The Tamil Nadu Panchayats (Restriction and Control to Regulate the use of Porambokes in Ryotwari Tracts) Rules, 2000

(G.O. (Ms) No.317, Rural Development (C4), dated 6th December, 2000)

In exercise of the powers conferred by sub-sections (2) and (4) of Section 134 and 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 Restriction and Control to Regulate the Use of Porambokes in Ryotwari Tracts, the Governor of Tamil Nadu hereby makes the following Rules:-

RULES

1. Short title.- These Rules may be called the Tamil Nadu Panchayats (Restriction and Control to Regulate the Use of Porambokes in Ryotwari Tracts) Rules, 2000.

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) **"B. Memo"** means the statement showing the details of un-authorised encroachments on Government lands, the use of which is regulated by Village Panchayat.

3. Regulation of Poramboke land.- No Poramboke at the disposal of the Government, the use of which is regulated by the Village Panchayat, shall be used for any purpose other than that for which it was originally intended except with the prior approval of the Collector and such use shall be subject to such conditions and restrictions as may be imposed by the Collector.

4. Procedure for alternate use of Poramboke lands.- (1) If a Village Panchayat considers that a Poramboke mentioned in sub-section (2) of Section 134 of the Act is no longer required for the purpose for which it was originally intended and that it may be used for any other specified public purpose, it shall cause a notice to be published in the Village Panchayat in which the land is situated, specifying its survey number and the purpose for which it is required and inviting objections to the proposal within a specified date which shall not be less than thirty days from the date of publication of the notice. The notice shall be published by beat of tom-tom and by displaying it in some conspicuous part of the building in which the office of the Village Panchayat is located.

(2) On expiry of the date fixed for the receipt of objections, the Village Panchayat shall forward its proposal together with the objections received thereon to the Collector for issue of such orders as may be deemed fit.

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(3) When a Village Panchayat desires to regulate the use of a Poramboke mentioned in sub-section (4) of Section 134 of the Act, it may apply to the Collector with a copy of its resolution on the subject specifying-

(*a*) the survey number or numbers, the boundaries and the extent of the Poramboke;

(*b*) the purpose for which the Poramboke is used; and

(*c*) a list and description of the trees, if any, standing on it.

(4) The Collector shall, after satisfying himself that the Poramboke is at the disposal of the Government and that the particulars specified in the resolution are correct, issue such orders as he may deem fit.

5. Maintenance of list of Poramboke.- The Village Panchayat shall maintain a list of the Porambokes (with details of survey numbers, boundaries, extent, the purpose for which each Poramboke is used and the trees thereon the use of which is regulated by it under sub-sections (2) and (4) of Section 134 of the Act.

6. Inspecting of Poramboke lands.- The Village Administrative Officer or any inspecting officer of the Revenue Department shall have the right to inspect, at any time, any Poramboke, the use of which is regulated by the Village Panchayat.

7. Levy of fees on the use of Poramboke lands.- The Village Panchayat may levy a fee for the use of any Poramboke in accordance with the schedule of rates approved by the Collector, which shall not be less than seven per cent of the market value of the land for non-commercial purpose and fourteen per cent for commercial purpose.

8. Maintenance of certain Poramboke lands.- (1) The Village Panchayat shall maintain threshing floors, cart-stands, cattle-stands and burning and burial-grounds in a sanitary condition and shall carry out any direction issued by the Deputy Director of Public Health and Preventive Medicine in this behalf.

(2) The Village Panchayat shall take all measures to maintain the topes in good condition and plant new trees in the place of wind fallen or withered or dead trees.

(3) The Village Panchayat may lease the topes subject to suitable conditions and enjoy the income from the usufruct of the trees in the topes.

(4) The Rules framed under clause (xxxv) of sub-section (2) of Section 242 of the Act shall *mutatis mutandis* apply in relation to the leasing, cutting and planting of trees by the Village Panchayat on any Poramboke, the use of which is regulated by it.

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9. Removal of encroachment on Poramboke.- The Village Panchayat shall take steps to remove encroachment on any Poramboke, the use of which is vested and regulated by the Act. If the Village Panchayat commits any default in doing so, the Village Administrative Officer shall issue **B.Memo** to the encroachment and after three months from the date of receipt of **B.Memo** by the Village Panchayat, the Tahsildar concerned shall order the removal of such of those encroachments as are considered objectionable by him. An appeal shall lie to the Revenue Divisional Officer against the orders passed by the Tahsildar. A second appeal shall lie against the order of the Revenue Divisional Officer with the District Collector.

10. Revision.- A Revision shall lie to the Commissioner of Land Administration against the orders of the Collector under Rule 9 and a second revision to the Government against the orders of the Commissioner of Land Administration.

11. Power of the Government.- The Government in respect of an order passed by the Commissioner of Land Administration may either *suo motu* or on application by the aggrieved party, call for and examine the records and for reasons to be recorded in writing, annul or modify or remit for reconsideration of such order on grounds of material irregularity or mistake of fact or mis-representation or on the ground of public interest:

Provided that no order prejudicial to any person shall be passed unless the person concerned is given a reasonable opportunity of showing cause.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

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