

No.14/MISC/POLICY / ACQ-II/DE Govt. of  
India, Min. of Defence  
Dte General Defence Estates  
Raksha Sampada Bhawan  
Palam Road Delhi cantt. -110010  
12..JUNE 2006

To

Pr. Director,DE  
Ministry of Defence  
Central/Western Northern /South Western Commands  
Lucknow/ Chandigarh/Jammu/Jaipur

Subject:- FORMAT FOR PREPARING AND FORWARDING PROPOSAL FOR  
SEEKING OPINION OF LA(DEFENCE) FOR FILING APPEALS  
(RFA/LPA/SLP).

With the objective of simplifying and streamlining the procedure to obtain the opinion of the LA (Defence) for filing of appeals (RFA/LPA/SLP etc) and also to bring it on line with the procedure followed by certain DEOs in Southern and Eastern Commands to obtain the opinion of the Branch Secretariat of the Law Ministry, it has been decided to adopt the following system of processing the cases.

2., Proposals for seeking the opinion of LA(Def) from the DEO will be initiated in a file in note form on a note sheet, on which principal Director will give his recommendations. This will be sent by the Principal Director to this Dte General for onward transmission to the LA(Defence) with our recommendations. On receipt of the file back from the LA(Defence), the same will be sent back to the Principal Dte. for its onward transmission to the DEO concerned for taking further necessary action. In cases where the necessity of filing SLPs will be accepted by the LA (Defence), this file itself will go from the LA ,(Defence) to the Central Agency Section for drafting of SLPs etc.

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3. For the above, following procedure is required to be followed:

- i) DEO's file No. should be written on the right hand top corner of the file.
- ii) The subject of the proposal should be written on the cover of the file in the manner: proposal for filing of appeal/SLP against the order dated.I..... of the..... Court in case(s) no .....arising out of acquisition' of land meuu~r!ng ..... at ..... :  
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- iii) The proposal will be in a note form meant for the perusal of the PDDE tagged on the left Inner side of the file.
- iv) The note should be brief, to the point and self contained.
- v) The enclosures (annexure to the note) will be serially marked. All the enclosures' will be tagged on the right hand side of the file according to their serial' no ..... Thus encl. No. 1 will be at the bottom and -the last Enclosure will be at the top (front-right), All the enclosures should be mentioned in bold lettering in the course of the note mentioning their

Specific enclosure number. An Index of tile all the enclosures annexed should be prepared and pasted on the left inner side of the file cover.

- vi) The case file will be directly sent by the DEO to the PDDE. The proposal will come to this Dte. Gen. only when the same Is duly examined and recommended by the PDDE. PDDE while sending the file to this Dte. Gen. will need to keep copy of DEO's letter and of his note in his file.
- vii) The note should mention the PDDE and DGDE case file no.
- viii) No advance copy should be sent by the DEO to this Dte. General

4. In order to help the DEO's to write their notes a checklist is attached.

This checklist is for guidance only. In case the case referred to is different In nature and requires additional Information to be incorporated, necessary modifications can be made by the DEOs concerned.

5. All fresh proposals for filing appeals (RFA/LPA/SLPs etc) may now be please sent a's per file orientaed system.

#### **Checklist points for guidance**

- (1) First paragraph of the note should contain the brief of the order proposed to be challenged, name of the court, case no., name of the parties and date of order. The reasons for recommending challenging the order in appeal may be mentioned In brief in two to three lines to give an overview of the propOSt:11. The Enclosure number of the Court order should be mentioned here.
- (2) The second paragraph may give the relevant point- of the acquisition of the land, area acquired, amount of govt. sanction, the service for whom acquired and the Act under which the land was acquired etc.
- (3) The third paragraph may give In brief the salient points of the land acquisition proceeding, i.e. the date of different notifications, date of award, date of possession etc. In case the land has been..(acquisition under the Urgency clause, clause, the st:1me should be specifically mentioned with the details of on account payment made, date of payment, date of possession and the date of aeclaration of final award. The brief of the rates awarded by the Collector may be mentioned. The copy of the Collector's award is required to be enclosed. The Enclosure no. of the same should be mentioned here.
- (4) Other paragraph may deal with the litigation details, starting at the land reference/arbitration stage. Here, the relevant case no.s of the purties in the Reference or Arbitration stuge with their names would be required to be mentioned. The date of the Reference Court order In each case ( If sepurute orders huve been IS":IIed ) case number wise and the rate and other bel)efi'ts awarded by the Court should be mentioned.

- (5) The copy of the Court order needs to be annexed with the enclosure no. mentioned In this paragraph.
- (6) In case the proposal deals with orders issued at the appellate .state, the subsequent paragraphs should deal with the details of appeals filed against the reference court order. Here, the case numbers vis a vis the Land Acquisition/Arbitration Case no. and name of the parties may be mentioned. In case the number of parties are too many, the details can be given in tabular form as annexure to the proposal. In case separate appeals have been filed both by the UOI and the parties separately, separate numbers may be mentioned. In case there is any Interim order, the date of the same may be mentioned and order briefly stated.  
In case there are further appeals, the information may be given as stated in the previous paragraph.
- (7) Lastly, the order which is proposed to be challenged should be mentioned, as would have already been stated in the first paragraph. Here the opinion of the Govt. Counsel (with enclosure. no.), the proposed grounds for appeal as recommended by the DEO, financial and legal implications, and implications on similar pending cases if the order is not challenged etc. should be mentioned. In case there have been similar orders in similar cases earlier, the action taken in such cases should also be mentioned. The grounds for filing appeal with legal issues involved and case law, If any, should be clearly stated. The date of expiry of limitation for filing appeal should also be mentioned.
- (8) Any further information, if felt required may also be incorporated.

for Director General  
Defence Estates