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LAW DEPARTMENT

NOTIFICATION

The 22nd June, 2012

S.R.O.No.321/2012—Whereas the draft of certain rules further to amend the Odisha Hindu Religious Endowment Rules, 1959 was published, as required under sub-section (3) of Section 76 of the Odisha Hindu Religious Act, 1951, (Odisha Act 11 of 1952), in the Extraordinary issue No.848, dated the 3rd May, 2012 of the *Odisha Gazette* issued under the notification of the Government of Odisha in the Law Department No.4585 End-I-30/12/L., dated the 3rd May, 2012 bearing S.R.O. No.224/2012 inviting objections and suggestions from all persons likely to be affected thereby till expiry of a period of fifteen days from the date of publication of the same in the *Odisha Gazette*;

And whereas, objections and suggestions received during the period specified above have been duly considered by State Government ;

Now, therefore, in an exercise, of the power conferred by Section 76 of the said Act, the State Government do hereby make the following amendment to the Odisha Hindu Religious Endowment Rules, 1959, namely:—

1. (1) These rules may be called the Odisha Hindu Religious Endowment (Amendment) Rules, 2012.

(2) They shall be deemed to have come into force on the 28th day of March, 2012.

2. In the Odisha Hindu Religious Endowment Rules, 1959 (hereinafter referred to as the said rules), after Rule 4, the following rule shall be inserted, namely:—

“4A-Procedure for obtaining No Objection Certificate under section 19-A.—

- (1) For the purpose of obtaining necessary No Objection Certificate from the Commissioner for production before the Registering Officer for registration of document purporting to evidence, transfer, exchange, sale or mortgage or lease for term exceeding 5 years, of any immovable property belonging to or give or endowed for the purpose of any religious institution on the ground that it is not public religious institution for which it does not require sanction U/s. 19 of the Act, an application shall have to be filed by the person/persons in control or charge over the immovable property and the institution in the manner prescribed in Rules 34 to 41 of these rules.
- (2) On receiving such application, the Commissioner shall issue notice for information of general public together with copy of the application filed under sub-rule (1) to be published in a conspicuous place of the Office of the Urban or Rural local bodies as the case may be under whose jurisdiction the property is situated and at such other place as the Commissioner deems fit and proper, inviting objection to the said application to be received within one month from date of publication of such notice.
- (3) On receiving the objection if any, within the stipulated period and after giving reasonable opportunity of hearing to the parties if the Commissioner is *Prima facie* satisfied that the institution in question is not a public religious institution for which no sanction under section 19 of the Act is required, he shall, grant “No Objection Certificate” in Form AA to these rules”.

(4) In the said rules, after Form A, the following form shall be inserted, namely:—

FORM-AA

No. Objection Certificate

[See rules 4A (3)]

This is to certify that Sri.....Son/daughter/wife
of.....address.....
.....owner/
in-charge of the property (description in detail).....recorded
in the name of.....Math/Temple *prima facie* being not a public religious
institution not required to obtain sanction U/s. 19 of the Act for the purpose of transfer by
exchange/sale, mortgage or a lease for a period more than five years.

Commissioner of Endowment

Place:

Date :

[No.6456-End-I-30/12/L.]

By order of the Governor

D. DASH

Principal Secretary to Government