

MINUTES OF THE CIVIL AREA COMMITTEE MEETING HELD IN THE OFFICE OF THE CANTONMENT BOARD, BAREILLY CANTT. ON 11.01.2016 AT 1130 HOURS.

PRESENT

- | | | |
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| 1. Smt. Meeta Sati, Vice President, | - | Chairman |
| 2. Shri Madan Singh Bisht | - | Member |
| 4. Shri Raj Kumar (Advocate) | - | Member |
| 5. Shri Dharamveer Yadav | - | Member |
| 6. Shri Abdul Hameed | - | Member |
| 7. Shri Ved Prakash Taneja | - | Member |
| 8. Smt. Shikha Nayar | - | Member |

.....
Shri Pramod Kumar Singh,CEO

Member Secretary
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ABSENT –

- | | | |
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| I. Brig. Sanjay Kapoor, VSM, SEMO | - | Member |
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01. **DETERMINATION PROPOSAL IN RESPECT OF SITE COMPRISING GLR SY.NO.292/604/20 MEASURING AN AREA 2750 SQ. FT., DESCRIBED AS RESIDENTIAL HOUSE Nos.388 SITUATED WITHIN SADAR BAZAR, BAREILLY CANTT HELD ON LEASE TERMS IN SCHEDULE VIII CLAR, 1937.**

Reference Dte, Defence Estates, Central Command, Lucknow letter No.54655/LC-3 dated 20.11.2014.

In continuation of renewal proposal dated 27.01.2011 and related correspondence resting with Dte, Defence Estates, Central Command, Lucknow, the Dte, Defence Estates, Central Command, Lucknow vide above referred letter has directed that the applicants be directed to remove the breaches occurring on site. It is further clarified by the Dte, Defence Estates, Central Command, vide same letter that if the applicants remove the encroachments and breaches within 15 days, the compliance report may be sent to them for renewal of lease failing which the case for determination of lease be initiated forthwith.

In pursuance of Dte Defence Estates, Central Command, Lucknow letter quoted under reference the applicant/occupier was informed vide this office letter No.CBB/H.No.388/SB/E-9 dated 26.12.2014 to remove the encroachment and commercial usage of the site within 15 days from the receipt of correspondence. Since then no correspondence regarding removal of breaches has been received.

The file was referred to engineering section vide Note Sheet dated 23.01.2015 for site inspection and technical report. As per report of engineering section dated 24.04.2015 the occupants/applicants did not remove the encroachment and other breaches. The site in question is still showing Change of purpose, Encroachments and Unauthorized construction. Therefore the proceeding for determination of lease is contemplated and hereby initiated.

The brief history of the case for determination proceedings is as under: -

The site comprising GLR Sy.No.292/604/20 admeasuring an area 2750 Sq.ft. described as Residential House No.388, Sadar Bazar, Bareilly Cantt.,held on Lease Terms in Schedule VIII, CLAR, 1937. The Lease was duly executed between PRESIDENT and SHRI MADAN LAL S/O OF LALA BISHAN DASS, Bareilly Cantt on 11th April 1951 for the period of 30 years w.e.f. 03rd June, 1947. The reserve Lease rent for aforesaid period was Rs.06/- payable to the Cantonment Authority. The land underneath the above site classified as B-3 land and is under the management of Cantonment Board, Bareilly.

The Proposed Lease site was initially granted in favour of SHRI MADAN LAL S/O LALA BISHAN DASS in Schedule VIII, CLAR, 1937 w.e.f. 03.06.1947 for the period of 90 years renewable at the option of lessee for successive terms of 30 years each in Schedule IV, of CLAR, 1937 on payment of enhanced Lease rent. The property was subsequently transferred in favour of legal heirs of lessee or successor in interest. As per existing entry of GLR shows that the site stands mutated in favour of Smt. Pushpa Jaiswal W/o Late Ajay Kumar Jaiswal and S/Shri Ashok Kumar Jaiswal Adesh Kumar Jaiswal Suresh Kumar Jaiswal sons of Late Shri Radhey Shyam Jaiswal vide CBR No.2(7) dated 23.10.2010.

The first term of lease for 30 years expired on 02.06.1977 and Second terms of lease has also elapsed on 02.06.2007 without any renewal proceeding. The third and last term of lease w.e.f. 03.06.2007 to 02.06.2037 has also remained unrenewed due to breaches occurring on the proposed site.

The Lease Rent in respect of Ist term of lease commencing w.e.f., 03.06.1947 to 02.06.1977 has been recovered from the erstwhile lessee as per Schedule III register maintained by this office. The recovery of lease rent for Second term w.e.f. 03.06.1977 to 02.06.2007 and recovery of lease rent for Third Term of lease w.e.f 03.06.2007 to 02.06.2037 is pending for want of renewal proceedings.

It is thus apparent that the recorded lessees have committed gross breach of the lease covenants by not removing the encroachment, change of purpose and other breaches. The recorded lessees are enjoying the lease site without paying lease rent and also without having valid Lease Indenture. This amounts to unauthorized occupation on Govt. Land.

As per Clause II of the lease in case of breach in any of the lease terms, there is a provision to determine the lease and vest the same with the lessor. For this action the lease has to be determined by obtaining a sanction of the Govt and consequently the lessee/lessees shall not be entitled to any compensation whatsoever.

In view of detailed description of the matter, the proposal for determination of Leased Site comprising GLR SY.No.292/604/20 admeasuring an area 2750 Sq.ft., described as House No.388, Sadar Bazar, Bareilly Cantt may be initiated for obtaining the sanction of Govt./Competent Authority through Dte, Defence Estates, Central Command, Lucknow.

01. **RESOLUTION-**

The matter regarding determination of lease held on comprising GLR SY. No.292/604/20 described as House No.388 admeasuring an area 2750 Sq.ft., was discussed in Civil Area Committee held on 11.01.2016. The member of the Committee requested that lessees/occupants of lease site may be given one more opportunity to remove the breaches within 15 days. CEO informed the Committee that the matter is under consideration of PAC and this office is under instruction to take prompt action on the matter. The Committee considered the suggestion of members/CEO and unanimously resolved that the lessee/occupants of House No.388, Sadar Bazar be given an opportunity of 15 days to remove the breaches.

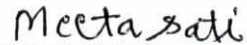
General Points

01. The elected members have raised the matter of Old Mutation cases during the general discussion. CEO informed the Committee that Board is not competent to mutate the property where breaches of site are occurring. The Committee resolved that Old pending cases be examined in phase manner after taking technical report from Engineering Section and put in next CAC for consideration and onwards submission to Higher Authority/Dte CC Lko.

02. The elected members have also raised the matter regarding repair maintenance of Sai Mess situated adjacent to the Yugveena Premises during general discussion. It is resolved that site in question be inspected today by CEO, Shri Abdul Hamid, Elected Member and Shri Dharmaveer Yadav, Elected Members and Shri R.K. Maheshwari, Asstt Engineer of the Board for further course of action.



MEMBER SECRETARY
CHIEF EXECUTIVE OFFICER
BAREILLY CANTT.
(Pramod Kumar Singh)



CHAIRPERSON
CANTONMENT BOARD,
BAREILLY CANTT.
(Smt. Meeta Sati)