The Tamil Nadu Panchayats (Regulation of the use of Communal Lands by Panchayats in Estates) Rules, 1999

(G.O. (Ms) No.273, Rural Development (C-4), dated 28th December, 1999]

In exercise of the powers conferred by Section 135 and sub-section (1) of Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), and in supersession of the Rules relating to regulation of the use by Panchayats of communal Lands in Estates-Restrictions and Control, the Governor of Tamil Nadu hereby makes the following Rules:-

RULES

1. Short title.- These Rules may be called the Tamil Nadu Panchayats (Regulation of the use of communal lands by Panchayats in Estates) Rules, 1999.

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

(1) **"Act"** means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).

(2) **"Estate Villages"** means the villages notified as Estate Villages under the Tamil Nadu Estate Land Act, 1908 (Tamil Nadu Act I of 1908) and as specified in the Appendix appended to this Rules.

3. Applicability of other Rules. – The Rules framed under sub-section (2) of Section 134 of the Act, shall apply *mutatis mutandis* to the regulation of the use of lands referred to in clause (*a*) of sub-section (1) of Section 135 of the Act and the Rules framed under clause (xxxv) of sub-section (2) of Section 242 of the Act shall apply *mutatis mutandis* for the regulation of the planting of trees on lands referred to in clause (*a*) of sub-section (1) of Section 135 of the Act.

4. Restriction of Village Panchayat to use of communal lands.- In exercise of the powers under clause (a) of sub-section (1) of Section 135 of the Act, in respect of any land, the Village Panchayat shall not do any act which would affect the reversionary right, if any, of the land holder of such land and if the land is in a town or village site, his right to assign as house-site any vacant portion of it which is not in the common use of the inhabitants for any lawful purpose.

5. Disputes in the description of land.- If any question arises whether or not any land is of the description mentioned in sub-clause (*b*) of clause (16) of Section 3 of the Tamil Nadu Estates Land Act, 1908, the Village Panchayats shall not exercise its powers under Section 135 (1)(*a*) of the Act, in respect of that land until that question is decided under Section 20 of the Tamil Nadu Estates Land Act, 1908.

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6. Action taken on the disputed land.- Any action taken under clause (*a*) of sub-section (1) of Section 135 of the Act shall be subject to the control of the District Collector and he may, if so, desires in consultation with the Executive Authority of the Panchayat, alter or modify or any of the action taken by the Panchayat.

7. Right of the Village Panchayat to use of communal land.- (1) In a Village Panchayat either *suo motu* or on a representation made by any of the persons residing within its limits, considers that any land set apart for any purpose referred to in sub-clause (*b*) of clause (16) of Section 3 of the Tamil Nadu Estates Land Act, 1908, namely, threshing fields, cattle stand, villages sites and other lands in the village which are set apart is no longer required for that purpose and that it should obtain the sanction of the Collector to issue an order under clause (*b*) of sub-section (1) of Section 135 of the Act directing that it shall be used for any other specified communal purpose, it shall, by a notice to be published in the village in which the land is situated by beat of drum and by affixture in the building in which the office of the Village Panchayat is located, invite objections if any, to the proposed order within a specified date which shall not be less than thirty days from the date of such publication of the notice. The notice shall also specify the time and date on which the objection will be heard. A copy of the notice shall be served on the landholder or any person having possession or control over the land either in person or by registered post with acknowledgement due, giving thirty days time from the date of service to file his objection, if any.

(2) The date of hearing under sub-rule (1) shall be after the expiry of fifteen days from the date on which the time allowed for filing objection.

(3) The Village Panchayat shall hear every objection that may be received on or before the date fixed in sub-rule (1) and in doing so, give all reasonable opportunity to the parties concerned to produce both oral and documentary evidences in proof of their claim.

8. Application to the Collector by the Village Panchayat.- After the completion of the enquiry, if the Village Panchayat decides that the objections are to be over-ruled and that a direction under clause (*b*) of sub-section (1) of Section 135 of the Act is necessary, it shall record a finding to that giving full reasons therefor and submit an application to the Collector for his sanction to issue such a direction, alongwith a copy of its findings, the records of enquiry including documents to prove the service and issue of notices referred to in sub-rule (1) of Rule 7, and a certificate to the effect that it has taken into consideration all the other customary rights of the landholder, the ryots in the use of such land or portion and that it has satisfied itself that the exercise of such rights would otherwise be provided for, adequately if such a direction is given.

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9. Declaration by the Collector.- On receipt of such an application, the Collector may, after such enquiry as he deems fit, issue a declaration under clause (1) of sub-section (*a*) of Section 20-A of the Tamil Nadu Estates Land Act, 1908, that the land is no longer required for its original purpose and permit the Village Panchayat to issue an order under clause (*b*) of sub-section (1) of Section 135 of the Act directing that it shall be used for the purpose specified in the application. The Village Panchayat shall thereupon, issue an order accordingly. If the Collector is not satisfied with the proposal of the Village Panchayat, he shall record his reason for doing so and reject the application and communicate a copy of his order to the Village Panchayat.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

APPENDIX

(*See* Rule 2)

LIST OF ESTATE VILLAGES UNDER THE TAMIL NADU ESTATES LAND ACT, 1908-

S.No.	Name of the district.	Name of the Estate Villages.
(1)	(2)	(3)
1.	Madurai	(1) Karanapatti (2) Kalanivoipatti
2.	Tirunelveli	Easanamadam
3.	Ramanathapuram	Tharikombam
4.	Dharmapuri	(1) Marasandiram (2) Elayansandiram (3) Bairasandiram (4) Chinnasandiram (5) Uliyalam (6) Thimmasandiram
5.	Thanjavur	(1) Arayapuram – Thattimalpadugai (2) Suryanarayanapuram
6.	Nagapattinam	Ramachandrankoilpathu
7.	Pudukkottai	(1) Perunjunai (2) Kothandaramapuram (3) Nilayapatti (4) Karanapatti (5) Varpattu

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