

(1993) 02 SC CK 0062

In the Supreme Court Of India

Case No : Criminal Miscellaneous Petition No. 327 of 1993 in Writ Petition
(Criminal) No. 1061 of 1982

Banwasi Seva Ashram

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-02-1993

Acts Referred:

UTTAR PRADESH LAND REVENUE ACT, 1901 — Section 4

Citation : (1993) 1 JT 615(1) : (1993) 1 SCALE 613 : (1993) 2 SCC 612

Hon'ble Judges : N. M. Kasliwal, J;Kuldip Singh, J

Bench : Division Bench

Advocate : M.A. Kroshna Murthy, A.S. Pundir and Sngeeta Kumar, for the Appellant;

Final Decision : dismissed

Judgement

Writ Petition (Criminal) No. 1061/82 was disposed of by this Court by-order dated November 20, 1986. This Court gave comprehensive directions and provided mechanism for the implementation of the same. This Court has been monitoring the project during all these years. In the order dated November 20, 1986 this Court took notice of the Mahenswar Prasad Committee Report which had identified 433 villages lying south of the Kaimur range of the Mirzapur district to be relevant for the purposes of the present dispute. 299 villages were in Dudhi tehsil and the remaining 134 in Robertsganj tehsil. This Court further noticed that a notification u/s 20 of the Indian Forest Act, 1922 had been issued in respect of 58,937.42 acres of land and the same was declared reserved forest. This Court further noticed that in respect of 7,89,086 acres of land notification u/s 4 of the act had been made. This Court finally issued directions only in regard to the lands notified u/s 4 of the Act. It was specifically made clear that the land already declared as reserved forest was not the subject matter of the writ petition. It is further clear from the order that the directions and subsequent monitoring was to relate only to the lands which have been notified u/s 4 of the

Act. Although the order noted the fact that Mahenswar Prasad Committee identified 433 villages in that area but the directions of this Court are only confined to those villages which have been notified u/s 4 of the Act. With this background we issue the following directions:

1. The Survey and Record Operations have to be confined only to the "forest villages" in respect of which notification u/s 4 of the act has been issued. According to the Seventh Report dated December 30, 1992 of Justice B.L. Loomba there are 265 villages in respect of which notification u/s 4 of the act has been issued. We make it clear that the Survey and Settlement which this Court has undertaken, only relates to the "forest villages". The Survey and Settlement in the revenue villages is the responsibility of the State Government under the U.P. Land Revenue Act.

2. We, therefore, direct the Commissioners and further request Justice B.L. Loomba to concentrate only in respect of the "lands which are covered by the notification u/s 4 of the Act.

3. Justice Loomba's Report further indicates that the work before the Forest Settlement Officers has more or less completed. On December 1, 1992 there were 329 pending cases which by now must have been finalised. So far as the appellate work is concerned as on December 1, 1992 25,760 appeals were pending before the Additional District Judges. We direct the Additional District Judges to finalise the hearing of these appeals by March 31, 1993 if possible. We request the Chief Justice, Allahabad High Court to kindly look into this matter and issue specific directions to the concerned Additional District Judges for completing the work by March 31, 1993.

4. The reports of the Commissioners (January 1, 1993) and of Justice Loomba reveal that there have been some errors whereby rights of non-occupants have been recorded without on-the-spot inspection, hearings and to the prejudice of the actual occupants on the spot. The Commissioners and Justice Loomba have identified 17 forest villages in this respect which are as under:

Agreeing with the Reports of the Commissioners, Justice Loomba and the contentions of Mr. Rajiv Dhawan, learned Counsel for the petitioner, we direct that special review be undertaken in the above 17 villages only in respect of those cases where there are complaints from the individuals and the errors are patent on the record. The Forest Department shall also be at liberty to ask for special review in the cases pertaining to the above villages where according to the Department records have not been correctly prepared.

5. The special review directed by us shall be completed by March 31, 1993.

6. We have been informed that the records which have been burnt or lost are being re-constituted.

7. Since the basic work at the level of Forest Settlement Officers has almost completed, we are of the view that it is no longer necessary to have the Board of

Commissioners appointed by this Court. We direct that the Board of Commissioners consisting of Mr. Prem Bhai and Mr. Prem Singh shall stand dissolved with effect from March 31, 1993. We, however, request Justice Loomba to continue his supervision till further consideration. The Special Officers and other staff appointed by the State Government shall continue to function till further orders. The services rendered by the Commissioners shall be taken on record in the final order.

8. So far as the projects in Forest and Revenue lands are concerned, we are not inclined to take-up the issues, if any, for consideration. The State Government or any other authority under law may be approached in this respect for rehabilitation and other reliefs.

9. We request Justice Loomba to send further report before March 30, 1993. To be listed on March 31, 1993 for final disposal.