

## CIRCULAR NO. 25

### **SUBJECT.— Mode of Valuation Immovable Property, viz., Temples.**

Attention is invited to Circular No. 1, dated 28<sup>th</sup> January 1952, wherein it was *inter alia* stated that applicants for registration should be informed that the estimated value to be specified against item Nos. (vi) and (vii)(b) of para 2 of the application for registration should be the present market value. A question has now been raised as to how the value of a temple should be estimated.

In this connection, attention is invited to the judgment of a Full Bench of the Madras High Court in the case of Rajagopala Naidu V. Ramsubramania Ayyar and other reported in I.L.R., Madras Series, Vol. XLVI-1923 (pp. 782-791). It was held in that case that there is no market value at all for a temple as such. The following principles for determining the market value of a temple were laid down in that case:-

“A temple which is devoted absolutely and in perpetuity to religious purposes, even if it be regarded as a house, has no market value within the terms of Section 7, clause V (e) of the Court-fees Act.”

“The principle for determining the market value of property under the Court-fees Act, as under the Land Acquisition Act, is that the things have to be taken as they stand at the time and as there can be no market for a temple as such, there can be no market value for it, and the principle of valuation based on the value of the materials composing it is erroneous.”

In view of the above principles, it would appear that under the Bombay Public Trusts Act, 1950, as under the Court-

fees Act and the Land Acquisition Act, there can be no market value of temple as such. On the same principle there will be no market value for the idols of the temple-both the temple and idols of the temple being extra-commercium. However, the lands and other immovable property attached to the temple, as also the other movable property belonging to the temple, will have to be valued at the present or current market value.

D. R. PRADHAN,

Charity Commissioner, Bombay.

Dated : 16<sup>th</sup> September, 1952.