

# THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920

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## PART IV-PUBLIC HEALTH, SAFETY AND CONVENIENCE.

### CHAPTER VII.

#### WATER SUPPLY, LIGHTING AND DRAINAGE.

*Water-supply-Vesting of works and powers of municipal authorities.*

**125. Vesting of works in municipal councils.**-All public water-courses and springs and all public reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water-works existing at the time of the coming into force of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the municipal council or otherwise, and also any adjacent land (not private property) appertaining thereto shall vest in the council and be subject to its control:

<sup>1</sup>[Provided that nothing contained in this section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.]

(2) The <sup>2</sup>[State Government] may by notification limit or define such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the municipal council and giving due regard to its objections, if any.

**126. Construction and maintenance of water-works.**-(1) The municipal council may, with the sanction of the <sup>2</sup>[State Government] direct the construction of such works as it deems fit without the limits of the municipality for supplying it with water and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, stand-pipes and other works as it may deem fit within the said limits for the use of the inhabitants.

(2) The council may cause existing works for the supply of water to be maintained and supplied with water, or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

**127. Trespass on premises connected with water supply.**-It shall not be lawful for any person except with permission duly given and obtained to enter upon land belonging to or vested in a municipal council along which a conduit or pipe runs, or upon any premises connected with the wafer-supply.

**128. Prohibition of building over water mains.**-(1) Without the permission of the council no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the council may cause the same to be removed or otherwise

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<sup>1</sup> Proviso added by the Tamil Nadu District Municipalities (Second Amendment) Act, 1934 (Tamil Nadu Act IV of 1935.).

<sup>2</sup> Substituted by Adaptation Order of 1937 Substituted by Adaptation Order of 1950.

dealt with as shall appear to it fit and the expenses thereby incurred shall be paid by the persons offending.

*Supply for domestic use.*

**129. Council to provide water for domestic use.**-The municipal council shall, so far as the funds at its disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants.

**130. Control over house connections.**- All house connections, whether within or without the premises to which they belong, with any water-supply mains which may have been constructed by a municipal council shall be under the control of the council, but shall be altered, repaired and kept in proper order, at the expenses of the owner of the premises to which they belong or for the use of which they were constructed, and in conformity with by-laws and regulations framed by the council in this behalf.

**131. Private water-supply for consumption and domestic use and powers of executive authority to enforce provision of water- supply.**-(1) In municipalities in which there is a pipe supply of water, the <sup>3</sup>[executive authority], may at his discretion on application by the owner or occupier of any building, arrange, in accordance with the by-laws, to supply water thereto for domestic consumption and use:

Provided that the <sup>3</sup>[executive authority] shall not without the sanction of the council, agree to supply water to any building assessed at an annual value of less than one hundred and twenty rupees.

(2) Whenever it appears to the <sup>3</sup>[executive authority] that any dwelling house assessed at an annual value of not less than two hundred rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the <sup>3</sup>[executive authority] may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws and regulations.

(3) The cost of making the connection and the cost or hire of meters shall be borne by the owner or applicant and shall be recoverable in the same manner as the property tax.

Explanation.-Supply of water for domestic consumption and use shall not be deemed to include a supply-

- (a) for any trade, manufacture or business,
- (b) for gardens or for purposes of irrigation,
- (c) for building purposes,
- (d) for fountains, swimming baths, public baths <sup>4</sup>[. . .] within the municipality or for any ornamental or mechanical purpose.
- (e) for animals, or for washing vehicles, where such animals or vehicles are kept for sale or hire;

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<sup>3</sup> Substituted by Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

<sup>4</sup> Omitted by the Substituted by 1936 (Tamil Nadu Act XXIII of 1936).

but shall be deemed to include a supply –

- (a) for flushing latrines,
- (b) for all baths other than swimming baths or public baths,
- (c) for the consumption and use of inmates of hotels, boarding-houses and the like and for baths used by such inmates.

<sup>5</sup>[(4) \* \* \* \* \*]

## NOTES

Water used in a cinema theatre – Character of – (1953) 2 MLJ37;

*Private water-supply for non-domestic purposes*

<sup>6</sup>[132]. **Power of executive authority to supply water for non-domestic purposes**-The <sup>7</sup>[executive authority] may at his discretion supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such a supply is required and the quantity likely to be consumed.

<sup>8</sup>[*Payment for water.*]

**[132-A. Power of council to make by-laws for water supply.]**-(1) For all water supplied under Section 131 or under section 132, payment shall be made on such basis, at such times, and on such conditions as may be laid down in the by-laws made by the Council and shall be recoverable in the same manner as the property tax.

(2) In particular and without prejudice to the generality of the foregoing power, such by-laws may-

- (a) in cases of supply for domestic consumption and use, lay down the maximum free allowance to be made and the rates of charge to be levied in respect of water supplied in excess of such allowance; and
- (b) in cases of supply whether for domestic consumption and use or for other purposes, or any class of such cases, lay down that the charge for water supplied shall be based on the number of the taps allowed, irrespective of the quantity of water consumed.]

*Supply beyond limits of municipality*

**133. Supply without the municipality.**- The council may with the sanction of and on such terms (if any) as may be approved by the <sup>9</sup>[State Government] supply water to a local authority or other person without the municipality

*Cutting off water-supply.*

**134. Power to cut off water-supply.** - (1) The <sup>10</sup>[executive authority] may cut off the supply of municipal water from any premises-

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<sup>5</sup> Omitted by T.N. Act XXIII of 1936.

<sup>6</sup> Sec-132(2) omitted sub-section (1) renumbered as section 132 by the Tamil Nadu District Municipalities (Amendment) Act, 1936 (Tamil Nadu Act XXIII of 1936).

<sup>7</sup> Substituted by T.N. Act XV of 1933.

<sup>8</sup> Heading and section 132-A inserted by the Tamil Nadu District Municipalities (Amendment) Act 1936 (Tamil Nadu Act XXIII of 1936).

<sup>9</sup> Substituted by Adaptation Order of 1937 and substituted by Adaptation Order of 1950.

- (a) if the premises are unoccupied;
- (b) if any water-tax or any sum due for water for the cost of making a connection or for the cost or hire of a meter or for the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act, is not paid within fifteen days after a bill for such tax or sum has been presented;
- (c) if, after receipt of a notice from the <sup>9</sup>[executive authority] requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any by-law made under this Act;
- (d) if the owner or occupier neglects within a period specified in any notice issued by the <sup>9</sup>[executive authority] under any by-law made under this Act to put up a meter or to comply with any other lawful order or requisition
- (e) if the owner or occupier willfully or negligently damages his meter or any pipe or tap conveying municipal water;
- (f) if the occupier refuses to admit the <sup>9</sup>[executive authority] into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water-supply, or prevents the <sup>9</sup>[executive authority] from doing such work, placing or removing such apparatus or making such examination or inquiry;
- (g) if any pipes, taps, works or fittings connected with the municipal water-supply are found on examination by the <sup>9</sup>[executive authority] to be out of repair to such an extent as to cause waste or contamination of water;
- (h) if the owner or occupier causes pipes, taps, works or fittings connected with the municipal water-supply to be placed, removed, repaired or otherwise interfered with in violation of the by-laws;

Provided that in cases under sub-clauses (e), (g) and (h) the <sup>9</sup>[executive authority] shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clauses (b) as soon as any money for non-payment of which water has been cut off together with the expense of cutting off the supply, has been paid by the owner or occupier, the <sup>11</sup>[executive authority] shall cause water to be supplied as-before on payment of the cost (if any) of reconnecting the premises with the municipal water-works.

(4) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

**135. Non-liability of council for reduction or stoppage of supply in certain cases.-** The municipal council shall not be liable to any penalty or damages for cutting

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<sup>10</sup> Substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

<sup>11</sup> Substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

off the supply of water or for not supplying water (save in the case of express stipulation in an agreement for the supply of water for other than domestic purposes) in the case of any drought, or other unavoidable cause or accident, or die necessity for relaying or repairing pipes.

#### *Lighting*

**136. Provision for lighting public streets.**-The municipal council shall, so far as the funds at its disposal admit, cause the public streets to be lighted and for that purpose shall provide such lamps and works as it thinks necessary.

#### *Public drainage*

**137. Maintenance of system of drainage by council**-The municipal council shall, so far as funds at its disposal may admit, provide and maintain a sufficient system of public drains.

#### *Private drainage.*

**138. Control over house-drains privies and cess-pools.**-All house-drains whether within or without the premises to which they belong and all private latrines and cess-pools within the municipality shall be under the control of the municipal council but shall be altered, repaired, cleaned, and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed, and in conformity with by-laws and regulations framed by the council in this behalf.

**139. Connection of house-drains with public drains.**-(1) The <sup>11</sup>[executive authority] shall on application by the owner or occupier of any premises or the owner of a private street arrange, in accordance with the by-laws for the connection of the applicant's drain with any public drain at a distance not exceeding three hundred feet therefrom at the applicant's expense.

(2) If there is a public drain or outfall within a distance not exceeding one hundred feet of the nearest point on any premises <sup>12</sup>[or if within such distance a public drain or outfall is about to be provided or is in the process of construction] the <sup>13</sup>[executive authority] may by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place of outfall, and to execute all such works as may be necessary in accordance with the by-laws and regulations at such owner's expense.

(3) If any premises are in the opinion of the <sup>13</sup>[executive authority] without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or its place of outfall, the <sup>13</sup>[executive authority] may by notice direct the owner of the said premises to construct a cess-pool or septic tank or filters of such materials, dimensions and description, in such position and at such level as the <sup>13</sup>[executive authority] thinks necessary and to construct a drain or drains emptying into such cess-pool, tank or filters and to execute all such works as may be necessary in accordance with the by-laws and regulations:

Provided that-

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<sup>12</sup> Inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1942 (Tamil Nadu Act XXVII of 1942), re-enacted by the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

<sup>13</sup> Substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1993 (Tamil Nadu Act XV of 1993).

- (a) no requisition shall be made under this section on any person who has been exempted from payment of the property tax under <sup>14</sup>[sub-section (5) of section 83]:
- (b) no person shall be required under this section to expend a sum exceeding five times the property tax on any such building, with the land assessed with it as part of the same premises, or in the case of buildings exempted under section 83, five times the property tax which would be payable on such building with the land which would be assessed with it to the property tax if such building were not exempt and if any amount exceeding the said sum is expended, the excess shall be borne by the council.

**140. Executive authority may close or limit the use of existing private drains.**-(1) Where a drain connecting any premises with a public drain or other place set apart by the municipal council for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the <sup>13</sup>[executive authority] adapted to the general drainage system of the municipality or of the part of the municipality in which such drain is situated, the <sup>13</sup>[executive authority] with the approval of the council may-

- (a) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or
- (b) direct that such drain shall, from such date as he specifies in this behalf, be used for sullage and sewage only, or for water unpolluted with sullage or sewage only, and by notice require the owner of the premises to make, at his own expense, an entirely distinct drain for water unpolluted with sullage or sewage, or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the <sup>15</sup>[executive authority] under clause (1) (a) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid; and the expense of the construction of any drain so provided by the <sup>15</sup>[executive authority] and of any work done under clause (1)(a) shall be paid by the council.

**141. Power of executive authority to drain premises in combination.**- (1) When the <sup>15</sup>[executive authority] is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a municipal drain already existing, or <sup>16</sup>[about to be provided or in the process of construction] may be drained more economically or advantageously in combination than separately, the <sup>15</sup>[executive authority], may, with the approval of the council, cause such group or block of premises to be drained by such method as appears to the <sup>15</sup>[executive authority] to be best suited therefor and the expenses incurred by the <sup>15</sup>[executive authority] in so doing shall be paid by the owners in such proportions as the council may decide.

(2) Not less than fifteen days before any work under this section is commenced, the <sup>15</sup>[executive authority] shall give notice to the owners of-

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<sup>14</sup> Substituted by Tamil Nadu Act X of 1930.

<sup>15</sup> Substituted by Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

<sup>16</sup> Substituted by Tamil Nadu District Municipalities (Amendment) Act, 1942 (Tamil Nadu Act XXVII of 1942), re-enacted the Tamil Nadu Re-enacting and Repealing (No.1) Act, 1948 (Tamil Nadu Act VII of 1948).

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall in the proportion in which it is determined that they are to contribute to the expense incurred by the <sup>15</sup>[executive authority] under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

## NOTES

Scope of- (1940) 1 MLJ 155;

**142. Building, etc., not to be erected without permission over drains.-** (1) Without the permission of the council, no person shall place or construct any fence, building, culvert, drain-covering, drain or other structure or any street, railway or cable over, under, in or across any public drain, or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The <sup>15</sup>[executive authority] may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 344.

## NOTES

Water course used as a storm water-drain – When a public drain – 371.W 465;

**143. Construction of culverts or drain-coverings by owner or occupier.-** The <sup>17</sup>[executive authority] may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain-coverings over the side- channel or ditches at the entrances to the said building or land.

(2) All culverts or drain-coverings or pials maintained over side-channels or ditches by the owners or occupiers of adjacent buildings or lands shall be of such form and size and consist of such materials and be provided with such means of ventilation as the <sup>17</sup>[executive authority] may by notice require and shall be maintained and kept free from all obstruction at the expense of the said owners or occupiers.

**144. Maintenance of troughs and pipes for catching water.-** The owner or occupier of any building in a public street, shall, within fifteen days after receipt of notice in that behalf from the <sup>17</sup>[executive authority] put up and thence forward maintain proper through and pipes for catching and carrying the water from the roof and other parts of such building and for discharging such water in such manner as the <sup>17</sup>[executive authority] may permit.

*Public latrines.*

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<sup>17</sup> Substituted Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

**145. Provision of public latrines and urinals.-** The council shall, as far as the funds at its disposal may admit, provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be daily cleaned and kept in proper order.

#### NOTES

Objection to the erection of a public latrine - Power of court - (1941) 1 MLJ 768;

#### *Public latrines.*

**146. Provision of latrines by owner or occupier.-** (1) The <sup>17</sup>[executive authority] may by notice require the owner or occupier of any building within the time specified in such notice to provide a latrine or alter or remove from an unsuitable to a more suitable place any existing latrine in accordance with the directions contained in such notice for the use of the persons employed in or about or occupying such building and to keep it clean and in proper order.

(2) Every owner or occupier of the ground on which any group of six or more huts stands shall provide latrines of such description and number and in such position as the <sup>18</sup>[executive authority] may by notice require, within such time as may be fixed in the notice, for the use of the inhabitants of such huts.

#### NOTES

Power to order shifting of a laterine - Defence - 1938 MWN 223

“Laterine” - Meaning of -1919 MWN 712;

**147. Provision of latrines for labourers** - Every person employing workmen, laborers or other persons exceeding ten in number, shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number and in such position as the [executive authority] may by notice require, within such time, as may be fixed in the notice.

**148. Provision of latrines for markets, cart-stands, cattle-sheds, choultry etc.-** The <sup>18</sup>[executive authority] may by notice require the owner or manager of a market, cart-stand, cattle-shed, choultry, theatre, railway station, dock, wharf or other place of public resort within the time specified in such notice to provide and maintain for the separate use of persons of each sex latrines of such description and number and in such position as may be specified in such notice.

**149. Latrines to be screened from view and kept clean.-** All latrines shall be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood and shall be kept clean and in proper order.

#### *General powers.*

**150. Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage.-** The [executive authority] may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under, or over any road, street or place laid out for a road or street, and after giving reasonable notice to the owner or occupier, through, across, under,

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<sup>18</sup> Substituted by T.N. Act XV of 1933.



over or up the side of, any land or building in the municipality, and may place and maintain posts, poles, standards, brackets, or other contrivances to support wires and lights on any pole or post in the municipality not <sup>19</sup>[vested in the <sup>20</sup>(Government)] and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose of which it is intended to be used or for removing the same:

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the <sup>21</sup>[executive authority] shall, with the sanction of the council, pay compensation to any person who sustains damage by the exercise of such power.

**151. Prohibition against making connection with mains without permission.-** (1) No person shall, without the permission of the <sup>21</sup>[executive authority], make any connection with any municipal cable, wire, pipe, drain or channel or with the house connection of any other person.

(2) The <sup>21</sup>[executive authority] may by notice require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or remade.

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<sup>19</sup> Adaption Order of 1937.

<sup>20</sup> Substituted by Adaptation Order of 1950.

<sup>21</sup> Substituted Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).