

# Removal of Encroachments on Lands or Buildings Belonging to Religious Institutions Rules

TAMILNADU

India

## Removal of Encroachments on Lands or Buildings Belonging to Religious Institutions Rules

### Act 186 of 1962

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RulesPublished vide Notification No. G. O. Ms. No. 383, Revenue, dated 29th January, 1962 - SRO No. A-186 of 1962G. O. Ms. No. 383, Revenue, dated 29th January, 1962 - SRO No. A-186 of 1962. - In exercise of the powers conferred by sub-section (2) of section 116 read with sub-section (3) of section 79, sub-section (3) of section 80 and sub-section (3) of section 81 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. Title and applications.

- These Rules may be called the Removal of Encroachments on Lands or Buildings belonging to Religious Institutions Rules.

#### 2. Definitions.

- In these Rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959);(b)"encroacher" means a person, who occupies unauthorisedly any land or building belonging to any religious institution wherever it is situated or any sacred tank, spring or water-course wherever it is situated and belonging to a religious institution, or any space within or outside the prakarams, mandapams, courtyards or corridors of the religious institutions.

### **3. Form and service of notice.**

(1) Every notice under sections 78(2), 79(3), 80(2) and 81(3) shall be in Forms A to D in the Schedule to these Rules and shall be served on the encroacher, lessee, licensee or mortgagee, as the case may be, by registered post with acknowledgement due. A copy of the notice shall be communicated to the trustees of the institution also. (2) [In case of any refusal or evasion to receive the notice sent for service in the manner specified in sub-rule (1) the notice shall be affixed on the front door or any conspicuous place of the residence of the person to whom the notice was sent. 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. In addition to the affixture of such notice in the manner specified above, such notice shall also be published by affixture in a conspicuous place of the property which forms part of these proceedings so as to complete the service. Such affixture shall be deemed to be sufficient notice to the persons concerned specified in sub-rule (1).] [Substituted by G O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.]

### **4. Contents of notice under sections 78 (3) and 80 (3).**

(1) The notice under sections 78(3) and 80(3) of the Act shall provide 30 days time for the show cause and 15 days time for making an order under sections 78(2) and 80(2) of the Act. [The Joint Commissioner or Deputy Commissioner, as the case may be] [Added by G.O. Ms. No. 200, C.T. & R.E., dated the 30th May 1996.], may grant such further time as he deems fit. (2) The notice shall specify the land, or space or building or the other details covered by the encroachment proposed to be removed as specified under section 78(2) of the Act and state the boundaries, with survey numbers, if any, extent and such other relevant particulars as may be necessary to identify the land.

### **5. Enquiries.**

- The provisions of the rules issued Under section 116(2)(iii) shall apply to the conduct of enquiries under section 78(4) to 81(3) of the Act and 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 pleaders and to affidavits, production of documents, examination of witnesses, taking of oral evidence, proof by affidavits, filing of exhibits, issue of Commissions, return of documents not admitted in evidence and other connected matters.

### **6. Issue of orders on removal of encroachments.**

- Every order of the [Deputy Commissioner, the Joint Commissioner] [Substituted by G.O. Ms. No. 275, C.T. & R.E., dated the 16th July 1997.] and the Commissioner regarding removal of encroachments, or termination of lease, licence, mortgage with possession, etc. shall be communicated to the trustee of the institution and the encroacher, lessee, licensee or mortgagee, as the case may be, by registered post with acknowledgement due. A copy of the order shall also be published on the notice board or any conspicuous place of the institution to which the property

belongs and in any daily newspaper in the regional language having wide circulation in the locality. [In addition to the affixture of such orders in the manner specified above, such orders shall also be published by affixture in a conspicuous place of the property which forms part of these proceedings so as to complete the service] [Added by G.O. Ms. No. 275, C.T. & R.E., dated the 16th July 1997].

## Schedule

Form A[See rule 3(1)]Notice under section 78(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959Before the [Deputy Commissioner, Joint Commissioner] [Added by G.O. Ms. No. 200, C.T. & R.E., dated the 30th May 1996.], Hindu Religious and Charitable Endowments Administration Department.Division at.....No. .... of 20.....Subject: Encroachment land/tank/building ..... district..... taluk.....village / .....town temple /math-Removal of.To.....(Name, description and place of residence)Whereas I have reason to believe that the encroachment over the land/tank/ building described below and belonging to Sri.....temple, .....village, .....taluk, .....district .....caused on account of..... should be removed.Take notice that if you have any cause to show why the said encroachment should not be removed, you should appear in person or by counsel duly instructed with proof, in this Court on the day of 20..... when the aforesaid matter will be heard and disposed of ex parte and it will be presumed that you consent to the removal of the said encroachment.Given under my hand and the seal of the Court ..... this .....day of .....20.....Joint Commissioner/ Deputy Commissioner.Description of Encroachment

SI. No. Survey No. Land, Tank, Building Extent Boundaries Remarks

1	2	3	4	5	6
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Form B[See rule 3(1)]Notice of appeal under section 79(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959Before the Commissioner, Hindu Religious and Charitable Endowments Administration Department, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).].Subject: Encroachment /land/tank/building district ..... taluk..... village/ ..... town .....temple/math.Appeal from the order of the Joint Commissioner/Deputy Commissioner, Hindu Religious and Charitable Endowments ..... Division at..... in No 20 ..... dated.....To.....(Name, description and place of residence)Take notice that an appeal from the order of the Joint/Deputy Commissioner.....Division at.....No..... dated.....has been presented .....by and registered in this Court and that the.....day of ..... 20 ..... has been fixed for 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 seal of the Court ..... this ..... of ..... 20  
 .....CommissionerForm C[See rule 3(1)]Notice under section 80(2) of the Tamil Nadu  
 Hindu Religious and Charitable Endowments Act, 1959Before the Joint/Deputy Commissioner,  
 Hindu Religious and Charitable Endowments Administration Department.Division at  
 ..... No. .... of.....  
 20.....Subject: Eviction-Lessee/Licensee/Usufructuary Mortgagee  
 ..... taluk..... village/town  
 .....temple/math.To.....(Name, description and place of  
 residence)Whereas I have reason to believe that the artistic appearance of the religious atmosphere  
 of the temple/math ..... village/town ..... taluk district has been marred or is  
 likely to be marred, by the lease, licence or mortgage with possession of the land/tank/building or  
 mantapam, described below and the lease, licence or mortgage should be terminated.Take notice  
 that if you have any cause to show why the lease, licence of the land, tank, building or mantapam  
 should not be terminated or the mortgage cancelled, you should appear in person or by a counsel,  
 duly instructed with proof, in this Court .....on ..... 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 termination of lease, licence or  
 mortgage of the land, tank, buildings or mantapam.Given under my hand and the seal of the Court,  
 this day of ..... 20.....Joint/Deputy Commissioner.Form D[See rule  
 3(1)]Notice of appeal under section 81(3) of the Tamil Nadu Hindu Religious and Charitable  
 Endowments Act, 1959Before the Commissioner, Hindu Religious and Charitable Endowments  
 Administration Department, [Chennai] [Substituted for the word 'Madras' by the City of Madras  
 (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).].Subject:  
 Eviction-Lessee/Licensee/Usufructuary Mortgagee .....  
 taluk.....village/town.....temple/ math.Appeal from the order of the  
 Joint/Deputy Commissioner, at.....in  
 No.....To.....(Name, description and place of  
 residence)Take notice that an appeal from the order of the Joint/Deputy Commissioner  
 ..... Division  
 .....at.....No.....dated .....has been presented  
 by.....and registered in this Court and that the day of..... 20..... has  
 been fixed for 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 seal of the  
 Court, ..... this ..... day of 20.....Commissioner.