Tamil Nadu Panchayats (Licensing Of Pandals And Temporary Structures on Road Margins vested in the Highways and Rural Works Department in Village Panchayat Areas) Rules, 1999

(G.O.Ms.No.150, Rural Development (C4), dated 21st July 1999)

In exercise of the powers conferred by sub-section (1) of Section 131 and Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Rules relating to Licensing of Pandals and Temporary Structures on Road Margins vested in the Highways and Rural Works Department in Village Panchayat areas, the Governor of Tamil Nadu hereby makes the following Rules:-

RULES

1. Short title.- These Rules may be called Tamil Nadu Panchayats (Licensing of Pandals and Temporary Structures on Road Margins vested in the Highways and Rural Works Department in Village Panchayat Areas) Rules, 1999.

2. Grant of licence for erection of pandal or temporary structures on public road. – (1) No pandal or other temporary structure in or over any public road vested in any Village Panchayat or Panchayat Union, or Highways and Rural Works Department or Public Works Department within the limits of such Village Panchayat shall be erected without the licence granted by the Executive Authority of the Village Panchayat concerned. He shall grant such licence subject to such condition as may be imposed by the Village Panchayat which shall be in addition to the general directions which may be issued by the officers of the Highways and Rural Development of Public Works Departments from time to time.

(2) A copy of the application for the grant of such licence shall be simultaneously made to the local police also. The Executive Authority of the Village Panchayat shall consult the local police authority before granting such licence. The recommendation of the police authorities shall be sent to the Village Panchayat within five days of the reference. If no reply is received from the local police authority within five days of the reference, it shall be presumed that the police have no objection to the grant of licence applied.

3. Period of licence.- The occupation of such sites shall be allowed only temporarily during a fair or festival. The period for which such occupation is permitted shall, in no case, exceed three days before the commencement and three days after the termination, of the fair or festival exclusive of the actual period of its duration.

4. Licence fees.- The Village Panchayat shall fix the rate of licence fee for the occupation of the site for erection of pandal or temporary structure at a rate not below of one rupee per square metre area of pandal or temporary structure, as the case may be, for a period of three days or part thereof. The Village Panchayat may increase the above rate from time to time.

5. Collection of licence fee.- The licence fee shall be paid to the Village Panchayat in advance; otherwise, the licence applied for shall be refused. The acceptance of the pre-payment of the fee for licence shall not, by itself, entitle the person making such pre-payment, to the licence in case of refusal of the licence. The income derived from the levy of licence fee and the expenditure incurred there from shall be shown under separate account.

6. Payment of the deposit.- Any person applying for a licence shall, in addition to the payment of the licence fee, deposit a sum equivalent to twenty-five per cent of that fee, which shall be refunded to him at the time of his vacating the site, subject to the provisions of sub-rule (2) of Rule 10.

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7. Provision of sanitary arrangements and lighting.- The income derived by the levy of licence fee shall be used primarily for special sanitary arrangements and lighting connected with fairs or festivals, and the balance remaining, if any, shall be utilised for the improvement of the general sanitary condition of the village in which such fairs or festivals are conducted.

8. Loss or damage to trees or usufructs.- The Village Panchayat shall have no right to trees, if any, standing on the public road or to the usufruct therefor. It shall be solely responsible for any loss or damage to trees or produce, if any, caused by a licensee, during the period of occupation of the site and shall be liable to pay such compensation as may be fixed by the High Ways and Rural Works Department or Public Works Department in respect of the loss or damage. The Village Panchayat shall recover such loss or damage from the licensee.

9. Prohibition of permanent structure on public road.- No masonry or other permanent structures shall be erected on a public road except by the Village Panchayat or the Highways and Rural Works Department or Public Works Department.

10. Removal of the temporary structure.- (1) The Village Panchayat shall cause the temporary pandal or structures, if any, erected on any public road in connection with the fairs or festival to be removed by the licensee and restore the site to its original condition on the completion of the fair or festival.

(2) In case the Licensee fails to remove pandal or structure on the expiry of the period of licence, the Executive Authority shall have power to dismantle it at the cost of the Licensee. The cost of dismantle shall be adjusted from the deposit amount. If, in the event of deposit amount not being adequate for such cost, the balance shall be recovered from the Licensee by means of a bill as arrears of taxes due to the Village Panchayat.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

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