

# Sri Raman Das vs State Of Uttar Pradesh And Ors on 29 January, 2020

**Bench: Sanjay Kishan Kaul, K.M. Joseph**

ITEM NO.110

COURT NO.11

SECTION II

S U P R E M E C O U R T O F  
RECORD OF PROCEEDINGS

I N D I A

Civil Appeal

No(s). 8587/2018

SRI RAMAN DAS

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH AND ORS

Respondent(s)

Date : 29-01-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. C.A.Sundaram,Sr.Adv.  
Mr. Anupam Lal Das,Sr.Adv.  
Mr. Apoorva Tewari,Adv.  
Mr. Rajat Singh, AOR  
Mr. Paavan Awasthi,Adv.  
Ms. Rohini Mussa,Adv.  
Mr. Abhishek Gupta,Adv.  
Mr. Zafar Wayat,Adv.  
Ms. Harshika Verma,Adv.

For Respondent(s)

Mr. V.K.Shukla,Sr.Adv.  
Mr. Rajeev Kumar Dubey,Adv.  
Mr. Shailendra Mani Tripathi,Adv.  
Mr. A.Mishra,Adv.  
Mr. Anurag Tiwari,Adv.  
Mr. Kamendra Mishra, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Arguments have been concluded by the learned counsel for the parties.

In view of certain averments made in the counter affidavit, over which we have serious reservations, we direct the personal presence of the deponent of the counter affidavit Mr. N.K.Janoo, Divisional Forest Reason: Officer, Gorakhpur, Uttar Pradesh tomorrow i.e. 30th January, 2020 in Court.

Since learned senior counsel for the respondents seeks to still contend that a proclamation was issued under Section 6 of the Indian Forest Act, 1927, the said proclamation, if it exists, be produced in Court.

One other controversy which has arisen before us is on account of the amendment to Section 12 of U.P.Consolidation of Holdings Act, 1962, the provision relating to reference to arbitration has been deleted and Section 9A has been inserted. This is as per the U.P.Consolidation and Holdings (Amendment) Act, 1962. Learned senior counsel for the appellant points out that Section 47 is the transitory provision in terms whereof an earlier provision would continue to apply if the notices under Section 9 of the Principal Act had already been issued.

Learned counsel for the respondents shall also verify as to when the notices under Section 9 had been issued.

List tomorrow i.e. 30th January, 2020 as part-heard at 2.00 p.m. (ANITA MALHOTRA) (ANITA RANI AHUJA) COURT MASTER COURT MASTER