

Supreme Court of India

Banwasi Seva Ashram vs State Of U.P. And Ors. on 6 May, 1987

Equivalent citations: JT 1987 (2) SC 597, 1987 (1) SCALE 1149, (1987) 3 SCC 304, 1987 (2) UJ 127 SC

Bench: R Pathak, R Misra, M Dutt

ORDER

1. The writ petition was disposed of in this Court on 20th of November, 1986 laying down the detailed procedure to be followed in the matter by declaration of the disputed areas as reserved forest under Section 20 of the Indian Forest Act, 1927. The respondents being the State of Uttar Pradesh and its officers have now put an application for modification/clarification of the order. Six aspects have been placed for consideration, namely:

(1) Permitting demarcation by making heaps of stones and painting them white, or marking on trees or fixation of wooden pegs with flags;

(2) An order extending time to complete demarcation of the areas covered by Section 4 notification upto 31st January, 1988;

(3) An order granting time of three months to the objectors to file their objections from the date a certification is issued by the Assistant Record Officer/Forest Settlement Officer;

(4) An order directing the posting of Additional District Judges at Dudhi, Dala, Miurpur, Babhni and Anapara;

(5) An order providing that till the time appellate work is available, the learned Additional District Judges may discharge normal Judicial functions in the Court of District and Sessions Judge, Mirzapur;

(6) An order withdrawing the representative to be nominated by the Banwasi Seva Ashram from the Commission.

Notice was given to the petitioner of the petition and a counter affidavit has been filed. Parties have been heard.

2. There is no opposition to have demarcation by making heaps of stones or making on trees of fixation of wooden pegs. The first prayer is, therefore, allowed. There is similarly no opposition to the posting of Additional District Judges at the five places named. These postings have been done by the Allahabad High Court on the request of the State Government. A direction in that behalf is already contained in the main order. While no variation is sought about the three places of Dudhi Tehsil in the present application, the postings in Robertsganj Tehsil has been asked to be made at Babhni and Anapara. When requested by the State Government to post these Additional District Judges-one at each of these five places, we hope and trust, the High Court would find it convenient to do so. The State Government shall make the request within ten days from today.

3. In the impugned order we had fixed the 15th of January, 1987 as the outer limit for purposes of demarcation. The prayer to extend it till the end of January 1988 has been seriously opposed and we also see no justification to extend the time beyond one year of what had been initially granted. We extend that time till the 30th of June, 1987. The time for filing of objections is extended till 31st of July, 1987.

4. As soon as objections are filed and final orders are made, there would be work for appellate Judges. At any rate if the Appellate Judges are of the view that they do not have adequate work it is open to them to function as Additional District Judges in the judgeship of Mirzapur. The District Judges of Mirzapur as also the Appellate Judges, must, however, ensure that work in hand under the scheme contained in our order should not suffer.

5. We had directed the setting up of a Board of Commissioners to supervise the operation and this Board was to consist of three members -Shri Bhiman, ex-Chairman of the State Board of Revenue, Dr. Basudha Bhagamwar and a representative of the Banwasi Seva Ashram. The State Government has raised objections to the effect that no representative of the Banwasi Seva Ashram may be nominated to the Board. We do not intend to make any declaration in the working at this stage. There will be no order for costs.