



## **ABSTRACT**

Providing Electricity Connection to the Religious Structures in Natham and Unobjectionable poramboke lands - Issue of NOC - Instructions issued - Regarding.

### **Revenue and Disaster Management Department, Land Disposal Wing, LD 6(2) Section**

**G.O.(Ms) No.308**

**Dated 22.08.2019**

**விகாரி வருடம், ஆவணி 05  
திருவள்ளூர் அண்டு 2050**

#### **Read:-**

1. Orders of Hon'ble Supreme Court of India dated 29.9.2009 in Special Leave Petition No.8519/2006.
2. G.O. (Ms) No.437, Revenue [L.D.6(2)] department, dated 13.7.2010.
3. The Principal Secretary / Commissioner of Land Administration D.O. letter No.T1/ 25820/2009, dated 04.11.2010.
4. Minutes of the meeting conducted on 31.7.2019.

#### **ORDER:-**

It has been brought to the knowledge of the Government that a large number of temples in natham and unobjectionable poramboke in the state are facing problems in getting electricity connection.

2. As per the amended provision to the Regulation 27 (12) of the Tamil Nadu Electricity Distribution Code notified by the Hon'ble Tamil Nadu Electricity Regulatory Commission vide Notification No.TNERC/DC/8-21, dated 7.10.2014 and published in the Tamil Nadu Government Gazette on 3.12.2014, electricity service connection shall be given in Poramboke lands/Government lands on production of No Objection Certificate obtained from the concerned officer of the Government of Tamil Nadu.

3. The Hon'ble Supreme Court of India in its interim order in Special Leave Petition No.8519/2006 dated 31.01.2018 has referred to the orders of that Court dated 16.02.2010 in which it has been directed among others as follows:-

*"The other part of the directions issued on 29th September, 2009, were that in respect of unauthorized construction of religious nature which has already taken place on public streets, public parks or other public places, the State Governments and the Union Territories were directed to review the same on case to case basis and take appropriate steps as expeditiously as possible. We do not find comprehensive and satisfactory affidavits as far as this direction of the order is concerned.*

P.T.O.



*Therefore, it has become imperative to direct all the States and the Union Territories to formulate comprehensive policy regarding the removal / relocation / regularisation of the unauthorized construction within six weeks' from today. The policy should clearly indicate within what period the States and the Union Territories are going to fully comply with its policy to remove / relocate / regularise the unauthorized construction.*

*We also direct all the States and the Union Territories to identify unauthorized construction of religious nature on public streets, public parks and public places within six weeks' from today."*

4. Complying with the above orders of the Supreme Court of India, Government order was issued in G.O.(Ms) No.437, Revenue Department, Dated 13.9.2010 with a Policy, aimed to remove / relocate / regularise the encroachments made by way of Temple, Mosque, Church, Gurudwara etc. on public lands like public places, public streets, public parks etc.

5. In furtherance of the above order, the Principal Secretary / Commissioner of Land Administration issued among others, following instructions vide D.O. letter No.T1/25820/2009, dated 4.11.2010 to all the District Collectors

*The District Collectors are directed that for all the pending cases and new cases, which are unobjectionable "No Objection Certificate" should be given only by the District Collectors after detailed examination and no subordinate officer should give "No Objection Certificate" to get power connection or water connection for such unauthorized religious encroachments in future.*

6. The District Collectors are engaged with various sensitive issues and it is found difficult to dispose the applications for grant of NOC for obtaining Electricity connection to the Religious encroachments.

7. In this connection, a meeting was convened by the Chief Secretary to examine this issue in detail.

8. Accordingly, the Government issue following orders:-

The power to issue NOC for providing Electricity connection to the Religious structures in Natham and unobjectionable poramboke lands is delegated to the Tahsildars. Further, while issuing the NOC the Tahsildar should also ensure adherence of the Supreme Court orders besides adherence of the conditions as follows:-

- I. The applicant temple (or Mosque or Church etc.) should be in existence at least for a period of 2 years and it should be ensured that the structure is being maintained and managed well during that period without any Law and Order problems, disputes or litigations.
- II. The existence of the applicant temple (or Mosque or Church etc.) do not cause any inconvenience to the public in any manner and it should be ensured that the place in which the religious structure is situated do not cause any hindrance to



free movement of public, protection of public interest, maintenance of public order and use of the land for public purposes wherever suitable and necessary, as per the policy formatted in G.O.(Ms)No.437, Revenue Department, dated 13.09.2010.

- III. The Tahsildar shall process the application with reference to prevailing rule provision and take a decision after inspection of the land and verification of relevant revenue records case to case basis and issue NOC under intimation to the District Collector.
- IV. The details of such encroachments shall be collected and intimated to the collector by the Tahsildar through Revenue Divisional Officer and the progress of regularisation shall be monitored by Revenue Divisional Officer and District collector. A quarterly report in this regard may also be sent by District Collector to the Additional Chief Secretary / Commissioner of Land Administration.

9. All District Collectors are also instructed to scrupulously follow the instructions already issued with reference to conduct of action plan for eviction, conduct of District Level Committee, monitoring, reporting and review in pursuance of the policy regarding removal, relocation and regularisation.

**(BY ORDER OF THE GOVERNOR)**

**Dr. ATULYA MISRA**  
**ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

**To**

The Additional Chief Secretary / Commissioner  
of Land Administration, Chepauk, Chennai-5.  
All District Collectors.

**Copy to:-**

The Principal Secretary to Hon'ble Chief Minister, Secretariat, Chennai-9.  
The Personal Assistant to Hon'ble Minister (Revenue & D.M. & I.T.), Secretariat, Chennai-9.  
The Finance (Revenue) Department, Secretariat, Chennai-9.  
The Personal Assistant to Additional Chief Secretary, Revenue & Disaster Management Department, Secretariat, Chennai-9.  
The Personal Assistant to Additional Chief Secretary to Government, Tourism, Culture & Religious Endowments Department, Secretariat, Chennai-9.  
The Personal Assistant to Additional Chief Secretary to Government, Energy Department, Secretariat, Chennai-9.  
The Personal Assistant to Secretary, Law Department, Secretariat, Chennai-9.  
Stock File/ Spare Copy.

**//Forwarded by Order//**

*K.S. Ananth Prakash*  
22/08/19  
**Section Officer**  
22/8