

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE
RAJYA SABHA
UNSTARRED QUESTION NO. 532
TO BE ANSWERED ON 12th December, 2022

MUTATION OF LAND

532 SHRI JAVED ALI KHAN:

Will the Minister of Defence be pleased to state:

- (a) the details of legal opinion sought along with the details of legal opinion provided by Additional Solicitor General of India vide opinion memorandum dated 15.01.2022;
- (b) whether Directorate General (Lands I) Defence Estate, vide communication dated 05.08.2022 has sent a proposal to Director (Lands), Ministry of Defence for mutation of half of the property in favour of legal heirs;
- (c) if so, the details thereof; and
- (d) the details of action taken to complete the mutation process by competent authority and outcome thereof?

A N S W E R

MINISTER OF STATE
IN THE MINISTRY OF DEFENCE

(SHRI AJAY BHATT)

(a): The property for which information has been sought is not indicated in the question. However, in case the matter pertains to Bungalow No. 9, Guru Govind Singh Marg, Lucknow Cantonment, it is informed that legal opinion was solicited by DGDE on the issue of mutation of the said property. The Learned Additional Solicitor General (ASG) vide his opinion dated 15.01.2022 has stated, inter-alia, that third party rights have been created in the property against the conditions of Old Grant without permission of the competent authority. Based on the legal opinion, directions have been issued by DGDE to DEO Lucknow to file objections in the ongoing writ petition before Hon'ble High Court of Allahabad.

(b) to (d): A reference dated 05.08.2022 from DGDE was received in the Ministry on the issue of mutation of half undivided share in the property. Subsequently, DGDE vide their letter dated 28.11.2022 has directed DEO Lucknow to file objections before Hon'ble High court in terms of legal opinion furnished by Learned ASG. Also, directions have been issued by DGDE to DEO Lucknow to file a clarificatory application before Additional Civil Judge (Sr. Division) Lucknow in Suit No. 837/2006 for seeking clarification on the issue of legality in light of foreign nationality of the applicants.
