3. Where a scheme framed by the Court itself had in like manner become unsuitable for the purpose.

4. Where it is necessary to provide sufficient safeguards for the protection of the properties of the institutions and for realisation of the income therefrom.

5. Where it is felt necessary to eliminate or minimise the difficulties which may arise in the matter of nomination or election of trustee or trustees or other procedure, if any, contemplated in such scheme.

(Rule 8 was added by G.O. Ms. No. 265, C.T. & R.E., dated 8th March 1975).

THE APPROPRIATION OF ENDOWMENTS RULES.*

(G. O. Ms. No. 4851, Revenue, dated 26th November 1960 as amended by G.O. Ms. No. 275 C.T. & R.E. dated 16th July 1997)

1. These rules may be called the Appropriation of Endowments Rules.

2. A notice as detailed in rule 3 shall be served on or sent by registered post with acknowledgement due to the trustee or trustees of the religious institution.

3. Notice of the proceedings under sub-section (1) of sub-section (2) of section 66 for the appropriation of endowments shall contain particulars of the endowments and the purpose or purposes for which the appropriation is proposed. The notice shall specify a date which shall not be less than thirty days from the date of its issue, within which objections or suggestions, if any, may be sent. It shall also specify the date on which an inquiry, if any, is proposed to be held to consider the objections or suggestions.

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* Original rules published in Part V of the *Fort St. George Gazette*, dated the 21st December, 1960 (Page 683).

4. A copy of the notice shall be published by affixture :—

(*a*) on the notice board of the office of the Assistant Commissioner in whose division the institution is situate and the office of the Joint Commissioner and the Deputy Commissioner ;

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

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

(*d*) in any other conspicuous place in the locality in which the temple or math is situate which may be selected by the Joint Commissioner or the Deputy Commissioner, as the case may be, in his discretion :

Provided that where the proposal is in respect of a specific endowment, the properties of which are not situate in the municipality including the Corporation of Chennai or village in which the temple or math is situate, the notice shall also be published in the manner aforesaid in the place in which the properties are situate.

5. A copy of the order of Joint Commissioner or the Deputy Commissioner, as the case may be, shall, in addition to being communicated to the trustee or trustees and to the persons who appeared in the proceedings, be published in the manner laid down in rule 4 for the publication of the notice.

The order shall also be published in the *District Gazette* in the case of a math or temple or specific endowment attached to a math or temple situated in the district or in the *Tamil Nadu Government Gazette* in the case of a math or temple or specific endowment attached to a math or temple situated in the City of Chennai or to specific endowments attached to a math or temple situated in more than one district.

THE DETERMINATION OF PROPERTIES OF DEFUNCT INSTITUTIONS RULES.*

(G.O. Ms. No. 4851, Revenue, dated 26th November 1960 as amended by G.O. Ms. No. 275 C.T. & R.E. dated 16th July 1997)

1. These rules may be called the Determination of properties of Defunct Institutions Rules.

2. When the Joint Commissioner or Deputy Commissioner, as the case may be, proposes to take action under sub-section (1) of section 67, notice of the enquiry shall be sent by registered post with acknowledgement due —

(*a*) to the person or persons in possession of the properties of the religious institution in question ;

(*b*) to the person or persons, if any, who was a trustee or were trustees, of the institution before it ceased to exist ; and

(*c*) where the religious institution was a specific endowment, to the trustee or trustees of the temple or math to which the specific endowment was attached.

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* Original rules published in Part V of the *Fort St. George Gazette*, dated the 21st December, 1960 (Page 684).

3. A copy of the notice shall be published —

(*a*) by affixture —

(*i*) on the notice board of the office of the Assistant Commissioner having jurisdiction over the area in which the temple or math concerned was situated and of the office of the Joint Commissioner or Deputy Commissioner, as the case may be ;

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

(*iii*) in another conspicuous place in the locality in which the temple or math was situated which may be selected by the Joint Commissioner or Deputy Commissioner, as the case may be, in his discretion ;

(*b*) by beat of tom tom in the locality in which the temple or math was situated :

Provided that where the proposal is in respect of a specific endowment, the properties of which are not situate in the Municipality including the Corporation of Chennai or village in which the temple or math to which a specific endowment was attached was situated, the notice shall also be published in the manner aforesaid in the places in which properties are situate.

4. When the Joint Commissioner or Deputy Commissioner, as the case may be, proposes to take action under sub-section (2) of section 67, notice of the enquiry shall be sent by registered post with acknowledgement due to the person in possession of the building or place which has ceased to be used for religious worship or instruction. A copy of the notice shall also be published by affixture—

(*i*) on the notice board of the office of the Assistant Commissioner having jurisdiction over the area in which the building or other place which was being used for religious worship

or instruction is situate and of the office of the Joint Commissioner or Deputy Commissioner, as the case may be.

(*ii*) on the notice board of the office of the Municipal Council including the Corporation of Chennai or village chavadi and if there is no village chavadi in some other public place in the village in which the building or other place which was being used for religious worship or instruction is situate ; and

(*iii*) in another conspicuous place in the locality in which the building or other place which was being used for religious worship or instruction is situate, which may be selected by the Joint Commissioner or Deputy Commissioner, as the case may be, in his discretion.

5. A copy of the order of the Joint Commissioner or Deputy Commissioner, as the case may be, shall, in addition to being published in the manner laid down in rule 3 or 4, as the case may be, also be published in the *District Gazette* in the case of the math or temple or specific endowment attached to a math or temple, or buildings or other places which were being used for religious worship or instruction situated in the district or in the *Tamil Nadu Government Gazette* in the case of a math or temple or specific endowment attached to a math or temple, or buildings or other places which were being used for religious worship or instruction situated in the City of Chennai, or to specific endowments attached to a math or temple or buildings or other places which were being used for religious worship or instruction situated in the City of Chennai, or to specific endowments attached to maths or temples situated in more than one district.

6. The inquiry under section 67 shall be conducted in the manner prescribed in rules 2 to 6 of the rules relating to the conduct of inquiries under sections 63 to 69.

THE NOTIFICATION OF RELIGIOUS INSTITUTIONS RULES.*

(G.O. Ms. No. 4793, Revenue, dated 22nd November 1960 as amended).

1. These rules may be called the Notification of Religious Institutions Rules.

2. (1) The notice referred to in sub-section (1) of section 71 of the Act shall be sent by registered post acknowledgement due —

(*a*) to the trustee or trustees concerned :

Provided that where the religious institution has an executive officer or manager appointed under any provisions of the Act or under the provisions of a scheme settled or deemed to have been settled under the Act, the notice shall also be served on him in the manner laid down in this rule ; and

(*b*) to such other persons having interest in the religious institution as the Commissioner may deem necessary.

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* Original rules published in Part V of the *Fort St. George Gazette,* dated the 7th December, 1960 (Page 610).

(2) A copy of the notice shall be published by affixture—

(*a*) on the notice board of the office of the Assistant Commissioner in whose division, the institution concerned is situate and of the office of the Joint/Deputy Commissioner ;

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

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

(*d*) in any other conspicuous place in the locality which may be selected by the Commissioner in his discretion :

Provided that where the proposal is in respect of a specific endowment, the properties of which are not situate in the municipality including the Corporation of Chennai or the village in which the temple or math is situated the notice shall also be published in the manner aforesaid in the places in which the properties are situated.

(3) A copy of the notice shall also be published in one or more daily newspapers having circulation in the locality in which the institution is situated.

3. The enquiry under section 72 (2) shall be conducted in the manner prescribed for conducting enquiries by the Commissioner or the Joint/Deputy Commissioner under sections 63 to 72.

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* Original rules published in Part V of the Fort St. George Gazette, dated the 7th December, 1960 (Page 610).

THE REMOVAL OF ENCROACHMENTS ON LANDS OR BUILDINGS BELONGING TO RELIGIOUS INSTITUTIONS RULES

(G. O. Ms. No. 383, Revenue, dated 29th January 1962 as amended by G. O. Ms. No. 275 C.T. & R.E., dated 16th July 1997)

1. Title and applications.—These rules may be called the Removal of Encroachments on Lands or Buildings belonging to Religious Institutions Rules.

2. Definitions.—In these rules, unless the context otherwise requires—

(*a*) 'Act' means the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) ;

(*b*) 'encroacher' means a person, who occupies unauthorisedly any land or building belonging to any religious institution wherever it is situated or any sacred tank, spring or water-course wherever it is situated and belonging to a religious institution, or any space within or outside the prakarams, mandapams, courtyards or corridors of the religious institution.

3. Form and service of notice.— (1) Every notice under sections 78 (2), 79 (3), 80 (2) and 81 (3) shall be in Forms A to D in the Schedule to these rules and shall be served on the encroacher,

lessee, licensee or mortgagee, as the case may be, by registered post with acknowledgement due. A copy of the notice shall be communicated to the trustees of the institution also.

(2) In case of any refusal or evasion to receive the notice sent for service in the manner specified in sub-rule (1), the notice shall be affixed on the front door or any conspicuous place of the residence of the person to whom the notice was sent. If the person has changed his residence, the notice shall be sent to the changed address, if it is known or a copy of the notice shall be affixed on the front door or other conspicuous place of the last known residence. In addition to the affixture of such notice in the manner specified above, such notice shall also be published by affixture in a conspicuous place of the property which forms part of these proceedings so as to complete the service. Such affixture shall be deemed to be sufficient notice to the persons concerned specified in sub-rule (1).

4. Contents of notice under sections 78 (3) and 80 (3).—(1) The notice under sections 78 (3) and 80 (3) of the Act shall provide 30 days time for the show cause and 15 days time for making an order under sections 78 (2) and 80 (2) of the Act. The Joint Commissioner or Deputy Commissioner as the case may be, may grant such further time as he deems fit.

(2) The notice shall specify the land, or space or building or the other details covered by the encroachment proposed to be removed as specified under section 78 (2) of the Act and state the boundaries, with survey numbers, if any, extent and such other relevant particulars as may be necessary to identify the land.

5. Enquiries.—The provisions of the rules issued under section 116 (2) (*iii*) shall apply to the conduct of enquiries under section 78 (4) to 81 (3) of the Act and the provisions of the Code of Civil Procedure and the Civil Rules of Practice and Circular Orders shall apply, as far as practicable, to appearance of pleaders and to affidavits, production of documents, examination of witnesses, taking of oral evidence, proof by affidavits, filing of

exhibits, issue of Commissions, return of documents not admitted in evidence and other connected matters.

6. Issue of orders on removal of encroachments.—Every order of the Deputy Commissioner, the Joint Commissioner and the Commissioner regarding removal of encroachments, or termination of lease, licence, mortgage with possession, etc. shall be communicated to the trustee of the institution and the encroacher, lessee, licensee or mortgagee, as the case may be, by registered post with acknowledgement due. A copy of the order shall also be published on the notice board or any conspicuous place of the institution to which the property belongs and in any daily newspaper in the regional language having wide circulation in the locality. In addition to the affixture of such orders in the manner specified above, such orders shall also be published by affixture in a conspicuous place of the property which forms part of these proceedings so as to complete the service.

Verified

SCHEDULE

FORM A

[*See* rule 3(1)]

Notice under section 78(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Before the Deputy, Joint Commissioner, Hindu Religious and Charitable Endowments Administration Department.

Division at ..... No. ..... of 19.....

Subject : Encroachment land/tank/building _____ district _____-taluk _____-village/_____ town_____temple/math.

Removal of _____

To _____

(Name, description and place of residence)

Whereas I have reason to believe that the encroachment over the land/tank/building described below and belonging to Sri _____ _____ temple _____ village_____ taluk _____ district_____ caused on account of _____ should be removed.

Take notice that if you have any cause to show why the said encroachment should not be removed, you should appear in person or by counsel duly instructed with proof, in this Court on the day of _____19_____ when the aforesaid matter will be heard and disposed of *exparte* and it will be presumed that you consent to the removal of the said encroachment.

Given under my hand and the seal of the Court_____ this_____ day of_____ 19_____

Joint/Deputy Commissioner

DESCRIPTION OF ENCROACHMENT

Sl. No.	Survey No.	Land, Tank, Building	Extent	Boundaries	Remarks
1	2	3	4	5	6

FORM B

[*See* rule 3(1)]

Notice of appeal under section 79(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Before the Commissioner, Hindu Religious and Charitable Endowments Administration Department, Chennai.

Subject : Encroachment /land/tank/building _____ district _____-taluk_____-village/_____ town_____temple/math.

Appeal from the order of the Joint/Deputy Commissioner, Hindu Religious and Charitable Endowments._____ Division _____ _____at _____in No. _____ 19_____ dated_____

To_____

(Name, description and place of residence)

Take notice that an appeal from the order of the Joint/Deputy Commissioner _____Division at_____ _____No. _____ dated _____ has been presented by / and registered in this Court and that the _____ day of _____ 19_____ has been fixed for hearing of this appeal.

If no appearance is made by yourself in person or by your counsel, the appeal will be heard and decided in your absence.

Given under my hand and seal of the Court_____ this_____ of _____19_____

Commissioner.

FORM C

[*See* rule 3(1)]

Notice under section 80(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Before the Joint/Deputy Commissioner, Hindu Religious and Charitable Endowments Administration Department.

Division at _____ No. _____ of 19 _____

Subject : Eviction-Lessee/Licensee/Usufructuary Mortgagee _____

_____-taluk_____-village/town_____

_____temple/math.

To_____

(Name, description and place of residence)

Whereas I have reason to believe that the artistic appearance of the religious atmosphere of the temple/ math _____ village/town_____taluk _____ district has been marred or is likely to be.. by the lease, licence or mortgage with possession of the land/tank/building or mantapam, described below and the lease, licence or mortgage should be terminated.

Take notice that if you have any cause to show why the lease, licence of the land, tank, building or mantapam should not be terminated or the mortgage cancelled, you should appear in person or by a counsel, duly instructed with proof, in this Court _____ on _____ day of 20_____ when the aforesaid matter will be heard and disposed of, failing which the matter will be heard and disposed of *ex parte* and it will be presumed that you consent to the termination of lease, licence or mortgage of the land, tank, buildings or mantapam.

Given under my hand and the seal of the Court, this day of _____ 20_____.

Joint/Deputy Commissioner.

FORM D

[*See* rule 3(1)]

Notice of appeal under Section 81(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Before the Commissioner, Hindu Religious and Charitable Endowments Administration Department, Chennai.

Subject : Eviction-Lessee/Licensee/Usufructuary Mortgagee _____

_____-taluk_____-village/town_____

_____temple/math.

Appeal from the order of the Joint/Deputy Commissioner, at in No._____

To _____

(Name, description and place of residence)

Take notice that an appeal from the order of the Joint/Deputy Commissioner Division _____ at_____ _____No. _____ dated _____ has been presented by _____ and registered in this Court and that the day of _____ 19_____ has been fixed for hearing of this appeal.

If no appearance is made by yourself in person or by your counsel, the appeal will be heard and decided in your absence.

Given under my hand and seal of the Court,_____ this_____ day of 19_____

Commissioner.

THE TAMIL NADU HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS CONSTITUTION OF TRIBUNAL RULES, 1965. *

(G. O. Ms. No. 1447, Revenue, dated 30th April 1965)

1. Short title.—These rules may be called the Tamil Nadu Hindu Religious and Charitable Endowments Constitution of Tribunal Rules, 1965.

2. Constitution.—Each Tribunal shall consist of one person only, who shall be an officer of the Revenue Department not below the rank of a Deputy Collector, as may be nominated by the District Collector.

3. Officer appointed as Tribunal.— Every Officer appointed to constitute the Tribunal shall be a person professing Hindu religion.

4. Making of award.—Every award of the Tribunal shall be in writing and shall specify the grounds on which it is based.

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* Published in Part V of *Fort St. George Gazette*, dated 19th May 1965 (Page 531).