

Resumption and Regrant of Inams Rules

TAMILNADU

India

Resumption and Regrant of Inams Rules

Act 3257 of 1960

- Published on 15 February 1960
- Commenced on 15 February 1960
- [This is the version of this document from 15 February 1960.]
- [Note: The original publication document is not available and this content could not be verified.]

Resumption and Regrant of Inams RulesPublished vide Notification No. G. O. Ms. No. 864, Revenue, dated 15th February, 1960 - SRO No. A-3257 of 1960Published in Rules Supplement to Part I of the Fort St. George Gazette, dated 11th May 1960.G. O. Ms. No. 864, Revenue, dated 15th February, 1960 - SRO No. A-3257 of 1960. - In exercise of the powers conferred by sub-section (1) of section 116 read with sub-section (2) of section 41 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Governor of Tamil Nadu hereby makes the following rules, namely:-

1.

These rules may be called the Resumption and Regrant of Inams Rules.

2.

In these rules, unless there is anything repugnant in the subject or context,-(i)"clause" means a clause of sub-section (2) of section 41 of the Act;(ii)"Commissioner" means the Commissioner appointed under section 9 of the Act.

3. Form of application and presentation thereof.

- Every application under clause (a) shall be in Form-A annexed to these rules and shall be presented to the Collector in person or by counsel.

4. Copies to accompany application.

- The application shall be accompanied by as many copies thereof as are required for service on the Commissioner and each of the persons mentioned in clause (b).

5. Deed of alienation, if any, to accompany application.

- If the application is made on the ground specified in sub-clause (i) of clause (a), it shall be accompanied by an authenticated copy of the deed, if any, under which the inam or portion thereof was gifted, exchanged, sold, mortgaged or leased.

6. Procedure of Collector.

(1) On receipt of an application under clause (a), the Collector shall-(a) if he is satisfied that the application is in conformity with the provisions of the Act and these rules, fix a date for the enquiry which shall not be less than thirty days from the date of the application; and (b) if he is not so satisfied, return the application to the applicant for being brought into such conformity and re-presented within a reasonable period to be specified, which may, however, be extended at the discretion of the Collector. (2) In cases falling under clause (b) of sub-rule (1)-(a) if the application is not re-presented within the period specified in that behalf or if it is so re-presented within such period, but the Collector is not satisfied that it has been brought into conformity with the provision of the Act and these rules, the Collector may reject the application; and (b) if the application is re-presented within the period aforesaid and the Collector is satisfied that it has been brought into conformity with the provisions of the Act and these rules, the Collector shall fix a date for the inquiry which shall not be less than thirty days from the date of re-presentation of the application.

7. Service and publication of notice of application.

(1) In cases, where an application has been presented under clause (a), the notice referred to in clause (b) shall be in Form B annexed to these rules, and shall be accompanied by a copy of the application and shall be served in the manner specified in sub-rule (3). (2) In cases where the Collector acts on his own motion under clause (a), the notice referred to in clause (b) shall be in Form B-1 annexed to these rules and shall be served in the manner specified in sub-rule (3). (3) Service of such notice shall be effected-(a) in the case of the Commissioner, by a copy being sent by registered post to the Commissioner; and (b) in the case of each of the other persons mentioned in clause (b), by delivery of copy to such person or some adult male member of his family at his usual place of residence or to the authorised agent of such persons. (4) Such notice shall be published-(a) on the notice board of the office of the Assistant Commissioner and Tahsildar and Collector concerned; (b) on the notice board or the front door of the math or temple concerned; (c) on the notice board of the office of the municipal council including the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] or the village chavadi and if there is no village chavadi in some other public place in the village in which the temple concerned is situate; (d) in another conspicuous place in the locality which may be selected by the Collector in his discretion. The notice shall also be published in the District Gazette in the case of math or temple situated in the mofussil and in the Tamil Nadu Government Gazette in the case of math or temple situated in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).].

8. Procedure at inquiry.

- At the inquiry under clause (b), the Collector shall hear and record the substance of the evidence produced by the parties concerned on such of the following points as are relevant, namely:-(i)whether the inam was or was not made, confirmed or recognized by the Government;(ii)the purpose for which the inam was granted;(iii)whether the inam consists of both the melvaram and the kudivaram or only of the melvaram;(iv)whether the inam or any portion thereof was or was not alienated by exchange, gift, sale, mortgage, or lease for a term exceeding five years;(v)what the custom or usage concerning the performance of the charity or service, as the case may be, is;(vi)whether there has been any failure to perform or to make the necessary arrangements for performing the charity or service in accordance with such custom or usage;(vii)in case, a portion of the inam has been alienated or is in the enjoyment of any person or persons who has or have failed to perform or make the necessary arrangements for performing his or their part of the charity or service for performing which the inam was granted, whether the portion can be separately sub-divided;(viii)whether the math or temple has ceased to exist; and(ix)whether the charity or service has become impossible of performance.

9. Publication of order of resumption.

- A copy of every order of resumption passed under clause (a) shall be published in the same manner as in the case of notice published under rule 7(4) above.

10. Time for presentation of appeals.

(1)The time allowed to a party for preferring an appeal to the District Collector against any order passed by the Collector under clause (a) shall be sixty days from the date of receipt of the order by the party, after excluding the time, if any, taken by him for obtaining an authenticated copy of the order.(2)Such appeal shall be presented to the District Collector in person or by counsel and shall be accompanied-(a)by an authenticated copy of the order appealed against; and(b)by as many copies of the memorandum of appeal as are required for service on each of the persons and bodies mentioned in clause (b).

11. Procedure in appeal.

(1)On receipt of any such appeal, the District Collector shall fix a date for the inquiry and give the notice referred to in sub-clause (i) of clause (d) in the Form C annexed to these rules. Every such notice shall be accompanied by a copy of the memorandum of appeal. The notice shall be served in the manner prescribed in sub-rule (3) of rule 7. At the inquiry, the District Collector shall peruse the evidence recorded by the Collector under rule 8, hear the parties who may appear before him and pass an order as required by sub-clause (i) of clause (d).(2)The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, before the District Collector, but if it is found that -(a)the Collector has refused to admit evidence which ought to have been admitted, or(b)the District Collect requires any document to be produced or any witness to be

examined to enable him to pronounce judgment, or(c)there is any other substantial cause, the District Collector may allow such evidence or document to be produced or such witness to be examined. Wherever additional evidence is allowed to be produced by the District Collector under the foregoing provisions, he shall record the reason for the admission.

12. Application for execution of order of re-grant.

- Any application for the execution of an order passed under clause (f) regranting any inam or part of an inam shall be presented to the Collector in Form D annexed to these rules within one year from the date of the order, if no suit is filed in a Civil Court under the proviso to sub-clause (ii) of clause (d) and within sixty days from the date of the disposal of the suit, if one is filed. The Collector may, however, for reasons to be recorded in writing, admit an application presented after the period prescribed under this rule. Explanation. - No suit shall be deemed to be disposed of within the meaning of this rule-(a)until the time for preferring an appeal or a second appeal from the decree passed by the Court of first instance or by the first appellate Court, as the case may be, has expired, or(b)if an appeal or a second appeal has been preferred within such time until such appeal or second appeal has been finally decided.

13. Manner of execution of order of re-grant.

- An order under clause (f) re-granting any inam or part of an inam shall be executed in the following manner:-(i)Where the inam or part and the re-grant relate to the melwaram only, the Collector shall send an order to the Tahsildar of the taluk concerned, to pay the actual net assessment collected on the resumed inam or part, to the math or temple concerned, or to such religious, educational or charitable institution recommended by the Commissioner, as the case maybe, by way of beriz deduction from the village collections during the kist season and to effect necessary changes in the village and taluk accounts; and(ii)Where the inam or part and re-grant comprise both the melwaram and the kudiwaram, the Collector shall issue warrant, authorizing to take possession of the land and deliver it to the math or temple concerned or to such religious, educational or charitable institutions recommended by the Commissioner, as the case may be, after removing, if need be, any person bound by the order of re-grant who refuses to vacate the land.

14. Issue of the title deed where inam comprises both warams.

- In cases referred to in clause (ii) of rule 13, the Collector shall, after delivering possession of the land to the math, temple or other institution, as the case may be, send proposals to the Inam Commissioner through the District Collector, for issuing the necessary title deed in its favour.

15. Assessment to be levied on resumed inam consisting only of melwaram.

- Where the inam relates to the melwaram only, the assessment levied on the resumed inam shall be-(a)in case the inam is situated in a ryotwari village, the current assessment levied on similar lands in the vicinity, and(b)in case the inam is situated in a proprietary village, the current

assessment levied on similar lands in the ryotwari village in the neighbourhood. Annexure Form A (See rule 3) Application Under Section 41(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959

1. Name, description and place of residence of the applicant.

2. If the applicant is not the trustee of the math or temple, or the Commissioner, what interest he has in the math or temple and whether he has obtained the consent of such trustee or Commissioner (a copy of the letter according such consent shall be appended hereto).

3. Name, description, age and place of residence of-

(a) the inamdar or where only a part of the inam is affected, each of the holders of the several parts of the inam, and (b) the alienee.

4. Whether the inam has been recognized by the Government, if so, the date and number of the title deed issued by the Inam Commissioner should be given.

5. A concise statement of the conditions and return of the grant.

6. Reason for resuming the inam.

Certified that the particulars furnished herein are true to the best of my knowledge and belief. Signature of the applicant. Form B [See rule 7(1)] Notice Under Section 41(2) Of The Tamil Nadu Hindu Religious And Charitable Endowments Act, 1959 In the Court of..... at..... district. No of 20..... Subjects: Inam - Religious/Charitable..... taluk, village..... T.D. No..... Resumption. To..... (Name, description and place of residence) Whereas has presented an application to this Court praying for the resumption of..... the whole of the inam/a portion of the inam described below on account of..... Take notice that if you have any cause to show why the inam/a portion of the inam should not be resumed, you should appear in person or by a counsel, duly instructed with proofs in this Court on..... the day of..... 20..... when the said application will be heard and disposed of, failing which the said application will be heard and disposed of ex parte and it will be presumed that you consent to the resumption of the inam/a portion of the inam. Given under my hand and the seal of the Court, this day of..... 20.....

Schedule

Description of the InamForm B-1[See rule 7(2)]Notice under section 41(2)(B) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959In the Court of at.....districtNo.....of 20.....Subjects: Inam.....taluk, district.....Resumption.To.....(Name, description and place of residence)Whereas I have reason to believe that the whole of the inam/a portion of the inam described below should be resumed on account ofTake notice that if you have any cause to show why the inam/a portion of the inam should not be resumed, you should appear in person or by a counsel duly instructed with proof, in this Court on the day of 20 when the aforesaid matter will be heard and disposed of, failing which the matter will be heard and disposed of ex parte, and it will be presumed that you consent to the resumption of the inam/a portion of the inam.Given under my hand and the seal of the Court, this day of 20.....Collector.

Schedule 2

Description of the InamForm C[See rule 11(1)]Notice under section 41 (2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959Subjects: Inam - Religious/Charitable..... taluk, village..... T.D. No Resumption.Appeal from the of the Court of..... dated.....To.....(Name, description and place of residence)Take notice that an appeal from the order of in this case has been presented by and registered in this Court and that the day of 20 has been fixed by this Court for the hearing of this appeal. If no appearance is made by yourself in person or by your counsel, the appeal will be heard and decided in your absence.Given under my hand and the seal of the Court, this day of 20District Collector.Form D[See rule 12]Application for execution of the order of re-grant of the inam under section 41(2)(f) of the Tamil Nadu Hindu Religious and charitable endowments Act, 1959

- 1. Name, description, age and place of the applicant.**
- 2. Number and date of the order for the execution of which the application is made.**
- 3. Whether an appeal has been preferred to the District Collector or a suit has been filed in the Civil Court against the order. If so, with what result.**
- 4. Name, description, age and place of residence of each of the persons against whom the order is sought to be executed.**

5. Mode in which the assistance of the Collector is required, whether by delivery of land or recovery of money allowance. Certified that the particulars furnished herein are true to the best of my knowledge and belief.