

The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Resumption of Inam Lands and Appeal Rules, 1987

ANDHRA PRADESH

India

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Rule

THE-ANDHRA-PRADESH-CHARITABLE-AND-HINDU-RELIGIOUS-INST of 1987

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The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Resumption of Inam Lands and Appeal Rules, 1987Last Updated 28th May, 2019In exercise of the powers conferred by Sections 77 and 78 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 Charitable and Hindu Religious Institutions and Endowments Resumption of Inam Lands and Appeal Rules 1987.

2. Form of application and presentation thereof.

- Every application under sub-section (1) of Section 77 shall be in Form 'A' annexed to these rules and shall be presented to the Revenue Divisional Officer in person or by counsel.

3. Copies to accompany the application.

- The application shall be accompanied by as many copies thereof as are required for service on the Commissioner for Endowments Department and each of the persons mentioned in sub-section (2).

4. Deed of alienation, if any, to accompany the application.

- If the application is made on the ground specified in sub-clause (i) of sub-section (1), it shall be accompanied by an authenticated copy of the deed, if any, under which the inam or portion thereof was gifted, exchanged, sold mortgaged or leased.

5. Procedure to be followed by the Revenue Divisional Officer.

(1) On receipt of an application under sub-section (1) of Section 77, the Revenue Divisional Officer shall—(a) If he is satisfied that the application is in conformity with the provisions of the Act and these rules, fix a date for the inquiry which shall not be less than thirty days from the date of application; and (b) If he is not so satisfied, return the application to the applicant for being brought into such conformity and represented within a reasonable period to be specified, which may however be extended at the discretion of the Revenue Divisional Officer. (2) In cases falling under clause (b) of sub-rule (1)—(a) if the application is not represented within the specified period in that behalf or if it is so represented within such period but the Revenue Divisional Officer is not satisfied that it has been brought in conformity with the provisions of the Act and these rules, the Revenue Divisional Officer may reject the application; and (b) if the application is represented within the specified period aforesaid and the Revenue Divisional Officer is satisfied that it has been brought in conformity with the provisions of the Act and these rules; the Revenue Divisional Officer shall fix a date for the inquiry which shall not be less than thirty days from the date of representation of application.

6. Service and publication of notice of application.

(1) In case where an application has been presented under sub-section (1) of Section 77 the notice referred to in clause (a) of sub-section (2) of Section 77 shall be in Form 'B' annexed to these rules and shall be accompanied by a copy of the application and shall be served in the manner specified in sub-rule (3). (2) In case where the Revenue Divisional Officer acts on his own motion under sub-section (1) the notice referred to in clause (a) of sub-section (2) shall be in Form B-I annexed to these rules and shall be served in the manner specified in sub-rule (3). (3) Service of such notice shall be effected—(a) in the case of each of the other persons mentioned in clause (a) of sub-section (2) of Section 77 by delivery of a copy to such person or to some adult male member of his family at his usual place of residence or to the authorised agent of such person. (4) Such notice shall be published—(a) on the notice board of the office of the Assistant Commissioner, Mandal Revenue Officer and Revenue Divisional Officer concerned; (b) on the notice board or the front door of the Math or temple concerned. (c) on the notice board of the office of the Municipal Council or the village chavidi and if there is no village chavidi in some other conspicuous place in the village in which th

temple concerned is situate;(d)in any other conspicuous place in the locality which may be selected by the Revenue Divisional Officer in his discretion.(5)The notice shall also be published in the District Gazette in the language of the district.

7. Procedure at Inquiry.

- At the inquiry under clause (a) of sub- section (1) the Revenue Divisional Officer shall hear and record the substance of the evidence produced by the parties concerned on such of the following points as are relevant namely.(i)whether the inam was or was not made, confirmed or recognized by the Government;(ii)the purpose for which the inam was granted;(iii)whether the inam or any portion thereof was or was not alienated by exchange, gift, sale, mortgage, or lease for a term exceeding six years.(iv)what is the custom or usage concerned the performance of the charity or service as the case may be;(v)whether there has been any failure to perform, or to make the necessary arrangements for performing the charity or service in accordance with such custom;(vi)in case a portion of the inam has been alienated or is in the enjoyment of any person or persons who has or have failed to perform or make the necessary arrangements for performing his or their part of the charity or service for performing which the inam was granted, whether that portion can be set tely sub-divided.(vii)whether the math or temple has ceased to exist;and(viii)whether the charity or service has become impossible for performance.

8. Publication of order of Resumption.

- A copy of every order of resumption passed under Section 77 (1) shall be published in the same manner as in the case of notice published under sub-rule (4) of Rule 6 above.

9. Application for execution of order granting Ryotwari patta.

- Any application for the execution of an order passed under clause (a) of sub-section (4) granting ryotwari patta in respect of any inam or part of an inam, shall be presented to the Revenue Divisional Officer in Form-C annexed to these rules within one year from the date of the order. The Revenue Divisional Officer may, however, for reasons to be recorded in writing admit an application presented after the prescribed period under this rule.

10. Manner of execution of order granting Ryotwari Patta.

- An order under clause (a) of sub-section (4) granting Ryotwari Patta in respect of any inam or part of inam shall be executed in the following manner:-. Where the inam, or part is resumed and order is issued to this effect, after due inquiry as prescribed under Rule 7 of these Rules, the Revenue Divisional Officer, shall issue a Warrant to the concerned Revenue Inspector authorising him to take possession of land and deliver it to the Math or Temple concerned or to such religious, educational or charitable institution recommended by the Commissioner, as the case may be, if required after removing any person, bound by the order of granting Ryotwari Patta who refuses to vacate the land.

11. Time for presentation of appeals.

(1)The time allowed to a party for perfering an appeal to the District Collector against an order passed by the Revenue Divisional Officer under sub- section (1) of Section 77 shall be sixty days from the date of receipt of the order by the party, after excluding the time, if any, taken by him for obtaining an authenticated copy of the order.(2)Such appeal shall be presented to the District Collector in person or by counsel and such an appeal shall be accompanied by:(a)an authenticated copy of the order appealed against;and (b)as many copies of the memorandum of appeal as are required for service one to each of the persons and bodies mentioned in sub- section (2) (a) of Section 77 of the Act.

12. Procedure in appeal.

(1)On receipt of any such appeal, the District Collector shall fix a date for the enquiry and give notice referred to in sub-section (1) of Section 78 in Form-D annexed to these rules,. Every such notice shall be accompanied by a copy of the Memorandum of appeal. The notice shall be served in the manner prescribed in sub-rule (3) of Rule 6. At the inquiry the District Collector shall pursue the evidence recorded by the Revenue Divisional Officer under Rule 7, hear the parties who may appear before him and pass an order as required by sub- section (1) of Section 78 of the Act.(2)The parties to an appeal shall not be entitled to produce additional evidence whether oral or documentary before the District Collector but if it is found that-(a)the Revenue Divisional Officer has refused to admit any evidence which ought to have been admitted;or(b)the District Collector requires any documents to be produced or any witness to be examined to enable him to pronounce Judgment;or(c)there is any other substantial cause, the District Collector may allow such evidence or documents to be produced or such witness to be examined.(3)Wherever additional evidence is allowed to be produced by the District Collector under the foregoing provisions he shall record the reason for its admission.Annexure 1Form A[See Rule 2]Application under Section 77 (1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 30 of 1987.

1. Name,description, age and place of residence of the applicant.

2. If the applicant is not the trustee of an Institution or Endowment or the Commissioner what interest he has in the Institution or Endowment and whether he has obtained the consent of such trustee or Commissioner (a copy of letter according such consent should be appended hereto)

3. Name, description, age and place of residence of-

(a)the inamdar or where only a part of the inam is affected, each of the holders of the several parts of the Inam, and(b)the alienee.

4. Whether the inam has been recognised by the Government; if so, the date and number of the title deed issued by the inam Commissioner should be given.

5. A concise statement of the conditions and tenure of the grant.

6. Reasons for resuming the inam., Certified that the particulars furnished herein are true to the best of my knowledge and belief.

Signature of the applicant. Form B [See Rule 6 (1)] Notice under Section 77 (2) (a) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. In the court of..... at..... District..... No..... of 19 (Subject :- Inams-Religious/Charitable Resumption).

..... Mandal..... Village..... T.D. To (Name, description and place of residence)..... Whereas

..... has presented an application to this Court praying for the resumption of the whole of the inam or a portion of the inam described below

..... on account of..... Take notice that if you have any cause to show

why the Inam/portion of the Inam should not be resumed, you should appear in person or by a counsel duly instructed with proofs, in this Court on the day of 19 when the said application will be heard and disposed of, failing which the said application will be heard and disposed of ex parte and it will be presumed that you consent to the resumption of the Inam/portion of Inam. Given under my hand and the seal of the Court, this the day of..... 19..... Description of Inam Form B1 [See Rule 6 (2)] Notice under

Section 77 (2) (a) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. In the Court

of..... at..... District

..... No..... 19. (Sub:- Inam Religious/Charitable

Resumption) Mandal Village T.D. No. To (Name, description and place of residence). Whereas I have reason to believe that the whole of the Inam/portion of the Inam described below should be

resumed on account of. Take notice that if you have any cause to show why the Inam/portion of the Inam should not be resumed, you should appear in person or by a counsel duly instructed with proofs in this court on the day of 19, when the aforesaid matter will be heard and shall be disposed of, failing which the matter will be heard and disposed of ex parte and it will be presumed that you consent to the resumption of the Inam/portion of the Inam. Given under my hand and the seal of the Court, this day of 19..... Revenue Divisional Officer, Form C (See Rule

9) Application for execution of the order of grant in Ryotwari Patta in respect of the Inam under Section 77 (4) (b) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

- 1. Name, description, age and place of the residence of the applicant.**
- 2. Number and date of the order for the execution of which the application is made.**
- 3. Whether an appeal has been preferred to the District Collector or a suit has been filed in the Civil Court against the order, if so, with what result.**
- 4. Name, description, age and place of residence of the persons against whom the order is to be executed.**
- 5. Mode in which the assistance of the Revenue Divisional Officer is required-whether by delivery of land or recovery of money allowance.**

Certified that the particulars furnished herein are true to the best of my knowledge and belief. Signature of the applicant. Form D (See Rule 12) Notice under Section 78 (1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. (Subject :- Inam..... Mandal..... Village..... T.D.No..... Resumption) Appeal from..... of the Court of.....
.....dated..... To (Name, description and place of Residence), Take notice that an appeal from the order of in this case has been presented by..... and registered in this court and that the day of 19 has been fixed by this court for the 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 the seal of the court, this day of.....
.....19..... District Collector.