

# **Andhra Pradesh Chairtable and Hindu Religious Institutions and Endowments (Removal of Encroachments) Rules, 1987**

ANDHRA PRADESH

India

## **Andhra Pradesh Chairtable and Hindu Religious Institutions and Endowments (Removal of Encroachments) Rules, 1987**

### **Rule**

### **ANDHRA-PRADESH-CHAIRTABLE-AND-HINDU-RELIGIOUS-INSTITUT of 1987**

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Andhra Pradesh Chairtable and Hindu Religious Institutions and Endowments (Removal of Encroachments) Rules, 1987Last Updated 28th May, 2019In exercise of the powers conferred by sub-sections (3), (4) and (6) of Section 83 read with Section 153 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, (Act No.30 of 1987) the Governor of Andhra Pradesh hereby makes the following rules as the same having been previously published as required by sub-section (1) of Section 153 of the said Act.

#### **1. Short title.**

- These rules may be called the Andhra Pradesh Chairtable and Hindu Religious Institutions and Endowments (Removal of Encroachments) Rules, 1987.

#### **2.**

In these rules unless the context otherwise requires:-(a)"Act" means the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.(b)"Form" means a section of the Act.(c)"Section" means a section of the Act.

### 3. Form and Service of Notice to Encroacher.

(1)The notice referred to in sub-section (2) of Section 83 of the Act to be issued by the Deputy Commissioner, shall be in Form-I and shall be served on the encroacher by Registered Post with acknowledgment due.(2)In case of refusal or evasion to receive the notice sent for service in the manner specified in such-rule (1) the notice shall be affixed on the front door or any other conspicuous place of the residence of the encroacher; if he has changed his residence, the notice shall be sent to such changed address, if it is known, or a copy of the notice shall be affixed on the front door or other conspicuous place of his last known residence. Such affixture shall be deemed to be sufficient notice to the encroacher concerned.

### 4. Enquiries.

- The provisions of rules made under Section 149 of the Act shall apply to the conduct of enquiry under sub-section (4) of Section 84 of the Act and the provisions of the Code of Civil Procedure, 1908 shall apply, as far as practicable to appearance of pleaders and to affidavits, production of documents, examination of witnesses, taking of oral evidence, proof of affidavit, filing of exhibits, issue of commissions, return of documents not admitted in evidence and other connected matters.

### 5.

Every order of the Deputy Commissioner regarding the removal of encroachments shall be in Form -11 and shall be sent to the encroacher by registered post acknowledgment due .A copy of the order shall be published on the notice board or at any conspicuous place of the endowment or institution to which the property belongs.

### 6.

(1)The amount ordered by the Deputy Commissioner under subsection (6)of Section 83, payable by the encroacher towards use and occupation shall be deposited by the encroacher or any person on his behalf in the Savings Bank account standing on the name of the concerned institution or endowment ,and proof of deposit thereof shall be produced before the Deputy Commissioner .(2)The amount ordered to be deposited in the first instance at the time of issue of first notice shall not be less than the amount of rent that may be fetched in ordinary course for a period of six months and thereafter the amount of rent that may be fetched in ordinary course for a month or such enhanced amount shall be ordered to be deposited every month in advance on the dates specified by the Deputy Commissioner .(3)The Deputy Commissioner while passing orders under sub-section (4) of Section 83 shall decide and order for the disposal of the amount deposited together with the interest thereon.Appendix 1Form-1(See Rule 2)Notice under sub-section (2) of Section 83 of the Act ..... (Village) .....(Mandal) ..... District .....Whereas there is reason to believe that you ..... have encroached upon ..... (here enter name of the property) belonging to the ..... (the name of the institution or Endowment) the particulars

of which are given in detail in the Schedule below:Whereas you are called upon to show cause before ..... why an order requiring you to remove the encroachment should be made.Now, therefore, take notice that if you have any cause shown why the said encroachment should not be removed, you should appear in person or by counsel duly instructed with proof, in this office on the ..... day of ..... 19 ..... when the aforesaid matter will be heard and disposed of failing which the matter will be heard and disposed of ex-parte and that it will be presumed that your consent to the removal of the said encroachment is duly given.Given under my hand and the seal this ..... day of ..... 19 .....Deputy Commissioner.