

**Tamil Nadu Hindu Religious And Charitable Endowments  
(Amendment) Act, 2003**

**25 of 2003**

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An Act further to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows :-

**Statement of Objects and Reasons**

The ground rent charged for the temple lands given on long term leases is abnormally low when compared to the present market rental values. The low rent and the absence of any periodical revision have adversely affected the income of the temples. Consequently, the maintenance of the temples and the performance of poojas, etc. have also been affected. Further, in the vacant lands belonging to religious institutions, the lessees have put up permanent structures with or without the permission of the authorities of the institutions. At present there is no specific provision in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) to increase the lease rent and to take action against lessees when they refuse to pay the revised lease rent. The Government have, therefore, decided to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) so as to make provisions to constitute a committee to determine and fix the lease rent payable for the lease of immovable property of religious institutions, to terminate the lease if the occupant refuses to pay the enhanced rent and to pay compensation to the lessee for the buildings, etc., erected in accordance with the terms of agreement or with the permission of the appropriate authority, on such

termination of lease. 2. The Bill seeks to give effect to the above decision. Memorandum regarding Delegated Legislation<sup>2</sup> New Sections 34-A and 34-C proposed to be inserted in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) by clause 2 of the Bill empower the Government to make rules to carry out the purposes specified therein. 2. The powers delegated are normal and not of an exceptional character. 1. Received the assent of the Governor on the 1st July, 2003 - Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Issue No. 198, dated 7th July, 2003. 2. Vide T.N. Bill No.10 of 2003 - Published in Tamil Nadu Government Gazette, Issue No. 125, dated 7th May, 2003.

### **1. Short Title And Commencement :-**

(1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2003.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

### **2. Insertion Of New Section 34-A, 34-B, 34-C And 34-D :-**

After Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the following Sections shall be inserted, namely .-

"34-A. Fixation of lease rent.- (1) The lease rent payable for the lease of immovable property belonging to, or given or endowed for the purpose of, any religious institution, shall be fixed by a Committee consisting of the Joint Commissioner, the Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, of the religious institution and the District Registrar of the Registration Department in the district concerned taking into account the prevailing market rental value and the guidelines, as may be prescribed and such lease rent shall be refixed in the like manner once in three years by the said Committee.

Explanation.- For the purpose of this sub-section, "prevailing market rental value" means the amount of rent paid for similar types of properties situated in the locality where the immovable property of the religious institution is situated.

(2) The Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, of the religious institution concerned, shall pass an order fixing the lease rent and intimate

the same to the lessee specifying a time within which such lease rent shall be paid.

(3) Any person aggrieved by an order passed under sub-section (2), may, within a period of thirty days from the date of receipt of such order, appeal to the Commissioner, in such form and in such manner, as may be prescribed.

(4) The Commissioner may after giving the person aggrieved an opportunity of being heard, pass such order as he thinks fit.

(5) Any person aggrieved by an order passed by the Commissioner under sub-section (4) may, within ninety days from the date of receipt of such order, prefer a revision petition to the High Court:

Provided that no appeal or revision shall be entertained under sub-section (3) or sub-section (5), as the case may be, unless it is accompanied by satisfactory proof of deposit of the lease rent so fixed or refixed, in the account of the religious institution concerned and such amount shall be adjusted towards the lease amount payable by the lessee as per the order passed in the appeal or revision, as the case may be.

34-B. Termination of lease of immovable property .- (1) The lease of immovable property belonging to, or given or endowed for the purpose of, any religious institution shall be liable to be terminated on the non payment of the lease rent after giving a reasonable opportunity of being heard.

(2) No proceeding to terminate the lease shall be initiated, if-

(i) the time for appeal or revision under sub-section (3) or subsection (5), as the case may be, of Section 34-A has not expired; or

(ii) the order has been made the subject of such appeal or revision till the disposal of the matter.

(3) On the termination of the lease under sub-section (1), the property shall vest with the concerned religious institution free from all encumbrances and the Executive Officer, the Trustee or the Chairman of the Board of Trustees, as the case may be, of such religious institution shall take possession of the property including the building, superstructure and trees, if any.

34-C. Payment of amount.- (1) There shall be paid an amount to the lessee for the building, superstructure and trees, if an erected or planted in accordance with the terms of agreement or with the permission of the Commissioner by the lessee on the property vested with the religious institution under Section 34-B.

(2) The amount specified in sub-section (1) shall be determined by a Committee consisting of the Joint Commissioner, Executive

Engineer (Buildings) of Public Works Department having jurisdiction over the area in which the religious institution is situated, the Divisional Engineer (Hindu Religious and Charitable Endowments) concerned and the Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, of the religious institution and shall be paid by such religious institution in such manner, as may be prescribed.

(3) In determining the amount, the Committee shall be guided by the provisions contained in Sections 23, 24 and other relevant provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

(4) The Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, shall pass an order specifying the amount payable under sub-section (1) after adjusting the arrears of lease rent, if any, due.

(5) Any person aggrieved by an order passed under sub-section (4) may, within a period of thirty days from the date of receipt of such order, appeal to the Commissioner in such form and in such manner, as may be prescribed.

(6) The Commissioner may, after giving the appellant an opportunity of being heard, pass such order as he thinks fit.

(7) Any person aggrieved by an order passed by the Commissioner under sub-section (6) may, within ninety days from the date of receipt of such order, prefer a revision petition to the High Court.

34-D. Bar of Jurisdiction of Civil Court.- Save as otherwise provided in Section 34-A or 34-C, no suit or other legal proceeding in respect of an order passed under Section 34-A or 34-B or 34-C, as the case may be, shall be instituted in any Court of law."