

GOVERNMENT OF PUDUCHERRY
(Abstract)

Department of HRI & Wakf, Puducherry – Procedure to be adopted for sale of uncultivable lands situated in urban / sub-urban / rural areas owned by various temples in the Union Territory of Puducherry at the prevailing market rate to Government or by e-auction to the public – Orders – Issued.

DEPARTMENT OF HINDU RELIGIOUS INSTITUTIONS & WAKF

G.O.Ms.No.35/CHRI/T1/2015/999

Puducherry, dt.02.09.2015

04

NOTIFICATION

It is brought to the notice of the Government that many lands, belonging to various temples which are uncultivable and coming under the purview of the Department of Hindu Religious Institutions are lying idle for years together without any use and not fetching any revenue to the temples concerned. It is also brought to the notice of the Government that number of encroachments have come up in such uncultivable lands and the encroachers could not be evicted as that of the Government. lands by invoking Public Premises (Eviction of unauthorized occupants) Act 1971. Further the encroachers may file suit claiming their right in the Court of Law and the matter may remain pending before the Civil Courts for years together without any result. Hence, it is felt necessary to dispose of the uncultivable lands in order to avoid encroachments failing which, the whole land may be occupied by some miscreants in future causing hardships to the Temples.

2. As per Section 25(1) of the Puducherry Hindu Religious Institutions Act, 1972, 'any exchange, sale, mortgage, gift or lease for a term exceeding 3 years of any immovable property belonging to or given or endowed for the purposes of any institution shall be null and void unless it is sanctioned by the Commissioner, as being necessary or beneficial to the institution, after publication in the newspaper about the proposed sale inviting objections and suggestions for the same'.

3. As per Rule 18 of the Puducherry Hindu Religious Institution Rules, 1975,
(1) Notice of the proposals for any exchange, sale or mortgage and any lease for a term exceeding three years of any immovable property belonging to, or given or endowed for the purpose of any religious institution shall contain particulars in respect of the following:-

(a) nature of the proposed transactions;

- (b) correct description of the properties relating to the proposed transaction with information regarding survey number, extent and boundaries and ward number and door number also in the case of properties within the limits of municipalities;
- (c) the revenue assessed on the properties relating to the proposed transaction by way of land revenue, cess, quit-rent, ground rent, property tax etc;
- (d) any encumbrances to which the properties relating to the proposed transactions are subject;
- (e) if the proposals is for the mortgage, the amount for which the properties are proposed to be mortgaged;
- (f) If the proposals is for sale or lease, the probable price or the rental, as the case may be, that is expected;
- (g) The purpose for which the amount so raised is to be utilized.

(2) (a) The notice shall specify a reasonable time, being not less than 30 days from the date of issue of the notice, within which objections or suggestions may be sent shall also specify the date on which an enquiry, if any, is proposed to be held to consider the objections or suggestions.

(b) A copy of the notice shall be served in person or sent by registered post with acknowledgement due to the trustees or trustees of the religious institutions concerned and where the properties belong to a specific endowment, also to the trustee or trustees or the Temple or math to which the specific endowment is attached.

(c) Any refusal or evasion to receive the notice shall be deemed to be sufficient notice.

(3) A copy of the notice shall be published by affixture:-

- (a) on the notice board of the Commissioner;
- (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 or village chavady or the panchayat union council, in some other place in the locality which may be selected by the Commissioner in his discretion; and

- (d) at least one daily newspaper published in the language of the locality where the math or temple concerned is situate.

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

4. In pursuance of Section 25 (1) of the Puducherry Religious Institutions Act, 1972 read with the Rule 18 (2) of the Puducherry Hindu Religious Institutions Rules, 1975 the Lieutenant Governor, Puducherry is pleased to approve and order that the following procedure shall be followed for the disposal of the uncultivable lands situated in urban/suburban/ rural areas owned by various temples **at the prevailing market rate to Government or by e-auction to the public:-**

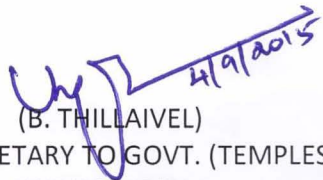
- (i) The concerned Temple Authority will pass a resolution informing their willingness to dispose of the uncultivable land owned by them indicating the details of lands and price expected therefor.
- (ii) The Commissioner, HRI will publish the details of the proposed alienation of the immovable property of the temple as envisaged under Section 25(1) of the Puducherry Hindu Religious Institution Act, 1972 and Rules 18 of the Puducherry Hindu Religious Institution Rules, 1975 calling for objections/suggestions.
- (iii) On the expiry of the period mentioned in the notice, the Commissioner, HRI will submit a report to the Government detailing the objections/suggestions received and views of the temple authority and seek the orders of the Government for disposal of the property.
- (iv) If the Government decides to give permission to dispose of the property, availability of temple land for disposal will be informed to all the Departments/Agencies/Board/Undertaking/Autonomous Bodies/Corporations etc. of the Government of Puducherry.

- (v) If any Government department / Corporation / Agencies / Board / Undertaking Autonomous Bodies etc are desirous of acquiring the land, the same may be intimated to the Department of HRI.
- (vi) The land may be alienated on payment of guideline value or the market value indicated by sales transaction executed on lands similar in character to the land proposed to be disposed, within previous one year as determined by the Sub/Deputy Collector concerned, whichever is higher.
- (vii) In case, requests are received from more than one Government Department/ Corporation / Agencies / Board / Undertaking / Autonomous Bodies etc., the matter shall have to be referred to the Government and the decision of the Government thereon shall be final.
- (viii) If no request is received from any Government Department etc, the Commissioner, HRI will take action to alienate the land by e-auction.
- (ix) The Commissioner shall confirm the sale only with the approval of the Government.
- (x) In case, sale of any immovable property belonging to the temple, the sale amount received by the religious institutions shall be made as Fixed Deposit in a nationalized bank jointly in the name of the Commissioner, HRI and President / Special Officer / Executive Officer of the temple and the interest amount accrued thereon may be utilized for the expenses of the temple. The Fixed Deposit shall not be closed except with the prior approval of the Government.
- (xi) In case of sale of any immovable property endowed for purpose of performance of any specific service, charity in any religious institution, the sale amount shall be deposited in a nationalized bank and the interest amount accrued thereon shall be utilized only for the purpose for which the land was given or endowed and shall not be utilized for any other purpose of the temple concerned.

- (xi) In case of any doubt arising on any of the procedure as enumerated above, the decision of the Government thereon, shall be final.

5. This issues with the concurrence of the Finance Department vide their U.O.Note No.1910/F4/2015/ dated 04.08.2015.

// BY ORDER OF THE LIEUTENANT GOVERNOR //


(B. THILLAIVEL)
UNDER SECRETARY TO GOVT. (TEMPLES)
PUDUCHERRY

To

1. The Chief Secretary, Puducherry.
2. The Secretary (Revenue), Puducherry .
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4. The Secretary (Finance), Puducherry.
5. The Secretary (IT), Puducherry.
6. The District Collector, Puducherry.
7. The District Collector, Karaikal.
8. The Dy. Collector Revenue (North)/(South)/Karaikal/Mahe /Yanam.
9. The Director of Survey & Land Records, Puducherry.
10. The Regional Administrator, Mahe / Yanam.
11. All Heads of Departments, Puducherry.
12. The Director, Directorate of Stationery and Printing, Puducherry – with a request to publish the G.O. in the next publication of the official Gazette.