

71A

Ministry of Defence
D (Lands)
...

Subject: Illegal transfer and unauthorized use of defence land/properties in cantonment areas.

From the inception of Cantonments, till about the end of the 19th Century, when the Cantonments Act, 1889 and the Cantonments Code 1899 were codified, Defence lands were given to people for constructing bungalows, residential houses and shop-cum houses in the Cantonment on rights which later came to be referred to as "Old Grants". Similarly, defence lands were also allotted on lease basis for residential purposes etc.

2. DGDE is aware, that the land and properties which were given on old grant terms/leases were given for specific purposes and the use of those premises for other than for which it was given is violation of old grant terms/lease conditions. Similarly, transfer of the old grant sites/leased sites without following the laid down procedure is also violation of terms/conditions under which those properties were given. Therefore, as and when violations of old grant terms and lease conditions are noticed, it is the duty of the concerned officers to take action against the HORs/lessees of such properties under the terms of old grant/conditions of lease.

3. In this connection, it may be stated that instances of illegal transfer/unauthorized use of defence land/properties in cantonment areas have been brought to the notice of the Government. This Ministry is also being received complaints from various quarters alleging that old grant properties are being sold in cantonment areas in violation of rules and no action is being taken against the HORs/lessees for violation of the Rules. Instances of unauthorized use of old grant properties for construction of shops, schools etc. have also brought to the notice of the Govt.

4. In view of the above, DGDE is requested that all concerned may be directed to take action against the HORs/lessees who violate the old grant terms/conditions of lease, in accordance with the terms of old grant/lease conditions. The cases of litigation may also be pursued vigorously till each case reaches to its finality. It may also be brought to the notice of all concerned, that laxity on the part of the officials responsible to initiate action against the

we may circulate
to all PSEs &
MAs accordingly.
~~As per the~~
may like to process
further.
Sd(R&D) 22/11/12

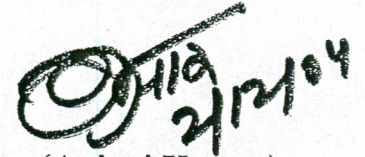
LAND/R&D

As dtd (L&B)

AS
9/12/12

ADEO

HORs/lessees, who have violated the terms of Old grants/leases, will be viewed seriously and responsibility would be fixed against the delinquent officials.



(Anjani Kumar)
Director (Works)

✓ Shri Ashok Harnal,
ADG(Lands)
Defence Estates

MOD ID NO. 13020/6/2004-D(Lands) dated 2.12.04

59
3/11
948/MOD/115
06/12/04

Ministry of Defence
D (Lands)

...

Subject: Unauthorised use of defence land.

As Service Headquarters are aware, Defence land and buildings have been leased in the past to certain clubs for providing recreational facilities to the Defence personnel and their families as a welfare measure. Later on, some of these clubs expanded its activity and enrolled civilians also as members of the club.

10. 20.10.11
file of 20.10.11

2. US Club at Mumbai is also one such club. Sanction was given for temporary leasing of certain Bungalows alongwith outhouses to this Club in 1933 and 1938 respectively. Attention of Army Hqrs in this connection is invited to Audit Para 24 of 2001 where the Audit have criticized that the Club had encroached upon 53.50 acres of defence land for playing golf.

3. The matter was taken up with the Army Hqrs who intimated that the land in question is Army Training Area which is the only specialized training area and golf is played only when no training is being conducted on the ground i.e., without hindrance/interference with planned training schedule. Army Hqrs have also intimated that playing Golf in the Armed Forces is considered as a part of the training and it is played as a training facility to keep the officers fit.

4. The case has been examined in the Ministry. Since the 53.50 acres of land mentioned above has not been leased to the US Club, the use of this land by the Club cannot be allowed. Army Hqrs, are therefore, requested to issue strict instructions

...2/-

M
03086
1/12/04

18/236
17/4/11

735/MOD/1925
22/11/11

5 Dec-11 (0)

to the concerned officers not to allow the US Club to use the Army Training area in question for any activities including, sports activities.



11.11.04

(Anjani Kumar)
Director (Works)

Maj. Gen. N. B. Singh, ADG/LWE

MOD ID NO. 13014/4/2001-D(Lands) dt 11.11.04

Copy to:-

1. Director (Navy-III)
- ✓ 2. ADG(Lands), DGDE

28 October, 1993.

To

The Director, DE
Central/Southern/Western/ Eastern /Northern Command/MII
Lucknow Pune Chandigarh Calcutta Jammu Meerut

Subject: Maintenance of record of rights in defence lands.

The following instructions had been issued vide Ministry of Defence letter No. 1459-L/D4 dated the 23rd August, 1938 (reproduced as Note (VI) on pages 13 and 14 of the Military Lands Manual).

" In order to avoid wrong entries being made in civil land records, Military Estates Officers should, in so far as military lands in the United Provinces are concerned :-

- (a) find out from the Tehsildar when the Patwari is to make his inspection.
- (b) send his representative to accompany the Patwari. The records can then be prepared jointly.
- (c) file a case under section 33 of the United Provinces Land Revenue Act for the correction of the Government Records if there is any dispute and the Military Estates Officer considers that the Patwari's entries are wrong.

In Provinces other than the United Provinces the Military Estates Officer should keep in touch with the record of right proceedings and take the necessary steps as provided by the statute for the protection of the interests of Government. He should enquire from the Collector or Deputy Commissioner of the District the relevant section under which to bring these cases."

2. But, the DEOs have not been attending to this important responsibility. Their records, GLRs and MLRs, do not generally contain an authenticated revenue cadastral map. State revenue authorities in respect of the

Cantonment and other defence lands or the particulars of people/entities who have been shown to be having various types of rights in the lands in the Cantonment or other defence estates outside.

3. The guide-lines on the Procedure for Acquisition of Properties under various Central and State Acts circulated vide DG DL&C's letter No.10/289/ACQ/MISC/NC/DLC dated 05-2-1980 (see item 19 on Page 847. Cantonment Laws Vol-II by J.P.MITTAL, First Edition 1990) contains the following directions :-

" Immediately after taking over an acquired property the MEO should make a detailed entry thereof in the Military Lands Register, indicating the location, area, full khasra details and other particulars (viz existence of assets etc on it) and also :-

- (i) the number and date of Govt. sanction
- (ii) particulars of notifications under section 4 (1)/ Sec. 17/Form 'I' Form 'J' and declaration under section 6.

- (iii) date of handing/taking over of the property.

- (iv) the cost awarded / assessed with the number and date of award/ financial sanction.

While indicating the location of the acquired property, permanent land marks such as pucca/kacha roads (the nearest milestone, if any, on more important roads) river, canals, hill features etc must also be shown. The khasra details should indicate the classification of the land and the names of the former owner. A copy each of the relevant Gazette notification and authenticated copy of khasra plan of the property is also to be pasted on the page on which the above entry is made.

A separate folder containing complete acquisition documents is also required to be maintained in respect of each acquisition scheme. These acquisition documents consist of :-


Contd....3/-

(3) In case any additional contingency and are required to obtain the authenticated extracts of revenue records, the estimates of the same may please be indicated and also reflected in Budget Estimate.

5. But, most of the DEOs have been found to be not discharging these responsibilities or paying adequate attention. Not only that the MLRs have not been fully or properly prepared but the vital evidence to establish and corroborate title are found to be not held in safer custody.

6. All the DEOs will be directed, on priority, to collect all the civil records of rights as referred to above in respect of all the defence estate under their jurisdiction and to complete the task within the next six months i.e. before 30th April, 1994. Where any rights other than what is borne in the GLR/MLR is reflected in respect of any defence estate inside or outside the Cantonment in the civil records, corrective action will immediately be taken under intimation to this Dto General.

7. Directors and other Inspecting Officers to the Offices of the DEOs will specially check and report on the state of these records. The Land Audit Team also will check and report on this in the course of their audit.


Director General,
Defence Estates.
(P.K.KUMARAN)

Copy to:

1. Joint Director, DE Shillong.
2. All DEOs.
3. All outstation ADEOs.
4. SLD Cell/Land/R&D/Acq-I/Acq-II sections in the Directorate General.

WADHWA