

# Religious Institutions (Lease of Immovable Property) Rules, 1963

TAMILNADU

India

## Religious Institutions (Lease of Immovable Property) Rules, 1963

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Religious Institutions (Lease of Immovable Property) Rules, 1963Published vide Notification No. G. O. No. 3060, Revenue, dated 17th October, 1963 - S.R.O. No. A-1110 of 1963Original rules published in Part V of the Fort St. George Gazette, dated 6th November 1963.G. O. No. 3060, Revenue, dated 17th October, 1963 - S.R.O. No. A-1110 of 1963. - In exercise of the powers conferred by clause (xiii) of sub-section (2) of section 116 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. Short title.

- These Rules may be called the Religious Institutions (Lease of Immovable Property) Rules, 1963.

#### 2. Lease by public auction.

- Lease of immovable property and rights belonging to a religious institution shall be made by public auction. The auction shall, ordinarily, be conducted in the place in which the property is situate or the rights exist:Provided that the [Joint Commissioner or the Deputy Commissioner,-as the case may be] [Substituted by G. O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.], may, either suo motu or on an application made to him by the executive authority, permit the holding of such an auction at a place within the district, other than the one in which the property is situate if he is satisfied that it will not be detrimental to securing a proper bid.Explanation. - For purposes of these Rules, the term "executive authority" shall mean -(a)the Executive Officer, where there is one; or(b)where there is no Executive Officer-(i)the trustee, if there is a single trustee; or(ii)the Chairman of the Board of the Trustees, if the number of trustees exceeds one.No transfer of lease of any property or right belonging to a religious institution shall be approved by the executive authority

without the prior sanction of the Commissioner.

### **3. Period and terms of lease.**

(1)The trustee shall, in the meeting or in circulation, decide the period for which a lease shall be given, the terms and conditions of the lease, such as the security to be furnished by the lessee, whether the rental is to be in kind or in cash, the date on, and the place at, which the rent is to be given, the penalty, if any, to be imposed for default in payment of rent, the division of the lands into convenient blocks, the time, date and the conditions of the auction. Such meeting shall be held or circulation made at least two months before the expiry of the period of lease.(2)The auction of all leases shall be conducted within one month from the date of the decision of the Board of Trustees.

### **4. Auction notice.**

(1)The notice of auction of all leases shall be published, at least 15 days before the date fixed for auction, by affixture-(a)on the notice board or, in the case of a specific endowment, on the notice board or front door of the religious institution to which the specific endowment is attached;(b)on the notice board of the office of the Municipal Council or 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 Panchayat or the Panchayat Union or the village chavadi in the places where the properties are situate; and(c)on the notice board of the office of the Assistant Commissioner having jurisdiction over the area in which the properties are situate.(2)The executive authority shall also give publicity to the notice in the language of the locality, by circulating or distributing copies thereof or announcing its content by beat of tom tom in the area or by publishing it in a newspaper in the language of the locality having circulation in the area.(3)Where the auction is conducted by the Executive Officer, a copy of the auction notice shall also be sent to the trustees at least 3 days before the date fixed for auction.

### **5. Particulars to be furnished in the auction notice.**

- The auction notice shall, among others, specifically state-(i)that the earnest money shall be deposited before participating in the auction;(ii)that the lease shall be subject to the terms and conditions specified in the auction notice;(iii)that the successful bidder shall furnish such security as may be specified within the time fixed by the trustee;(iii-a) that the purpose for which the shop or buildings is given for lease;(iv)that the lease shall be liable to be cancelled and re-auctioned at the risk of the lessee, if he-(a)fails to furnish security and execute the lease deed within the time fixed;(b)commits default in the payment of rent on the date fixed; or(c)acts contrary to the terms and conditions of the lease and against the interest of the religious institution;(d)that it shall not be open to the lessee to transfer the lease or sublease the property;(v)that the lessee shall execute a lease deed in the form specified by the executive authority of religious institution. The purpose for which the shop or building is given for lease shall be specified clearly in the lease deed;(vi)that the lease, the annual rental of which is [Rs. 5,000] [Substituted far the figure '500' by G. O. Ms. No. 506, C.T.&R. E., dated the 13th December 1991.] or more or its equivalent in kind, shall be subject to veto by the Commissioner.(vii)that the lease deed executed by the lessee shall be registered;

and(viii)that the shops and buildings shall not be leased out to run liquor shops, mutton shops or any other objectionable trade or business.

## **6. Authority to conduct the auction.**

- [(1) The auction shall be conducted by-(a)the executive officer ordinarily; or(b)when there is no Executive Officer-(i)by any other trustee duly authorised by the Chairman of the Board of Trustees; or(ii)by a person duly authorised by a hereditary trustee; or(iii)by any other officer specially authorised by the Assistant Commissioner or the [Deputy Commissioner or the Joint Commissioner, as the case may be]].(2)Where the lease is in respect of property or rights of a religious institution, the rental of which for the previous fasli year did not exceed Rs. 200, the auction may, with the previous permission of the Joint Commissioner or Deputy Commissioner, as the case may be, be conducted by an employee of the religious institution concerned specially deputed for the purpose by the executive authority. Such deputation of an employee shall not absolve the executive authority of his responsibility for the proper conduct of the auction of the lease.

## **7. Earnest money.**

- The executive authority shall, before allowing anybody to participate in the auction, collect the earnest money payable by him. A person who is in arrears to the religious institution shall not be permitted to bid at the auction.

## **8. Grant of lease.**

(1)Lease shall, ordinarily, be given to the highest bidder, but, in special cases, for reasons to be recorded in writing, a bid other than the highest bid may be accepted.(2)In the case of religious institution having more than one trustee, if all the trustees are not present at the auction, the final acceptance of the bid shall be made by the trustees at a meeting or in circulation, within 10 days from the date of auction. The trustees shall satisfy themselves as to the solvency of the successful bidder, before accepting the bid.

## **9. Security.**

- The executive authority shall take reasonable security from the successful bidder. In the case of lease of more than one year, such security shall be in a sum equal to at least one year's rental but, the [Deputy or Joint Commissioner] [Substituted by G. O. Ms. No. 175, C. T. & R. E., dated the 16th July 1997.] may, in special cases, for reasons to be recorded in writing, permit the trustee to accept security of less than one year's rental in value.

## **10. Extension.**

- No provision for extension of the lease shall be made in the lease deed.

## **11. Lease otherwise than by public auction.**

(1)[The Commissioner] [Substituted by G. O. Ms. No. 506, C. T. & R. E., dated the 13th December 1991.], on an application made to him by the executive authority of a religious institution, [xxx] [Words 'with the approval of the Temple Administration Board' omitted by G O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.] may permit the lease of any property of any right otherwise than by public auction, if he is satisfied that the interest of the institution will not suffer by dispensing with the public auction.

## **12.**

(1)When a lease is granted for a period of less than five years, any further extension of lease upto a period of five years from the date it was originally granted shall be made only with the previous sanction of [the Commissioner] [Substituted by G. O. Ms. No. 506, C. T. & R. E., dated the 13th December 1991.] [xxx] [Words 'with the approval of the Temple Administration Board' omitted by GO. Ms. No. 275, C. T. & R. E dated the 16th July 1997.], Leases exceeding five years shall be made in accordance with the provisions contained in section 34.(2)Report to be made to the Commissioner. - Lease stipulating an annual rental or contract amount of Rs. 2,000 or more or its equivalent in kind shall be reported to the Commissioner and also to the Assistant Commissioner or to the Deputy Commissioner or to the Joint Commissioner in whose jurisdiction the religious institution lies by the executive authority of the institution within one week from the date of auction or acceptance of the offer by the trustees.(3)[xxx] [Sub-rule (3) omitted by GO. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.]

## **13. Veto by Commissioner.**

- The Commissioner shall have die power to veto such lease for reasons to be recorded in writing after giving a reasonable opportunity to the parties concerned to make their representations, if any.

## **14. Confirmation.**

- If no such order exercising the powers of veto is received by the executive authority of the institution within 60 days from the date of auction, the executive authority shall confirm the lease.

## **15. Remission.**

- Remission of rent shall not, ordinarily, be granted. But when, owing to adverse seasonal conditions and other factors beyond the control of the lessee, there is a remission in the gross produce to the extent of more than 25 per cent, remission may be granted by the authorities specified in column (1) of the table below up to the monetary limits specified in the corresponding entries in column (2) thereof or their equivalent in kind.The Table

Authority

Maximum limit upto which remission may be granted in each individual lease in a year

1	2
1. Assistant Commissioner	Remission not exceeding Rs. 500 (Rupees five hundred only) as regards religious institution under his control.
2. Joint Commissioner/Deputy Commissioner	(a) Remission exceeding Rs. 500 (Rupees five hundred only) and not exceeding Rs. 1,000 (Rupees one thousand only) as regards religious institutions within the jurisdiction of the Assistant Commissioner, (b) Remission not exceeding Rs. 1,000 (Rupees one thousand only) as regards all listed religious institutions within his jurisdiction.
3. Commissioner	Remission exceeding Rs. 1,000 (Rupees one thousand only) and not exceeding Rs. 5,000 (Rupees five thousand only) as regards any religious institution.
4. Government	Remission exceeding Rs. 5,000 (Rupees five thousand only) as regards any religious institution.

## 16. Rules not to apply.

(1) The provisions of these rules relating to lease by public auction and remission shall not apply to lands coming under the purview of the Tamil Nadu Public Trusts (Regulation of and Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961). (2) These rules shall not apply to maths and specific endowments attached to maths.

## 17. Fixation of fair rent to buildings belonging to the religious institutions.

- Fair rent to the site and buildings belonging to the religious institutions shall be revised periodically at least once in three years by a Committee constituted for each Deputy/Joint Commissioner's division by the Commissioner. If there is an Executive Officer appointed for the religious institution, he shall also be associated with the work of the Committee. If there is no Executive Officer appointed for the religious institution, the trustee or Chairman, Board of Trustees shall be associated with the work of the Committee. The fair rent shall be fixed in accordance with the market value of the land and the cost of building worked out as per the Code of Public Works Department. [Rule 6(1) was substituted by G. O. Ms. No. 1152, Revenue, dated 18th April 1964.]