

Alienation of Immovable Trust Property Rules

TAMILNADU

India

Alienation of Immovable Trust Property Rules

Act 347 of 1960

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Alienation of Immovable Trust Property Rules Published vide Notification No. G.O. Ms. No. 866, Revenue, dated 15th February 1960 - SRO No. A-347 of 1960 Original rules were published in Rules Supplement to Part I of the Fort St. George Gazette, dated 18th May, 1960, (Page 531). G.O. Ms. No. 866, Revenue, dated 15th February 1960 - SRO No. A-347 of 1960. - In exercise of the powers conferred under sub-sections (1) of section 116 read with sub-sections (1) and (2) of section 34 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 Alienation of Immovable Trust Property Rules.

2.

(1) Notice of the proposals for any exchange, sale or mortgage and any lease for a term exceeding five years of any immovable property belonging to or given or endowed for the purpose of any religious institution shall contain particulars, in respect of the following, namely:- (a) nature of the proposed transaction; (b) correct description of the properties relating to the proposed transaction with information regarding the survey number, extent and boundaries and ward number and door number also in the case of properties within the limits of municipalities and 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).]; (c) the revenue assessed on the properties relating to the proposed transaction by way of land revenue, cess, quit-rent, ground-rent, property tax, etc.; (d) any encumbrance to which the properties relating to the proposed transaction are subject; (e) if the proposal is for mortgage, the amount for which the properties are proposed to be mortgaged; (f) if the proposal is for sale or lease, the probable price or the rental, as the case may be, that is expected; (g) [the purpose for which the amount so raised is to be utilised.] [Clause (g) was added by Notification No. SRO No. A-743 of 1961.] The notice shall specify a reasonable time, being not less than 30 days

from the date of the issue of the notice, within which objections or suggestions may be sent. It shall also specify the date on which an enquiry, if any, is proposed to be held to consider the objections or suggestions. A copy of the notice shall be served in person or sent by registered post, with acknowledgement due to the trustee or trustees of the religious institutions concerned, and where the proper ties belong to a specific endowment, also to the trustee or trustees of the temple or math to which the specific endowment is attached. Any refusal or evasion to receive the notice shall be deemed to be sufficient notice.(2)A copy of the notice shall be published by affixture -(a)on the notice board of the office of the Commissioner and the Assistant Commissioner having jurisdiction over the area in which the math or temple concerned is situate;(b)on the notice board of 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 or the Panchayat Union Council and if there is no Village Chavadi or Panchayat Union Council, in some other public place in the village in which the math or temple concerned is situate;(d)in another conspicuous place in the locality which may be selected by the Commissioner in his discretion; and(e)in at least one daily newspaper published in the language of the locality where the math or temple concerned is situate:[xxx] [Note to rule 2(2) was omitted by G.O. Ms. No. 275, C.T. & R.E., dated the 16th July 1997.]Provided that where the proposal is in respect of a specific endowment, the properties of which are not situate in the village in which the temple, or math is situate, the notice shall be published also in the village or villages in which the properties are situate.

2A. [[Rule 2-A was inserted by G. O. Ms. No. 506, C.T. & R.E., dated the 13th December 1991 and omitted by G.O. Ms. No. 275, C.T. & R.E., dated the 16th July 1997.]

xxx]

3. [[Rule 3 was substituted by G. O. Ms. No. 506, C.T. & R.C., dated the 13th December 1991.]

A copy of the [order sanctioning an exchange, sale or mortgage, or lease for a term exceeding five years shall be communicated by the Commissioner in the form of proceedings under section 34 duly signed by him to the trustee or trustees and the person having interest, if any, who appeared in the proceedings and shall be published in the manner laid down in clauses (a) to (e) of sub-rule (2) of rule 2] for the publication of the notice.The order shall also be published-(a)in the District Gazette in the language of the district concerned in the case of the math or temple or specific endowments attached to a math or temple situated in the district; or(b)in the Tamil Nadu Government Gazette in the case of a math or temple or specific endowments attached to a 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).] or to specific endowments attached to maths or temples situated in more than one district.]