

GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
DEPARTMENT OF DEFENCE  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 2121**  
TO BE ANSWERED ON 20<sup>th</sup> March, 2023

**MUTATION OF LAND**

2121 SHRI JAVED ALI KHAN:

Will the Minister of Defence be pleased to refer to the reply to unstarred question 1162 given in the Rajya Sabha on 13th February, 2023 and to state:

- (a) the reasons and rationale for proposal to file clarificatory application before District and Session Court, Lucknow inspite of categorical proposal of DDG (Lands -I), Defence Estate dated 05.08.2022 to Director (Land), Ministry of Defence regarding mutation of half undisputed property and clarifications of Ministry of External Affairs stating that no question of international law is involved in the case;
- (b) the details of competent authority who has decided for filing clarificatory application along with the reasons recorded on file; and
- (c) the details of steps Government would take to stop unnecessary litigation and delaying tactics?

A N S W E R

MINISTER OF STATE  
IN THE MINISTRY OF DEFENCE

(SHRI AJAY BHATT)

(a) & (b): In respect of Bungalow No. 9, Guru Govind Singh Marg, Lucknow Cantt, the Ministry of External Affairs (MEA) informed that no question of international law is involved in the case, and the Court itself would need to be requested to clarify, if any clarification is felt necessary. Legal Adviser (Defence) too had endorsed the views of MEA and advised Department to approach the appropriate judicial forum for necessary clarification. In this regard, matter was taken up by DEO Lucknow with Addl. CGSC to file clarificatory application before Addl. District Judge (Sr. Division) Lucknow in Suit No. 837/2006. Addl. CGSC advised against filing of clarificatory application in Suit No. 837/2006 and hence the same has not been filed. However, Addl. CGSC has advised DEO Lucknow to file an appeal before District and Sessions Court, Lucknow against the Order dated 27.09.2010 in Suit No. 837/2006 on the issue of legality of foreign nationals. Matter is under examination.

(c): All steps are taken to ensure that no unnecessary litigation is entered into by Government. Suits/appeals are filed only as per advice of Government Counsel/ Legal Adviser (Defence) to protect Government interests.

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