

No. 2/7/L/L&C/67/2702/D (Lands)
Government of India,
Ministry of Defence,
New Delhi, the 23rd March, 1968.

The Director,
Military Lands & Cantonments,
New Delhi.

Subject: CONSTRUCTION OF 'OLD GRANT' SITES : REGULATION OF

Sir,

I am directed to invite attention to the communications noted in the margin* conveying instruction or advice on the regulation of constructions on sites held on 'Old Grant' terms in Cantonment areas and to say that Government of India consider that it is expedient to consolidate all the instructions and to issue them in one communication for facility of reference.

2. The Government of India have decided that all the criteria accepted for regulating constructions on 'Old Grant' sites in portion of the Cantonment outside 'Civil Areas' should apply equally in the case of similarly held sites inside the 'Civil Areas' and desire that as and when opportunity arises, the old grants—which are in the nature of licences—should be converted to lease-holds with Government sanction—unless desired to be resumed—with a view to ensure appropriate return to consolidated Cantonment Fund by way of premium and rent.

1. 31063/4/AD, dated 19-6-1926
2. 31696/2/AD, dated 1-6-1926
3. 34326/3/AD, dated 9-6-1927
4. 36030-1-AD, dated 27-1-1928
5. 2358/AD 4, dated 3-9-1939
6. 714/AD 4, dated 21-2-1930
7. 206R/AD4, dated 30-4-1930
8. 528/R/AD4, dated 13-8-1938
9. 2576-LC/D4, dated 11-8-1938
10. 4146-LC/D4, dated 9-1-1939
11. 2318-LC/D4, dated 4-7-1939
12. 5754-D4, dated 26-6-1961
13. 2/14/L/L&C/44 dt. 31-7-1944
14. 2/11/L/L&C/52/4117-L dated 10-4-1957
15. 2/12/L/L&C/57/8302-L, dated 18-6-1957
16. 1/39/L/L&C/54/9068-L dated 9-8-1957
17. 31/3/L/L&C/56/6260-L, D(C&L) dated 16 11 1962

3. Subject to the foregoing, I am directed to say the Government of India desire that sanction to applications for construction of the following type be withheld unless the grantee is willing to take out a lease in which case proposals shall be submitted to Government for considering whether a lease be granted and if so on what terms or whether the land or any part thereof be resumed:—

- (i) Change of purpose;
- (ii) Any sub-division by way of construction or otherwise having the effect of increasing the number of existing tenements.
- (iii) Construction of additional storey/storeys or increasing the number of storeys;
- (iv) Addition to the existing plinth area for floor area;
- (v) Demolition of existing construction and the putting up of a new construction;
- (vi) Putting up a new construction on a vacant site.

4. I am further desired by the Government of India to say that these instructions are meant for M.E.O's while endorsing report to Cantonment Boards under Section 181(3) of the Cantonments Act, 1924 in so far as lands, under their management are concerned, correspondingly the said instructions will be regarded by Cantonment Boards as conditions for entrustment of management of land in 'Civil Area' under Rule 43 of the CLA Rules, 1937. I am also directed to add that applications for construction of the categories mentioned in para 4 above without asking for a lease in the usual form involve a dispute as to right of creation or re-creation in accordance with the provisions of Section 181 (4) (b).

5. The Government of India also direct that where sanction to construction is accorded contrary to the above instructions by the Cantonment Board in respect of areas outside the Civil areas and by the Civil Committees on behalf of the Cantonment Boards in areas within the Civil Areas, the GOC-in-Chief concerned should consider the question of suspending the resolution and of directing that the same shall not be carried into effect. The Military Estates Officers, in case of sites outside 'Civil Areas' and the Presidents, Cantonment Boards, in case of Civil Areas should report to Government through the D.M.L.&C. all cases of grant of building permissions contrary to these instructions.

Yours faithfully,

Sd/-

(D. Krishnamurthi)

Under Secretary to the Government of India