Tamil Nadu Panchayats (Determination of claim to trees growing on public roads or other property vesting in or belonging to Village Panchayats) Rules, 2001

(G.O.Ms.No.108, Rural Development (C4), dated 28th March, 2001)

In exercise of the powers conferred by clause (*xxxv*) of sub-section (2) of Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Rules relating to Determination of claim to trees growing on public roads or other property vesting in or belonging to Panchayats, etc., the Governor of Tamil Nadu hereby makes the following Rules:-

RULES

1. Short title.- These Rules may be called the Tamil Nadu Panchayats (Determination of claim to trees growing on public roads or other property roads or other property vesting in or belonging to Village Panchayats) Rules, 2001.

2. Definition.- In these Rules, unless the context otherwise requires.-

(a) **"Act"** means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994);

(b) **"tree-tax system"** means the tree-tax system as defined in clause (e) (*ii*) of paragraph 2 of Revenue Standing Order No.18, Appendix-XI of the Revenue Standing Orders, Volumme-1.

3. Presumption of ownership on trees standing on public roads.- It shall be presumed that the Government own the trees (except those granted on tree-tax system) standing on any public road vested in a Village Panchayat under sub-section (1) of Section 125 of the Act and such trees shall vest in the Village Panchayat.

Provided that the Government may, if they consider that the Village Panchayat has abused its rights under this Rule, withdraw any such trees from the control of the Village Panchayat, after giving a notice to the Village Panchayat and considering the representation given by the Village Panchayat.

4. Rights of the Government to remove any tree.- The Government may cut and remove any tree planted by the Village Panchayat on any tree planted by the Village Panchayat on any Poramboke which is vested in it under sub-section (2) of Section 134 of the Act or the use of which is regulated by the Panchayat under sub-section (4) of Section 134 of the Act, on the grounds of public interest. The Government shall not be liable to pay any compensation for any tree so cut and removed. The trees so cut and removed may either be handed over to the Village Panchayat or be sold in public auction and where they are sold in public auction, the proceeds of such sale be credited to the Village Panchayat Fund.

5. Grant of Licence.- The Village Panchayat shall have power to grant Licence to any owner of land adjoining public road vested in it under sub-section (1) of Section 125 of the Act or any Porambokes which is vested in the Village Panchayat under sub-section (2) of Section 134 of the Act or the use of which is regulated by the Panchayat under sub-section (4) of Section 134 or any estate under Section 135 of the Act, for planting fruit bearing trees, for a period within which the trees may reach the fruit-bearing stage on such public road or Poramboke or estate subject to the proper maintenance and upkeep of the trees and other suitable terms and conditions as may be imposed.

6. Usufruct and lease of trees by Village Panchayat.- The Village Panchayat shall be entitled to the usufruct of the trees on the margin of any

public road vested in it under sub-section (1) of Section 125 of the Act and on the Porambokes which are vested it under sub-section (2) of Section 134 of the Act or the use of which is regulated by it under sub-section (4) of Section 134 or any estate under clause (*a*) of sub-section (1) of Section 135 of the Act except those held on tree-tax system and the Village Panchayat may lease such trees as per the procedure prescribed in the Tamil Nadu Panchayats Rules for conducting public auction of leases and sales to any person. The Village Panchayat shall be entitled to the income from such leases.

7. Auction of trees.-(1) The Village Panchayat shall have the powers to cut down or sell by auction,-

(*a*) wind-fallen and withered trees, irrespective of the fact whether they are fruit-bearing trees or non-fruit-bearing trees;

(*b*) live trees on road margins which are considered as dangerous to traffic or a danger to life or health or for executing any work by or on behalf of Village Panchayat; and

(*c*) live trees on the bunds of small tanks which serve as sources of supply of drinking water, if the leaves of such trees fall into the tanks and render unfit for drinking purposes.

(2) The income derived from the sale of the trees under sub-rule (1) shall be appropriated by the Village Panchayats.

(3) When the Village Panchayats proposes to cut or sell live trees under clause (*b*) or (*c*) of sub-rule (1), it shall obtain the sanction of the Revenue Divisional Officer:

Provided that no such sanction shall be accorded except on a report from the Tahsildar of the taluk concerned, after his personal inspection of the trees.

(4) In respect of trees fallen as a result of a cyclone, the Village Panchayat shall report to the Revenue Divisional Officer and obtain sanction as in sub-rule (3) to sell the trees. The income derived from the sale of such trees under this Rule shall be credited to the Village Panchayat Fund.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

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