.

Chellappah Saravanamuttu of Alaveddy ..... Petitioner.

Vs.

(1) Aiyadurai Yogasundaram, (2) Aiyadurai Sivasubramaniam, (3) Kosaladevi, daughter of Aiyadurai, all minors appearing by their guardian *ad litem*, (4) Chellammah, widow of Chellappah of Alaveddy, (5) Sinnathamby Vallipuram Aiyadurai of Koslande ..... Respondents.

THIS matter of the petition of the petitioner coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on March 13, 1946, in the presence of Mr. M. R. Karalasingham, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

It is ordered that the above-named 4th respondent be appointed guardian *ad litem* of the said minors and that letters of administration to the estate of the said deceased be issued to the petitioner, unless the respondents or any other person shall appear on or before April 17, 1946, and show sufficient cause to the satisfaction of this court to the contrary.

March 13, 1946.

R. R. SELVADURAI,  
District Judge.

Time to show cause extended till August 21, 1946.

R. R. SELVADURAI,  
District Judge.



## In the District Court of Jaffna.

## Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late  
Jurisdiction. Philippan Anthony of Mathagal, deceased.  
No. 541.

(1) Swanthan Soosai and wife, (2) Theresia, both of Matha-  
gal ..... Petitioners.

Vs

Anny Annal, widow of Seivaithy Philippan of  
Mathagal ..... Respondent.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on March 27, 1946, in the presence of Mr. S. Ilayatambi, Proctor, on the part of the petitioners; and the affidavit and petition of the petitioners dated March 9 and 27, 1946, respectively, having been read:

It is ordered that the petitioners be declared entitled to the grant of letters of administration in respect of the estate of the above-named deceased and that letters of administration be granted to them accordingly, unless the above-named respondent, or any other person shall on or before May 30, 1946, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

March 27, 1946.

R. R. SELVADURAI,  
District Judge.

Order Nisi extended for July 18, 1946.

May 30, 1946.

R. R. SELVADURAI,  
District Judge.

Order Nisi extended for August 22, 1946.

July 18, 1946.

R. R. SELVADURAI,  
District Judge.

## In the District Court of Jaffna.

## Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late  
Jurisdiction. Velupillai Sithamparapillai of Chavakachcheri  
No. 578. north, deceased.

Velupillai Sithamparapillai Sivasubramaniam of Chavakachcheri  
north and presently of 39, Mary's road, Bambala-  
pitiya ..... Petitioner.

Vs.

(1) Saviththirthevy, daughter of Naganathar Kanagasabai Minor  
appearing by her father and guardian *ad litem* the 2nd  
respondent, (2) Naganathar Kanagasabai both, of Chava-  
kachcheri north ..... Respondents

THIS matter of the petition of the petitioner above named praying that the 2nd respondent be appointed guardian *ad litem* over the 1st respondent and that letters of administration to the estate of the above-named deceased be granted to the petitioner coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on July 16, 1946, in the presence of Mr. C. Rasarathenam, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

B 5

It is ordered that the 2nd respondent be appointed guardian *ad litem* over the 1st respondent and that the petitioner be as son of the deceased declared entitled to have letters of administration to the estate of the said intestate, unless the respondents or any others shall on or before September 12, 1946, at 10 A.M. show sufficient cause to the satisfaction of this court to the contrary.

August 9, 1946.

R. R. SELVADURAI,  
District Judge.

## In the District Court of Jaffna.

## Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late  
Jurisdiction. Achchumuttu, wife of Velupillai Sithampara-  
No. 579. pillai of Chavakachcheri north, deceased.

Velupillai Sithamparapillai Sivasubramaniam of Chavakach-  
cheri and presently of 39, Mary's road, Bambala-  
pitiya ..... Petitioner.

Vs.

(1) Saviththirthevy, daughter of Naganathar Kanagasabai, (Minor),  
appearing by her father and guardian *ad litem* the 2nd re-  
spondent, (2) Naganathar Kanagasabai both of Chavakach-  
cheri north ..... Respondents.

THIS matter of the petition of the petitioner above named praying that the 2nd respondent be appointed guardian *ad litem* over the 1st respondent and that letters of administration to the estate of the above-named deceased, be granted to the petitioner coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on July 16, 1946, in the presence of Mr. C. Rasarathenam, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read: It is ordered and declared that the 2nd respondent be appointed guardian *ad litem* over the 1st respondent and that the petitioner be as son of the deceased declared entitled to have letters of administration to the estate of the said intestate, unless the respondents or any others shall, on or before September 12, 1946, at 10 A.M. show sufficient cause to the satisfaction of this court, to the contrary.

August 9, 1946.

R. R. SELVADURAI,  
District Judge.

## In the District Court of Jaffna.

## Order Nisi.

Testamentary In the Matter of the Intestate estate of Yohammah,  
Jurisdiction. wife of S. S. Nagalingam of Nallur, late of Mann-  
No. 580. pay, deceased.

Sinnathamby Sittampalam Nagalingam of Nallur... Petitioner,  
Vs.

(1) Nesaledchumy, (2) Pathmavathy, (3) Kamaladovy, (4) /  
Sahunthaladevy, (5) Gopalasingham, and (6) Ratnasingham,  
all children of S. S. Nagalingam, (7) Thamby Ratnam Sona-  
sundaram all of Nallur ..... Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on July 17, 1946, in the presence of

Mr. S. Visuvalingam, Proctor, for the petitioner; and the affidavit of the petitioner having been read:  
 It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner as her lawful husband and that the above-named 7th respondent be appointed guardian *ad litem* over the minor, 1st to 6th respondents, for the purpose of protecting their interests and of representing them in this action unless the above-named respondents or any other person appear before this court on August 27, 1946, and state objections to the contrary.

R. R. SELVADURAI,  
 District Judge.

July 17, 1946.

In the District Court of Chilaw.  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Wickrama,  
 Jurisdiction. Charles Mendis Wijegunaratne of Madampe,  
 No. 2,365. deceased.

Mollie de Zoysa of "Wijemedura", Madampe ..... Petitioner.  
 Vs.

Joslin Mendis Wijegunaratne of "Wijemedura",  
 Madampe ..... Respondent.

THIS matter coming on for disposal before V. H. Wijeyaratne, Esq., District Judge of Chilaw, on June 24, 1946, in the presence of Mr. H. R. A. Jayawardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 24, 1946, having been read:

It is ordered that the above-named petitioner be and she is hereby declared entitled, as sister of the said deceased, Wickrama Charles Mendis Wijegunaratne, to have letters of administration to his estate issued to her accordingly; unless the said respondent or any other person or persons interested shall, on or before July 24, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 24, 1946.

V. H. WIJAYARATNE,  
 District Judge.

Time for showing cause is extended to August 21, 1946.

August 5, 1946.

V. H. WIJAYARATNE,  
 District Judge.

In the District Court of Ratnapura.  
*Order Nisi.*

Testamentary In the Matter of the Estate of the late Hingalagoda  
 Jurisdiction. Lekamalage Appuhamy of Batugedera, deceased.  
 No. 1,202.

Between

Gabadage Dona Alice Nona of Batugedera ..... Petitioner.  
 (1) Hingalagoda Lekamalage Madurawathie Hingalagoda  
 Gunasekera of Angammana, (2) Hingalagoda Lekamalage  
 Kamala Hingalagoda, (3) Hingalagoda Lekamalage Leela

Hingalagoda, (4) Hingalagoda Lekamalage Mallika Soma-  
 latha, Hingalagoda, (5) Hingalagoda Lekamalage Amarasiri  
 Dayananda, Hingalagoda, (6) Hingalagoda Lekamalage  
 Nelson Upananda Hingalagoda, all of Batugedera, the 3rd, 4th,  
 5th and 6th are minors by their guardian *ad litem*, (7) W. P.  
 Gunasekera of Angammana in Batugedera ..... Respondents.

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge, Ratnapura, on July 12, 1946, in the presence of Mr. V. H. Abeyratne, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner above named dated July 11, 1946, and February 8, 1946, respectively, having been read: It is ordered that Gabadage Dona Alice Nona of Batugedera the petitioner above named, as the widow of the deceased above named is entitled to have letters of administration to the estate of the deceased above named issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that W. P. Gunasekera of Angammana in Batugedera, the 7th respondent above named, be appointed guardian *ad litem* over the minors, the 3rd, 4th, 5th and 6th respondents above named, unless the respondents above named or any other person or persons interested shall, on or before August 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

SPENCER RAJARATNAM,  
 District Judge.

July 12, 1946.

In the District Court of Kegalla.  
*Order Nisi.*

No. 1,717. In the Matter of an application for the appointment  
 Testamentary. of an Administrator to the Intestate Estate of  
 Chandrasekera Mudiyansele Kiri Banda of  
 Ganegoda, deceased.

Chandrasekera Mudiyansele Wimala Thissa Bandara of  
 Ganegoda ..... Petitioner.

Vs.

(1) Halavathmudiyansele Banda Kumarihamy, (2) Chandra-  
 sekera Mudiyansele Tikiri Kumarihamy, both of Gane-  
 goda ..... Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq., District Judge of Kegalla, on July 8, 1946, in the presence of Mr. R. L. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 3, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the eldest son of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before August 23, 1946, show sufficient cause to the satisfaction of this court to the contrary.

A. W. NADARAJAN,  
 Additional District Judge.

July 8, 1946.

- ..... 4. Ms. S.U. Wijeythilake
- ..... 3. Ms. Senani Bandara
- ..... 2. Mr. M.S.U. Amarasinghe
- ..... 1. Mr. W.Sunil