

Madras Urban Development Project-II and Calcutta Urban Development Project-III. These Projects have varying components and their progress is monitored by the Government from time to time.

**Misuse Charges Levied by L. and D.O.**

3282. SHRI SATISH AGARWAL : Will the Minister of WORKS AND HOUSING be pleased to refer to reply given to Unstarred Question No. 20 on 25 July, 1983 regarding misuse charges levied by L. and D.O. and state :

(a) the latest position and the last order of the Supreme Court in each case listed in Annexure II to the above noted question with related course of future action in each case ; and

(b) the precise details of the Supreme Court Order disposing of the matter listed as S. No. 5, 9 and 10 in the above noted Annexure II alongwith a copy of the exact order of Supreme Court in each case ?

THE DEPUTY MINISTER IN THE DEPARTMENT OF SPORTS, IN THE MINISTRY OF WORKS AND HOUSING AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : (a) and (b). The information, as reported by Land and Development officer, is given in the statement attached (See Cols. 365—376).

Copies of Supreme Court Judgement are available in the accessible documents.

**Sale of Building Material by CPWD Engineers in Lodhi Colony**

3283. SHRI DHARAM DASS SHASTRI : Will the Minister of WORKS AND HOUSING be pleased to state :

(a) whether large quantities of cement, glass-panes and other building material meant for maintenance of Government quarters in Lodhi Colony have been recently sold out to private parties by some engineers of the CPWD posted in the Lodhi Colony Enquiry Office ;

CPWD has apprehended the engineers involved in the disposal of the building materials ; and

(c) if so, full facts in this regard and the action taken against those engineers ?

THE DEPUTY MINISTER IN THE MINISTRY OF WORKS AND HOUSING (SHRI MOHAMMED USMAN ARIF) : (a) Sale of large quantities of cement, glass-panes and other building materials meant for maintenance of Government quarters in Lodhi Colony to Private parties by some Engineers of CPWD has not yet been established.

(b) No, Sir.

(c) Does not arise.

**Air-Conditioned Restaurant at Asian Games Village**

3284. SHRI ATAL BIHARI VAJ-PAYEE : Will the Minister of WORKS AND HOUSING be pleased to state :

(a) whether in the Asian Games Village an overhead water tank having an air-conditioned restaurant and viewing gallery was conceived ;

(b) whether the restaurant, etc. did not come up even after Rs. 35 lakhs were spent on the project ; and

(c) whether files related to the expenditure on the non-existing air-conditioning were shown to the audit ?

THE DEPUTY MINISTER IN THE DEPARTMENT OF SPORTS, IN THE MINISTRY OF WORKS AND HOUSING AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : (a) Yes.

(b) DDA has reported that the construction of the structure of overhead water tank-cum-Restaurant-cum-Viewing Gallery had been completed and opened for use during Asian Games. The restaurant could not be commissioned and opened to the public on account of restrictions on entry in Asian Games Village during the Games.

## Statement

Sl. No.	Name of the lessee/ ex-lessee and address	Particulars of property	Latest position and last order of the Supreme Court	Related course of future action	Precise de- tails of the Supreme Court order as re- quired in part (b) of the Question
1	2	3	4	5	6
1.	Sh. Inder Pershad	160/7 20 Hardings Avenue	SLP (Civil) 9255/79 in Supreme Court against award No. 14/73- 74 of Land acquisition Collec- tor Delhi. L and DO's Counter affidavits filed on 19.2.81. Final order of Supreme Court not received.	Does not arise	Not applicable
2.	The Heirs and Exe- cutors of late Shri Kanhaya Lal C/o Smt. Sushila Devi 2407, Tilak Street Chuna Mandi, Pahar Gani, New Delhi	91/6- 13 Lady Harding Rd.	Writ Petition No. 3569/82. Para- wise comments of L and DO sent to Supreme Court on 14.4.83 as the case was fixed for 5.5.83. Next date is not fixed.	-do-	-do-

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|----|--|--------------------------------|---|--|---|---|
| 3. | Sh. S.P. Aggarwal and Smt. Premwati S/250 Panchsheel Park, New Delhi                                     | M-16/B Connaught Circus        | The case is between the tenant and the lessee. This office is proforma party and the lessee has not applied for terms. Final order of Supreme Court not received  | Does not arise   | Not applicable  |   |
| 4. | Smt. Dayawanti Punj and Ors. C/O Satya Narain Parkash Punj Funj House, M-13, Connaught Circus, New Delhi | 148/40 9-Keeling Rd.           | Special leave petition against the order of High Court filed in Supreme Court on 15.9.82. Case not yet fixed for hearing.   | -do-   | -do-  |   |
| 5. | Sh. Kishan Dass S-27, Sunder Nagar, New Delhi  | 171/S-27 Sunder Ngr. New Delhi | After hearing Council for the appellant—Dr. B.R. Sondhi, respondent Shri Krishan Das and the Land and Development Officer, the following order was passed by the Supreme Court.<br>The Appellant shall vacate the premises on or before March, 31, 1984. He shall file an undertaking within two weeks before the Court to the effect that he will hand over vacant and peaceful possession to the respondent landlord on or before March | The terms and conditions for the regularisation of the unauthorised constructions etc. from 15.1.70 to 14.7.84 have been communicated to the party on 27.3.84/19.5.84. | 1. The Supreme Court decided on 9.1.84 that the appellant shall pay the misuse charges to the L and DO which shall be determined in accordance with the Clause (8) of Office Order No. 23/76 dated 31.3.76 of the Ministry of Works and Housing, Land and Development Office, New |   |

31, 1984 and would not induct any other person or part with possession of the premises. The arrears of rent, if any, shall be paid by the appellant to the respondent on or before March 31, 1984.

It is agreed by all the parties including the Land and Development Officer that the misuse in question has been stopped and the unauthorised constructions which have been put up have also been removed by Feb., 1982. The appellant shall pay the charges for misuse to the Land and Development Officer which shall be determined in accordance with clause (8) of the Office Order No. 23/76 dt. March 31, 1976 of the Ministry of Works and Housing, Land and Development Office, New Delhi which reads as follows :—

“In case where the lessee/ex-lessee files suit for eviction against defaulting tenants on receipt of our notice for misuse and are

Delhi which reads as follows :—

“In cases where the lessee/ex-lessee files suit for eviction against the defaulting tenants on receipt of our notice for misuse and are successful in evicting such tenants one percent of the charges will be recovered as token penalty in consultation with the Ministry of Works and Housing and Finance.

As per Supreme Court Judgement 1% of the misuse charges are to be recovered from the amount of Rs. 20,000/- deposit-

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successful in evicting such tenants one percent of the charges will be recovered as token penalty in consultation with the Ministry of Works and Housing and Finance."

The misuse charges so determined shall be recovered by the Land and Development Officer from the out of the amount of Rs. 20,000/- deposited by the appellant in this Court. Any amount remaining outstanding after the Land and Development Officer is paid shall be refunded to the appellant. The Land and Development Officer shall decide the amount of misuser charges on or before March, 31, 1984. If there is any determining the amount, the appellant shall be at liberty to apply to this court for further directions. The directions issued in this case that

ted by the appellant in the Court. The Govt. counsel has been requested to do the needful. With regard to levy of 1% token penalty on the damages charges for the unauthorised construction, the Supreme Court has dismissed the Civil Misc. petition of the petitioner on 16.4.84.

the Land and Development Office shall recover the misuser charges and charges for unauthorised construction in accordance with Clause (8) referred to above shall not be a precedent for any other case. The appeal is accordingly disposed of, with no order as to costs.

The Attorney General and Senior Govt. Advocate had closed the arguments and the case has been reserved for judgement.

The matter has not been taken up so far.

The Supreme Court has confirmed the exparte stay pending disposal of the appeal

The date in Supreme Court was fixed for 30.1.84 and the case was adjourned for indefinite period for hearing on merits.

Not applicable

As and when orders are passed by the Court, action will be taken accordingly.

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Further action will be taken after the case is decided

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The case has been adjourned for indefinite period for hearing on merits.

6. Indian Express  
Bahadur Shah  
Zafar Marg,  
New Delhi

7. Lok Kalyan  
Samiti  
Rouse Avenue  
New Delhi

8. Rajinder Ngr.  
Education  
Society  
Manavsthal  
School, New  
Rajinder Ngr.  
New Delhi

9. M/s Curewell (1)  
Ltd.  
B. P. 72  
Ring Road  
Lajpat Ngr.,  
New Delhi

1	2	3	4	5	6
10.	Late Shri Bhagwan Singh	13/26 East Patel Ngr.	The case is still subjudice. No orders have been passed by the Supreme Court so far.	Further action will be taken after it is judicially decided.	No last order has been passed by the court.
11.	Sh. Darshan Singh as Secretary of All Delhi Cycle Rickshaw Operators Union	Civil Writ No. 6404 of 1982.	The case is mainly directed against MCD. The case has not yet been listed for hearing. No last order has been passed.	Further action will be taken after the case is decided	Not applicable.