7. (1) In cases where the statement has been re-presented under clause (*a*) of rules 6(1) and clause (*b*) of rule 6 (2), a notice for enquiry in Form 'B' annexed to these rules accompanied by a copy of the statement shall be served in the manner specified in sub-rule (2).

(2) Such notice shall be served —

(*a*) on the Commissioner by a copy being sent by registered post ; and

(*b*) on the trustee and the devadasi or the inamdar, as the case may be, by delivery of copy to such person or some adult male member of his or her family at his or her family at his or her usual place of residence or to the authorised agent of such persons.

(3) Such notice shall also be published—

(*a*) on the notice boards of the offices of the Assistant Commissioner, the Tahsildar of the taluk concerned and the District Collector ;

(*b*) on the notice board or the front door of the temple concerned ;

(*c*) on the notice board of the office of the Municipal Council concerned or the Corporation of Chennai or the village chavadi, as the case may be, and if there is no village chavadi affixed in some other public place in the village in which the temple concerned is situate ;

(*d*) in another conspicuous place in the locality which may be selected by the District Collector in his discretion.

The notice shall also be published in the *District Gazette*, if the temple is situated in the mofussil or in the *Tamil Nadu Government Gazette*, if it is in the City of Chennai.

(4) In cases where no statement has been presented under rule 4, the District Collector shall, if he is satisfied that the Devadasi inam or other inam requires enfranchisement, cause a notice for enquiry in Form 'C' annexed to these rules to be served and published in the manner specified respectively in sub-rules (2) and (3). The said notice shall be accompanied by a statement in

Form 'D' annexed to these rules which shall be prepared by the District Collector from the information available with him.

8. If the District Collector is satisfied after the enquiry referred to in rule 7 that the inam should be enfranchised by Government he should send the papers to Government, with full particulars for enfranchisement.

9. On receipt of the report with full particulars of the inam for enfranchisement from the District Collector referred to in rule 8, the Government shall enfranchise the said lands from the condition of service by the imposition of quit-rent and direct the Inam Commissioner to issue suitable title deeds in the forms annexed hereto. Any title deed that the Inam Commissioner may have previously issued in respect of such grant shall be deemed to have been cancelled from the date on which a fresh title deed is issued and has taken effect.

10. The quit-rent imposed under sub-clause (1) of clause (*a*) of sub-section (1) of section 40 of the Act shall be paid to the temple from the revenue collections of the village as a beriz deduction.

11. The order of Collector under section 40 (2) shall be published by affixture—

(*a*) on the notice boards of the offices of the Assistant Commissioner, the Tahsildar and the District Collector concerned ;

(*b*) on the notice board or the front door of the temple concerned ;

(*c*) on the notice board of the office of the Municipal Council including the Corporation of Chennai or the village chavadi and if there is no village chavadi, in some other public place in the village in which the temple concerned is situate ;

(*d*) in another conspicuous place in the locality which may be selected by the Collector in his discretion.

The order shall also be published in the *District Gazette* in the language of the district in the case of temple situated in the mofussil and in the *Tamil Nadu Government Gazette*, in the case of temples situated in the City of Chennai.

Form A.

(*See* rule 4.)

Statement showing the particulars to be furnished by temple trustees and Devadasis in respect of the Devadasi inams to be enfranchised under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Village in which the land lies.						
	Survey number of paimash number or description serving to identify the land.						
	Description of the land dry, wet or garden or house-site.						
	Extent.						
	Name of owner or occupier and names of persons of owning interest in the land by lease, mortgage, etc.						
	Name of Devadasi or other inamdar who rendered service in respect of his land.						
	Whether the interest of the Devadasi or other inamdar is of the nature described in (a) (i) or (1) (a) (ii) or (1) (a) (iii) of sub-section (2) of section 40 of the Act.						
	Remarks on the origin and nature of the grant and whether any original title deed or relevant documents are available.						

Ceritified that the above is a full and true statement of the lands held subject to the performance of Devadasi or other auxiliary service in this temple and I have satisfied myself that there are no other lands of such a nature.

Trustee/Devadasi and other Inamdar.

Form of the title deed to be issued when the Devadasi is the owner of the land.

(*See* rule 9.)

No.

Title-deed granted to (the Devadasi to be named.)

By order of the Governor of Tamil Nadu, I acknowledge your title to an inam consisting of the right to a portion of the Government revenue on land measuring _____ acres of dry _____ acres of wet and _____ acres of garden (be the same a little more or less) originally granted for service and situated in the village of _____ in the _____ estate _____ of _____ in the taluk of _____ in the district.

2. This inam being held for _____ shall now be deemed freed of such service, but shall henceforth be subject to the payment of an annual quit-rent of rupees _____ exclusive of rupees _____ already payable as jody or quit-rent to the Government of Tamil Nadu and rupees _____ payable as jodi to the proprietor which quit-rent is hereby imposed upon the inam in commutation both of the said service and of the reversionary interest possessed by the State Government in the inam. The inam is now confirmed to you, your representative and assigns to hold or dispose of as you or they think proper subject only to the payment of the above mentioned quit-rent and jodi and to the provisions of the next Clause.

3. The right of the State Government to all minerals, if any, in the land referred to in clause 1 above is hereby expressly reserved to the State Government and the revenue referred to in that clause represents only the right of the State Government to a share in the surface products of such land.

Chennai :

Dated_____ 19 .

Inam Commissioner.

Form of the title deed to be issued when the Devadasi is not the owner of the land.

(*See* rule 9.)

No.

Title-deed granted to _____ the manager for the time being of the temple of _____

By order of the Governor of Tamil Nadu, I acknowledge your title to an inam consisting of the right to a portion of the Government revenue on land measuring _____ acres of dry _____ acres of wet and _____ acres of garden (be the same a little more or less) and situated in the village of _____ in the estate of _____ in the taluk of _____ in the district of _____ .

2. This inam which is at present subject to a jodi or quit rent of rupees _____ per annum payable to the Government of Tamil Nadu and a jodi of rupees _____ per annum payable to the proprietor and which is confirmed subject to the payments aforesaid to the said Government and the proprietor to _____(the Devadasi to be named) during her life-time, and after her death confirmed to the temple of _____ situated in the village of _____ in the estate of _____ in the taluk of _____ in the district of _____ so long as it is maintained. The inam will lapse to the State Government when the temple ceases to be maintained.

3. The right of the State Government to all minerals, if any, in the land referred to in clause 1 above is hereby expressly reserved to the State Government and the revenue referred to in that clause represents only the right of the State Government to a share in the surface products of such land.

Chennai :

Dated_____ 19 . *Inam Commissioner.*

Form B.

(*See* rule 7.)

Notice under section 40 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

In the Court of _____ at _____ district.

No. _____ of 19 ___.

Subjects : Inam - Religious/Charitable _____
taluk, _____ village _____
T.D. No._____ Resumption.

To

(Name, description and place of residence)

Whereas _____ has presented an applcation to this Court praying for the _____ the whole of the inam _____ enfranchisement of _____ described below on account of _____ portion of the inam.

Take notice that if you have any cause to show why the inam/ a portion of the inam should not be enfranchised, you should appear in person or by a counsel, fully instructed with proofs in this Court, on the _____ day of _____ 19____, when the said application will be heard and disposed of, failing which the said application will be heard and disposed of *ex parte* and it will be presumed that you consent to the enfranchisement of the inam/portion of the inam.

Given under my hand and the seal of the Court, this day of _____ 19 ___.

Forms C and D not printed - See *Gazette*

NOTE :The State Government have to consider the retention of these Rules, having regard to the fact that the devadasi system has been abolished.

THE EXCHANGE, SALES, ETC., OF INAM LANDS RULES.*

(G. O. Ms. No. 662, Revenue, dated 5th February 1960)

1. These rules may be called the Exchange, Sales, etc., of Inam Lands Rules.

2. Notice of the particulars relating to the proposal for the exchange, sale or mortgage or lease for a term exceeding five years, of the whole or any portion of any inam granted for the support or maintenance of a religious institution or for the performance of a charity or service connnected therewith or any other religious charity and made, confirmed or recognized by the Government shall be published ,—

(*i*) in the language of the locality in a daily newspaper in circulation in the locality where the math or temple concerned is situate :

Provided that where the value of the property involved in the proposed transaction is less than Rs. 300/-, the requirement of publication of the notice in a daily newspaper may be dispensed with at the discretion of the Government, and

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* Published in the Rules Supplement to Part I of the *Fort St. George Gazette*, dated 17th February 1960 (Pages 76 and 77).

(*ii*) by affixture —

(*a*) on the notice board or the front door of the math or temple concerned ;

(*b*) on the notice board of the office of the municipal council including the Corporation of Chennai or village chavadi in the village or villages in which the property proposed to be dealt with is situate, and if there is no village chavadi in a conspicuous place in the said village, or villages and on the notice board of the Panchayat ; and

(*c*) on the notice board of the offices of the Commissioner and of the Assistant Commissioner having jurisdiction over the area in which the math or temple concerned is situate.

(*iii*) by beat of tom tom in a busy central place in the locality in which the property is situate.

3. When the proposal relates to an inam granted for service in a religious institution and is made by an office-holder or servant of the institution, notice shall be sent to the trustee of the institution by registered post, acknowledgement due. Notice shall also be given to the person other than the trustee, if he is actually in possession of the property.

4. The notice shall invite objections and suggestions with respect to the proposals and fix the time within which they shall be submitted. They shall be considered after such inquiry as may be necessary.

5. While according sanction, the Government may impose such conditions and give such directions as they may deem necessary regarding the utilisation of the amount raised by the transaction, the investment thereof, and in the case of a mortgage, regarding the discharge of the same within a reasonable period and other relevant factors.

6. After the final orders of the Government on a proposal, another notice shall be given before actually executing the decision. A copy of the order of the Government sanctioning an exchange,

sale or mortgage or lease for a period exceeding five years shall, in addition to being communicated to the trustee and persons having interest, if any, who appeared in the proceedings, be published by affixture —

(*a*) on the notice board of the office of the Commissioner and the Assistant Commissioner having jurisdiction over the area in which the religious institution concerned is situate ;

(*b*) on the notice board or the front door of the religious institution concerned ;

(*c*) on the notice board of the office of the municipal council or the Corporation of Chennai or the village chavadi and, if there is no village chavadi, in some other public place in the village in which the religious institution concerned is situate and on the notice board of the Panchayat Board ;

(*d*) in a newspaper of the language of the locality where the religious institution is situate :

Provided that where the value of the property involved is less than Rs. 300/-, the requirement of publication may be dispensed with at the discretion of the Government ; and

(*e*) where the religious institution is in one village, and the property to be exchanged, sold or mortgaged or leased for a period exceeding five years is in another village, a copy of the order of the Government shall be affixed on the notice board of the village chavadi of the village in which the property is situate and, if there is no village chavadi, in some other public place in the village in question.

THE RESUMPTION AND REGRANT OF INAMS RULES.*

(G. O. Ms. No. 864, Revenue, dated 15th February 1960.)

1. These rules may be called the Resumption and Regrant of Inams Rules.

2. In these rules, unless there is anything repugnant in the subject or context ,—

(*i*) "clause" means a clause of sub-section (2) of section 41 of the Act ;

(*ii*) "Commissioner" means the Commissioner appointed under section 9 of the Act.

3. Form of application and presentation thereof.—Every application under clause (*a*) shall be in Form A annexed to these rules and shall be presented to the Collector in person or by counsel.

4. Copies to accompany application.—The application shall be accompanied by as many copies thereof as are required for service on the Commissioner and each of the persons mentioned in clause (*b*).

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* Published in Rules Supplement to Part I of the *Fort St. George Gazette*, dated 11th May, 1960. (Page 204)

5. Deed of alienation, if any, to accompany application.— If the application is made on the ground specified in sub-clause (i) of clause (a), it shall be accompanied by an authenticated copy of the deed, if any, under which the inam or portion thereof was gifted, exchanged, sold, mortgaged or leased.

6. Procedure of Collector.— (1) On receipt of an application under clause (a), the Collector shall —

(*a*) if he is satisfied that the application is in conformity with the provisions of the Act and these rules, fix a date for the enquiry which shall not be less than thirty days from the date of the application ; and

(*b*) if he is not so satisfied, return the application to the applicant for being brought into such conformity and re-presented within a reasonable period to be specified, which may, however, be extended at the discretion of the Collector.

(2) In cases falling under clause (*b*) of sub-rule (1) —

(*a*) if the application is not re-presented within the period specified in that behalf or if it is so re-presented within such period but the Collector is not satisfied that it has been brought into conformity with the provision of the Act and these rules, the Collector may reject the application ; and

(*b*) if the application is re-presented within the period aforesaid and the Collector is satisfied that it has been brought into conformity with the provisions of the Act and these rules, the Collector shall fix a date for the inquiry which shall not be less than thirty days from the date of re-presentation of the application.

7. Service and publication of notice of application.— (1) In cases, where an application has been presented under clause (*a*) the notice referred to in clause (*b*) shall be in Form B annexed to these rules, and shall be accompanied by a copy of the application and shall be served in the manner specified in sub-rule (3).

(2) In cases, where the Collector acts on his own motion under clause (a), the notice referred to in clause (b) shall be in

Form B-1 annexed to these rules and shall be served in the manner specified in sub-rule (3).

(3) Service of such notice shall be effected —

(*a*) in the case of the Commissioner, by a copy being sent by registered post to the Commissioner ; and

(*b*) in the case of each of the other persons mentioned in clause (*b*), by delivery of copy to such person or some adult male member of his family at his usual place of residence or to the authorised agent of such persons.

(4) Such notice shall be published —

(*a*) on the notice board of the office of the Assistant Commissioner and Tahsildar and Collector concerned ;

(*b*) on the notice board or the front door of the math or temple concerned ;

(*c*) on the notice board of the office of the municipal council including the Corporation of Chennai or the village chavadi and if there is no village chavadi in some other public place in the village in which the temple concerned is situate ;

(*d*) in another conspicuous place in the locality which may be selected by the Collector in his discretion.

The notice shall also be published in the *District Gazette* in the case of math or temple situated in the mofussil and in the *Tamil Nadu Government Gazette* in the case of math or temple situated in the City of Chennai.

8. Procedure at inquiry.—At the inquiry under clause (*b*), the Collector shall hear and record the substance of the evidence produced by the parties concerned on such of the following points as are relevant, namely :—

(*i*) whether the inam was or was not made, confirmed or recognized by the Government ;

(*ii*) the purpose for which the inam was granted ;

(*iii*) whether the inam consists of both the melvaram and the kudivaram or only of the melvaram ;

(*iv*) whether the inam or any portion thereof was or was not alienated by exchange, gift, sale, mortgage, or lease for a term exceeding five years ;

(*v*) what the custom or usage concerning the performance of the charity or service as the case may be is ;

(*vi*) whether there has been any failure to perform or to make the necessary arrangements for performing the charity or service in accordance with such custom or usage ;

(*vii*) in case, a portion of the inam has been alienated or is in the enjoyment of any person or persons who has or have failed to perform or make the necessary arrangements for performing his or their part of the charity or service for performing which the inam was granted, whether the portion can be separately sub-divided ;

(*viii*) whether the math or temple has ceased to exist ; and

(*ix*) whether the charity or service has become impossible of performance.

9. Publication of order of resumption.—A copy of every order of resumption passed under clause (*a*) shall be published in the same manner as in the case of notice published under rule 7(4) above.

10. Time for and presentation of appeals.—(1) The time allowed to a party for preferring an appeal to the District Collector against any order passed by the Collector under clause (*a*) shall be sixty days from the date of receipt of the order by the party, after excluding the time, if any, taken by him for obtaining an authenticated copy of the order.

(2) Such appeal shall be presented to the District Collector in person or by counsel and shall be accompanied —

(*a*) by an authenticated copy of the order appealed against ; and

(*b*) by as many copies of the memorandum of appeal as are required for service on each of the persons and bodies mentioned in clause (*b*).

11. Procedure in appeal.— (1) On receipt of any such appeal, the District Collector shall fix a date for the inquiry and give the notice referred to in sub-clause (*i*) of clause (*d*) in the Form C, annexed to these rules. Every such notice shall be accompanied by a copy of the memorandum of appeal. The notice shall be served in the manner prescribed in sub-rule (3) of rule 7. At the inquiry the District Collector shall peruse the evidence recorded by the Collector under rule 8, hear the parties who may appear before him and pass an order as required by sub-clause (*i*) of clause (*d*).

(2) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, before the District Collector, but if it is found that —

(*a*) the Collector has refused to admit evidence which ought to have been admitted, or

(*b*) the District Collect requires any document to be produced or any witness to be examined to enable him to pronounce judgment, or

(*c*) there is any other substantial cause, the District Collector may allow such evidence or document to be produced or such witness to be examined.

Wherever additional evidence is allowed to be produced by the District Collector under the foregoing provisions, he shall record the reason for the admission.

12. Application for execution of order of re-grant .— Any application for the execution of an order passed under clause (*f*) regranting any inam or part of an inam shall be presented to the Collector in Form D annexed to these rules within one year from the date of the order, if no suit is filed in a Civil Court under the proviso to sub-clause (*ii*) of clause (*d*) and within sixty days from the date of the disposal of the suit, if one is filed.

The Collector may, however, for reasons to be recorded in writing, admit an application presented after the period prescribed under this rule.

Explantion.—No suit shall be deemed to be "disposed of" within the meaning of this rule—

(*a*) until the time for preferring an appeal or a second appeal from the decree passed by the Court of first instance or by the first appellate Court, as the case may be, has expirted, or

(*b*) if an appeal or a second appeal has been preferred within such time until such appeal or second appeal has been finally decided.

13. Manner of execution of order of re-grant.—An order under clause (*f*) regranting any inam or part of an inam, shall be executed in the following manner :—

(*i*) Where the inam or part and the re-grant relate to the melwaram only, the Collector shall send an order to the Tahsildar of the taluk concerned, to pay the actual net assessment collected on the resumed inam or part, to the math or temple concerned, or to such religious, educational or charitable institution recommended by the Commissioner, as the case may be, by way of beriz deduction from the village collections during the kist season and to effect necessary changes in the village and taluk accounts ; and

(*ii*) Where the inam or part and re-grant comprise both the melwaram and the kudiwaram, the Collector shall issue warrant, authorizing to take possession of the land and deliver it to the math or temple concerned or to such religious educational or charitable institutions recommended by the Commissioner, as the case may be, after removing, if need be, any person bound by the order of re-grant who refuses to vacate the land.

14. Issue of the title deed where inam comprises both warams.—In case referred to in clause (*ii*) of rule 13, the Collector shall, after delivering possession of the land to the math, temple or other institution, as the case may be, send proposals to the Inam Commissioner through the District Collector, for issuing the necessary title deed in its favour.

15. Assessment to be levied on resumed inam consisting only of melwaram.— Where the inam relates to the melwaram only, the assessment levied on the resumed inam shall be—

(*a*) in case the inam is situated in a ryotwari village, the current assessment levied on similar lands in the vicinity, and

(*b*) in case the inam is situated in a proprietary village, the current assessment levied on similar lands in the ryotwari village in the neighbourhood.

Verified Red/Estate