

# Holding of Inquiries Rules

TAMILNADU

India

## Holding of Inquiries Rules

### Act 895 of 1961

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Holding of Inquiries RulesPublished vide Notification No. SRO No. A-895 of 1961Original rules  
Published in Part V, of the Fort St. George Gazette, dated 30th August, 1961.SRO No. A-895 of 1961.  
- In exercise of the powers conferred by clause (iii) of sub-section (2) of section 116 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 Holding of Inquiries Rules.

#### 2.

An Assistant Commissioner acting under the powers delegated to him under sub- section (3) of section 14 or vested in him under any of the provisions of the Act or the rules made thereunder, [xxx] [Words 'or Commissioner after obtaining the approval of the Government' were omitted by G. O. Ms. No. 3347, Revenue, dated the 23rd November 1963.] [the Joint Commissioner, Deputy Commissioner, the Commissioner, the Government, as the case may be,] [Added by G. O. Ms. No. 275, C. T. & R. E., dated the 15th July 1997.] (hereinafter referred to as the appropriate' authority) acting under the powers vested in it by any of- the provisions of the Act or the rules made thereunder may, in any proceedings taken by or instituted before it under the provisions of the Act, issue notice to the trustees or the Executive Officer of the religious institution concerned or the respondent in any application filed before it to show cause against any action applied for or proposed to be taken.

#### 3.

Where any such proceeding is taken on the application of a trustee or a person having interest and it is deemed necessary by the appropriate authority that notice of the application shall be given to any

other person, the applicant shall pay charges in cash for the issue of notice at such rate [as may be fixed, from time to time] [Substituted by G O. Ms. No. 275, C. T. & R. E. dated the 17th April 1989.], by the Government for preparation of process and postal expenses for issue of registered notice to each respondent. If owing to non- service or any other reason, a notice has to be issued again, the applicant shall pay the charge for such re-issue at the said rate.

**4.**

Where a party to a proceeding is served with notice and appears or fails to appear, he shall not be entitled to any further notice except where the proceeding is taken up on a date prior to the date to which it is posted and is re-posted to another date or where the Issue of a fresh notice is required by the Act or the rules made thereunder.

**5.**

Final orders made in such proceeding shall be communicated to the parties or their pleaders, if any, by post.

**6.**

At any stage during the course of any proceeding, the appropriate authority may, on his or1 their own motion or at the request of any party, issue summons to any person to give evidence as a witness or to produce any document in his possession and may examine him as a witness or require him to produce such document.

**7.**

Every summons for the attendance of a person to give evidence or to produce a document shall specify the time and place at which and the date on which he is required to attend and also whether his attendance is required for the purpose and any particular document, which the person summoned is called upon to produce, shall be described with reasonable accuracy.

**8.**

Whoever is summoned to appear and give evidence in a proceeding shall attend at the time and place mentioned in the summons for that purpose and whoever is summoned to produce a document shall either attend to produce it or cause it to be produced at such time and place or cause such document to be sent by registered post so as to reach the authority who summoned him at such time and place.

**9.**

The summons, shall be sent by registered post acknowledgement due. If the appropriate authority is satisfied that the person to whom a summons is sent wilfully absents himself from his residence or refuses to receive the summons, he may order that the summons shall be affixed on the front door or other conspicuous place in his usual place of residence. If the person has changed his residence, the notice shall be sent to the changed address, if it is known or a copy of the notice shall be affixed on the front door or other conspicuous place of the last known residence. On such affixture, he may declare that there has been sufficient service.

**10.**

Service shall, in all cases, be made in sufficient time before the time specified in the summons for the attendance of the persons summoned, to allow him a reasonable time for preparation and for travelling to the place at which attendance is required.

**11.**

A person summoned either to give evidence or to produce a document shall, along with the summons, be given such batta and travelling allowance with the rate fixed in the Civil Rules of Practice framed under the Code of Civil Procedure by the High Court of judicature at Madras.

**12.**

No summons shall be issued at the instance of a party unless the party first pays to the appropriate authority such sum as in his opinion is sufficient to defray the travelling and other expenses of the person summoned in passing to and from the place at which attendance is required and for one day's attendance or where the summons is for sending a document through post, the charges for so sending the document and the charges for transmitting the amount to witness by postal money order.

**13.**

Where it is necessary to detain the person summoned for a longer period than one day, the party at whose instance he was summoned shall pay to the appropriate authority such sum as he or they may fix to defray the expenses of such detention for such further period and, in default of such deposit, the person summoned shall be discharged without being required to give evidence.

**14.**

(1)Where a witness is about to leave the jurisdiction of the appropriate authority or other sufficient cause is shown to the satisfaction of the appropriate authority why his evidence should be taken immediately, the appropriate authority may, on the application of any party or of the witness, at any

time after the institution of the proceeding, take the evidence of such witness.(2)Where such evidence is not taken forthwith and in the presence of the parties, if any, such notice, as the appropriate authority thinks sufficient, of the day fixed for the examination, shall be given to the parties, if any.

**15.**

The appropriate authority may, at any stage of an enquiry, recall any witness who has been examined and may put such questions to him, as the appropriate authority may think fit.

**16.**

(1)The appropriate authority may, in his or their discretion, upon the application of any of the parties to a proceeding, send for, either from his or their own records or from any other public officer the record of any proceedings and inspect the same.(2)Every application made under this rule shall be supported by an affidavit showing how the record is material to the proceeding in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purpose of justice. If the application is granted, the appropriate authority shall address a letter of request to the officer or the Court in whose custody the record is.(3)The applicant shall deposit in cash the expenses for transmission of the letter of request and for sending for, and the return of, the record.

**17.**

All persons who appear in response to the notice issued or published in proceedings under sections 63, 64, 65, 66, 67, 69, 71 and 72 shall, within the time fixed in the notice or within such further time as may be granted, file written statements containing their objections or suggestions. The Deputy Commissioner, Joint Commissioner or the Commissioner, as the case may be, may, however, permit any person who has not filed a written statement to make representations at the time of inquiry.

**18.**

Any party to the proceedings shall have a right to appear in person or by pleader, to adduce oral and documentary evidence and to apply for summoning witnesses or documents.

**19.**

The Deputy Commissioner, [Joint Commissioner] [Added by G. O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.] or the Commissioner, as the case may be, shall record the oral evidence of witness in his own handwriting.

**20.**

The provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) and the Civil Rules of Practice and Circular Orders shall apply, as far as practicable, to appearance of pleader and to affidavits, production of documents, examination of witnesses, taking of oral evidence, proof by affidavits, filling of exhibits, issue of commissions, return of documents not admitted in evidence, and other connected matters, and the inquiry shall be made, as far as practicable, in the manner laid down in the said Code for the trial of suits.

**21.**

(1) Any person whether a party or not, desirous of receiving back any document produced by him in proceedings before the Deputy Commissioner, [Joint Commissioner or the Commissioner, as the case may be] [Substituted by G O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.], shall, unless the documents have been impounded, be entitled to receive back the same, -(a) where the proceeding is one in which the order made is not liable to be questioned by a suit in a Court, but is one in respect of which an appeal to the Commissioner or to the Government, as the case may be, is allowed, when the time for preferring the appeal has elapsed without the appeal being preferred or when the appeal, having been preferred has been disposed of; and (b) where the proceeding is one in which the order made is liable to be questioned by a suit in a Court, if the time for filing the suit has elapsed without the suit being filed or if a suit has been filed when the suit or an appeal from the decree therein has been disposed of: Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying thereof delivers to the Joint/ Deputy Commissioner [Joint Commissioner or the Commissioner, as the case may be] [Added by G. O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.], a certified copy to be substituted for the original and undertakes to produce the original, if required. (2) An application for the return of a document shall give the date and description of the document, the number of the proceeding in which and the date on which it was produced and the exhibit mark it bears. On the return of a document, a receipt shall be given by the person receiving it.