

# Tamil Nadu Endowments and Escheats Regulation, 1817

TAMILNADU

India

## Tamil Nadu Endowments and Escheats Regulation, 1817

### Act 7 of 1817

- Published on 14 January 1969
- Commenced on 14 January 1969
- [This is the version of this document from 14 January 1969.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Endowments and Escheats Regulation, 1817(Tamil Nadu Regulation 7 of 1817)Substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.A Regulation for the due appropriation of the rents and produce of lands granted for the support of mosques, Hindu temples and colleges, or other public purposes; for the maintenance and repair of bridges, choultrie or chattrams, and other public buildings and for the custody and disposal of escheats.

#### 1.

Whereas considerable endowments have been granted in money, or by assignments of land, or of the produce or portions of the produce of land by former Governments of this country, [\*\*\*] [Words 'as well as In the British Government' were omitted by the Adaptation Order of 1950.] and by individuals for the support of mosques, Hindu temples, colleges and choultries, and for other pious, and beneficial purposes; and whereas there are grounds to believe that the produce of such endowments is in many instances appropriated, contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments, and whereas it is the duty of the Government to provide that all such endowments be applied according to the real intent and will of the grantor; and whereas it is moreover expedient to provide for the maintenance and repair of bridges, choultries, chattrams and other buildings which have been erected either at the expense of Government or of individuals, for the use and convenience of the public; and also to establish proper rules for the custody and disposal of escheats-the following rules have been enacted, to be in force from the date of their promulgation throughout the [State of Tamil Nadu] [Substituted for the expression 'territories immediately dependent on the Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.].

## **2. General superintendence of endowments for support of mosques, etc.**

- The general superintendence of all endowments in land or money granted for the support of mosques, Hindu temples or colleges, or for other pious and beneficial purposes, and of all public buildings, such as bridges, choultries or chattrams, and other edifices, in the [State of Tamil Nadu] [Substituted for the expression 'several territories dependent on the Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.], is hereby vested in the Board of Revenue.

## **3. Board to provide for appropriation of such endowments, and for repair of public buildings.**

- It shall be the duty of the Board of Revenue to take such measures as may be necessary to ensure that all endowments made for the maintenance of establishments of the description abovementioned are duly appropriated to the purpose for which they were destined by the Government or the individuals by whom such endowments were made. In like manner it shall be the duty of that Board to provide, [\*\*\*] [Words 'with the sanction of Government' were repealed by the Tamil Nadu Decentralization Act, 1914 (Tamil Nadu Act VIII of 1914).] for the due repair and maintenance of all public edifices which have been erected at the expense either of the former or present Government, or of individuals, and which either are or can be, rendered conducive to the convenience of the community.

## **4. Buildings fallen to decay or not calculated to be useful if repaired, how to be disposed of.**

- In those cases, however, in which any of the buildings specified in the preceding section have fallen to decay, and cannot be conveniently repaired, or are not calculated, if repaired, to afford any material accommodation to the public, the Board of Revenue shall submit to [the State Government] [Words the Provincial Government' were substituted for the word 'Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] their opinion as to the most-expedient mode of disposing of such buildings; and they shall be sold on the public account, or otherwise disposed of, as the [State Government] [Substituted for 'Provincial' by the Adaptation Order of 1960.] may determine.

## **5. Board to prevent endowments from being appropriated to private users.**

- Under the foregoing rules it may be incumbent on the Board of Revenue to prevent any endowments in land or money, which have been granted for the support of establishments of the above description, or any public edifices, from being converted to the private use of individuals or otherwise misappropriated.

## **6. General superintendence of escheats.**

- The general superintendence of all escheats is likewise hereby vested in the [Board of Revenue] [The Board of Revenue was abolished by Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu 36 of 1980). Now, Commissioner of Land Administration, vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.], who will, through the channel hereafter mentioned, inform themselves fully of all property of that description, and submit to [the State Government] [Words 'the Provincial Government' were substituted for the word 'Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] their opinion as to the most expedient mode of disposing thereof; and the same shall be sold on the public account, or otherwise disposed of, as the [State Government] [Words 'Provincial Government were substituted for the words 'Governor in Council' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1960.] may determine.

## **7. Local agents.**

- To enable the [Board of Revenue] [The Board of Revenue was abolished by Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu 36 of 1980). Now, Commissioner of Land Administration, vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] the better to carry into effect the duties entrusted to them by this Regulation, local agents shall be appointed in each zila, subject to the authority, control and orders of that Board.

## **8. Ex-officio agents.**

- The Collector of the zila shall be ex-officio one of those agents, and [the State Government] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation Order of 1937 and the word 'State' 'was substituted for 'Provincial' by the Adaptation Order of 1950.], when [it] [Substituted for the word 'he' by the Adaptation Order of 1937] deems it necessary, may appoint any other public officer or officers from the civil, military or medical branch of the service to act in conjunction with him.

## **9. Agents to ascertain particulars of endowments, etc., and report to Board.**

- Under the provisions of the present Regulation it will be the duty of the local agents to obtain full information from the public records, and by personal inquiries, respecting all endowments, establishments and buildings of the nature of those before described, and respecting all escheats, and to report to the [Board of Revenue] [The Board of Revenue was abolished by Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu 36 of 1980). Now, Commissioner of Land Administration, vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] any instance in which they may have reason to believe that lands or buildings, or the rent or revenues derived from lands are unduly appropriated, being in all cases careful not to infringe any private rights, or to occasion unnecessary trouble or vexation to individuals.

## **10. Agents to report names, etc., of present trustees or managers, and by what authority appointed.**

- The said local agents shall further ascertain and report to the [Board of Revenue] [The Board of Revenue was abolished by Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu 36 of 1980). Now, Commissioner of Land Administration, vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] the names of the present trustees, managers or superintendents of the several institutions, foundations or establishments above described, together with other particulars respecting them, and by whom and under what authority they have been appointed or elected, and whether in conformity to the special provisions of the original endowment and appropriation by the founder or under any general rules or maxims applicable to such institutions and foundations.

## **11. Agents to report to Board vacancies or casualties, and pretensions of claimants.**

- The local agents shall also report to the [Board of Revenue] [The Board of Revenue was abolished by Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu 36 of 1980). Now, Commissioner of Land Administration, vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] all vacancies and casualties which may occur, with full information of all circumstances, to enable that Board to judge of the pretensions of the person or persons claiming the trust, particularly whether the succession has been heretofore by inheritance in the line of descent, or whether the successor has been in former instances elected, and by whom, or whether he has been nominated by the founder, or his heir or representative, or by any other individual patron of the foundation, or by any officer or representative of Government, or directly by the Government itself.

## **12. Agents to recommend fit persons where right of nomination rests with Government.**

- In those cases in which the nomination has usually rested with the Government, or with the public officer, or in which no private person may be competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local agents to propose, for the approval and confirmation of the [Board of Revenue] [The Board of Revenue was abolished by Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu 36 of 1980). Now, Commissioner of Land Administration, vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.], a person or persons for the charge of trustee, manager or superintendent, strictly attending to the qualifications of the person or persons selected, and to any special provisions of the original endowments and foundation, and to the general rules or the known usages of the country applicable to such cases.

## **13. Board to appoint persons, or make other provisions for trust with reference to conditions of endowment.**

- On the receipt of the report and information required by the preceding clause, the [Board of Revenue] [The Board of Revenue was abolished by Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu 36 of 1980). Now, Commissioner of Land Administration, vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.] shall either appoint the person or persons nominated, for their approval, or shall make such other provision for the trust, management or superintendence, as may to them seem right and fit, with reference to the nature and conditions of the endowment, having previously called for any further information from the local agents that may appear to them to be requisite.

#### **14. Persons feeling injured by orders under Regulation may sue for recovery of rights or for damages.**

- Nothing contained in this Regulation shall be construed to preclude any individual who may conceive that he has just grounds of complaint on account of any orders which may be passed by any of the before-mentioned authorities with respect to the appropriation of any lands or buildings, or of any rents and revenues from lands, of the nature of those before described, from suing in the mode and form prescribed by the Regulations where [the Government] [Substituted for 'Crown' by the Adaptation Order of 1950.] or public officers are parties; or under the general provisions of Regulations, if the suit be brought against a competitor or other private person, for the recovery thereof in the regular course of law, or for compensation in damages for any loss or injury supposed to have been unduly sustained by him.

#### **15. Object of Regulations.**

- It is to be clearly understood that the object of the present Regulation is solely to provide for the due appropriation of lands or other endowments granted for public purposes agreeably to the intent of the grantor, and not to resume any part of them or of their produce, for the benefit of Government. In like manner it is fully intended that all buildings erected by any former or the present Government, or by individuals, for the convenience of the public, should be exclusively appropriated to that purpose, with the exception of such as have fallen to decay and cannot be conveniently repaired or which can no longer contribute to the accommodation of the community.

#### **16. Government servants and others guilty of fraud or embezzlement, how punished.**

- The legislative provisions now in force or which may hereafter be enacted, for the punishment of fraud or embezzlement in the [\*] **[Word 'Native' was omitted by the Adaptation Order of 1950.] servants of the Government employed under the Collector in the department of Land Revenue, shall be held applicable to all** [\*] [Word 'Native' was omitted by the Adaptation Order of 1950.] servants, and to all trustees, managers or superintendents employed in, or charged with, the settlement, custody or appropriation of the revenues, funds or other property of the public institutions referred to in this Regulation.

**17. [ [Added by the Tamil Nadu Decentralization Act, 1914 (Tamil Nadu Act VIII of 1914).]**

Notwithstanding anything hereinbefore contained, the [State Government] may delegate power to dispose of buildings under section 4 of escheats under section 6 to the [Board of Revenue] [The Board of Revenue was abolished by Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu 36 of 1980). Now, Commissioner of Land Administration, vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.] or to any officer not below the rank of an officer-in-charge of the revenue administration of a division of a district.]