

MAHARASHTRA RELIGIOUS ENDOWMENTS (RECONSTRUCTION ON RESETTLEMENT SITES) RULES, 1971

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MAHARASHTRA RELIGIOUS ENDOWMENTS (RECONSTRUCTION ON RESETTLEMENT SITES) RULES, 1971

In exercise of the powers conferred by sub-section (1) of section 14 of the Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Act, 1970 (Mah. XXX of 1970), and of all other powers enabling in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (2) of section 14 namely-

1. Short title :-

These rules may be called the Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Rules, 1971 .

2. Definitions :-

In these Rules unless the context otherwise requires, -

(a) "Act" means the Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Rules, 1970.

(b) "section" means a section of the Act;

(c) "Planning Authority" means a Planning Authority within the meaning of the Maharashtra Regional and Town Planning Act, 1966 and includes a person duly authorised by it by order in writing in this behalf for the purposes of these rules, subject to such terms and conditions as may be specified in the order; and relevant Planning Authority means the Planning Authority within the limits of which a religious endowment is constructed or to be reconstructed on a resettlement site.

¹ [(d) Words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.]

1. Inserted Mah. G.G. IV. by G.N. of 28.2.1974. Mah. G.G. IV-B p.428.

3. Procedure for reconstruction of religious endowment :-

(1) On receipt of an order under sub-section (1) of section 4 to reconstruct a religious endowment at a site specified therein, the competent authority shall by order require the relevant Planning Authority to prepare a layout of the site of the religious endowment to be reconstructed, and inform that Authority that the cost should not exceed the amount specified in the order (such cost being determined having regard to the amount of compensation vested in the State Government and the amount of any grant or contribution received for reconstructing the endowment).

¹ [(2) The Planning Authority shall prepare the plans of the proposed new, construction regard being had to the provisions of sub-section (2) of section 4 , and submit estimates not exceeding the amount specified in the order];

(3) The Planning Authority shall forward to the competent authority the said layout, plans and estimates within a period of 30 days within such extended period as the competent authority may permit in this behalf, from the date of the order of the competent authority made under sub-rule (1). These plans and estimates with design, shall inter alia contain the size, shape, architectural design of the image of the deity and all matters incidental thereto, or connected with, the reconstructing of the religious endowment.

(4) On receipt of the design, plans and estimates the competent authority shall issue a notification in the form hereto appended with a view to inviting any objections or suggestions from persons who may be interested in the reconstructing the religious endowment on resettlement site within the period of thirty days from the date of publication of such notice. The notice shall be published on the notice board of the Collector, Tahsil Office of the Panchayat Samiti and in the village near such resettlement site.

(5) After the expiry of the period specified in the notice, the competent authority shall hear on a suitable date of persons or persons interested, if they make a personal appearance and shall also consider the objections or suggestions received by it in

pursuance of such notice:

Provided that, no suggestion involving an expenditure exceeding the amount of compensation vested in the State Government and the amount of any grant or contribution received for reconstructing the endowment shall be considered.

(6) After hearing the persons interested, the competent authority shall record its finding on all the points raised during personal hearing or in the objections or suggestions by it, and the competent authority shall forward a copy of its finding to the Planning Authority.

(7) If, as a result of such decision of the competent authority, the lay-out, design, plan and estimates and matters incidental thereto require any modification, such modification shall be carried out by the Planning Authority within a period of three weeks from the date on which the findings of the competent authority are received and the lay-out, design, plan and estimates and matters incidental thereto shall be finalized accordingly.

(8) After finalisation of plans, estimates, image of the deity, its size, shape, architectural design and all matters incidental thereto, the competent authority shall inform the Planning Authority to execute the work of reconstruction of the endowment in accordance with such plans, estimates and other matters approved in this behalf and complete it, expeditiously.

(9) In executing the work of reconstruction of the religious endowment the Planning Authority shall follow the procedure prescribed in the Departmental Manual for execution of works like inviting tenders and other matters provided therein.

(10) On completion of the reconstruction of the religious endowment the competent authority shall inform the State Government accordingly.

1. Substituted by G.N. of 28.2.1974, Mah. G.G. IV-B p.428.

4. Application under section 8 :-

(1) Every application under section 8 may be made in the form of a petition addressed to the Secretary to the Government of Maharashtra, General Administration Department, and Director Of Resettlement of Project Affected persons, Sachivalaya, Bombay, and be drawn up in a concise and intelligible language and shall be

legible and bear the signature (or thumb mark, if illiterate) of the applicant or of his duly authorised agent.

(2) The application shall ordinarily contain the following particulars:-

(a) Father's / husband's name, occupation, age and place of residence of the applicant, together with postal address.

(b) A brief but precise statement of facts on which the applicant relies in support of his plea and the grounds of objection to the decision or order, against which the application is made.

(3) The application may either be presented in person or sent by registered post, with acknowledgement due.

(4) Where the application is sent by registered post, the applicant shall ensure that the postage is fully pre-paid.

(5) Every such application shall be accompanied by a fee of ten rupees in cash.

5. Service of notice :-

(1) The notice shall be served to the applicant, trustee or any other person having interest in the religious endowment by any of the following methods, namely:-

(i) by personal delivery of a copy of the addressees; or

(ii) by registration post.

(2) Where there is reason to believe that notice cannot be served in the manner provided in sub- rule (1) the notice shall be affixed on and near a conspicuous place of the religious endowment and such notice shall be deemed to have been duly served for the purpose of this rule.