(3)

No.1-27/SS(Rev.)/DRDM/PA/2010
GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT

OFFICE OF THE SUPDT. OF POLICE (NORTH)
No. 2718/S pn/GR/Co.
Date: 10/05/10

Puducherry, 07.05.2010.

CIRCULAR

OFFICE OF THE INSPECTOR OF POLICE
No: .....
Date: 11.05.10
G.B. CIRCLE, PUDUCHERRY

Sub: DRDM – Hon'ble Supreme Court directions on policy to deal with the menace of encroachment of public places by religious structures in the U.T. of Puducherry – Reg.

Ref: G.O. Ms. No.5 dt. 18.2.2010 (copy enclosed).

-:ooo:-

The Hon'ble Supreme Court of India in their judgement dt. 29.09.2009, between Union of India and State of Gujarat and others, directed that no encroachments on public property, by way of unauthorised construction of religious nature shall be allowed after 29.09.2009. The Hon'ble Court also directed that a policy shall be framed by each State to deal with the unauthorized encroachments, unauthorised construction of religious nature on public property which have come up prior to 29.09.2009. The G.O. cited lays down the U.Ts. policy to deal with this subject.

2. Accordingly a preliminary exercise was done by all the Sub-Collectors/Dy. Collectors and Tahsildars to find out the extent of encroachment that has taken place on the public property through construction of buildings of religious nature and case by case details have been given to the Home Department for filing affidavit in the Court. The Home Department in G.O. Ms. No.5 have come out with a policy to deal with such menace, such construction which have come up prior to 29.09.2009, which makes it the duty of the Govt., particularly Revenue, Local Bodies and the Police to prevent any further encroachments on public land under any circumstances. It is also required to examine case by case within a time frame all the encroachments that have come up on public land by religious nature, in order to decide their future. Therefore Sub-Collectors (North/South), Dy. Collector/Regional Administrator, Mahe & Yanam and Taluk Tahsildars are requested to revisit the areas of such encroachment and assess exact extent of area encroached by these religious structures within a period of one month. Each case sheet may be attached with a few photographs of the encroachment from different directions/angles to provide a clear understanding of the problem. Each case may be investigated as to their year of origin, history of such temple, present status, modus of management, present financial position, properties owned by each temple, public response to the existence of this temple, no. of devotees visiting the temple daily, whether obstructing the public movement, if so, how much; exact details of such obstruction, whether there is any disturbance to public movement & traffic, local people's wishes, whether it can be relocated if obstructing movement. If so where it can be relocated and how much cost would result, etc. (A proforma is attached)

Web Office
12.5.10

..2/-

CI's for ~~report by 25/05/2010~~ necessary follow up action strictly.

7/5/2010.

SUPDT. OF POLICE (NORTH)
PUDUCHERRY.

SHOs GB/M.Pet. PS for b/w and follow-up strictly action.

INSPECTOR OF POLICE
GRAND BAZAAR CIRCLE

3. It may also be ensured that no new construction of any religious nature on public property which is "unauthorized in nature" shall be allowed under any circumstances. Revenue Department, Police, Municipality, Commune Panchayat and HRI Departments should coordinate to prevent and remove such occurrences immediately. The fact should be reported to Govt. immediately. Since the matter has to be submitted before the Council of Ministers for a decision, a properly enquired assessment of each such public encroachment may be made and submitted to this department within a period of one month positively and not later than 30.5.2010.

4. This may be given personal attention.

7.05.10

(G. RAGESH CHANDRA)
SPECIAL SECRETARY
-cum- DISTRICT COLLECTOR

Encl: 1. G.O. Ms. No. 5.
2. Proforma for assessment.

To
1) The Sub-Collector (Revenue), North/South, Puducherry.
2) The Dy. Collector (Revenue), Mahe/Yanam.
3) The Commissioner, HRI, Puducherry.
4) The Taluk Tahsildar, Pondicherry/Oulgaret/Villianur/Bahour.
5) The Dy. Tahsildar, Mahe/Yanam.

Copy to:-
1) The Collector, Karaikal. -with a request to take up the study in Karaikal District.
2) The Senior Supdt. of Police (L&O), Puducherry.
3) The Dy. Collector, Karaikal.
4) The Director, LAD, Puducherry.
5) The Supdt. of Police (North/South/Rural), Puducherry.
6) The Supdt. of Police, Karaikal/Mahe.
7) The Circle Inspector, Yanam.
8) The Commissioner, Pondicherry/Oulgaret Municipality.
9) The Commissioner, Ariyankuppam, Nettapakkam, Bahour, Mannadipet, Villianur Commune Panchayat.

01558

GOVERNMENT OF PUDUCHERRY

Abstract

Home (Police) – Policy to deal with the menace of encroachment of public places by religious structures in the U.T. of Puducherry – Orders – Issued.

Home Department

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G.O.Ms.No.5 **Puducherry, dt. 18.02.2010**

ORDER:

The following notification shall be published in the official gazette:-

NOTIFICATION

The Hon'ble Supreme Court of India in their judgement dated 29.09.2009 in Special Leave Appeal (Civil) No.8519/2006Union of India Vs. State of Gujarat and Others had inter alia issued directions to frame the policy in respect of existing unauthorized constructions of religious nature, which had already taken place i.e. prior to 29.09.2009.

2. Accordingly, the Lieutenant Governor of Puducherry is pleased to frame a Policy to deal with the menace of encroachment of public places by religious structures prior to 29.09.2009 and also those that had taken place after the said date:-

(i) Religious structures existing on public land without causing obstruction to public movement and over a long period of time shall be considered for regularization on a case to case basis.

(ii) Religious structures existing on public land for a long period of time but which obstruct public movement may be shifted to alterative locations with Cabinet/ Lieutenant Governor's approval.

(iii) All cases of constructions of religious nature on public lands which have taken place after 29.09.2009 should be removed forthwith under intimation to Home Minister / Chief Minister / Lieutenant-Governor. This includes constructions of temporary nature also.

(iv) No further encroachments to be allowed on public land under any circumstances. The land owning agencies and Revenue and Police Departments will be responsible for securing the land.

(v) Public to be duly informed through the media regarding the orders of the Supreme Court of India on the above subject.

(vi) Committee to be formed under Collector consisting of Revenue/Police/PWD and Local Body officials for conduct of detailed survey regarding encroachments of religious nature and ways of regularizing / removal as per above policy.

// BY ORDER OF LIEUTENANT GOVERNOR //

R. CHANDRAMOHAN
CHIEF SECRETARY TO GOVERNMENT

To

The Director of Stationery and Printing, Puducherry – with a request to publish the same in the official gazette and to send 50 copies of the above Notification to this Department.

Copy to:

1. The Special Secretary(HRI), Puducherry.
2. The Collector, Puducherry / Karaikal.
3. The Director General of Police, Puducherry,.
4. The Regional Administrator, Mahe and Yanam.
5. The Chief Engineer, PWD, Puducherry.
6. The Private Secretary to Chief Minister, Puducherry.
7. The Private Secretary to All Ministers, Puducherry.
8. Central Record Branch, 7. G.O. file, 8. Stock file.

// Forwarded / By Order //

(L. KUMAR) 18/2/10

PROFORMA

1. Name of the Temple :

2. Year of Origin :

3. Commune/Village :

4. History :

5. Present status of Management :
(List of committee)

6. Financial position per year :

Hundial Collection	Rs.
Land	Rs.
Rent from shops	Rs.
Others	Rs.
Total	Rs.

7. Property details :

R.S. No.	Extent	Status of land

8. No. of devotees visiting the temple :

9. Public opinion for continued existence :
of temple

..2/-

10. Whether it obstructs public movement:

11. If yes, how- furnish details (specify viz., public movement/traffic/any other reasons) :

12. Whether the temple may be relocated:

13. Peoples wish to relocate the temple :

14. Place of relocation :

15. Proposed cost of relocation :

16. Sources for it :

Place:
Date :

Inspecting Official

Countersigned by:

1. Deputy Tahsildar
2. Tahsildar
3. Sub/Dy. Collector