

Savransingh & others, etc.

Vs

Divisional Forest Officer, Sagar & Others

Civil Appeals Nos. 665 & 666 (N) of 1976

(Kuldip Singh, K. Ramaswamy JJ)

04.12.1990

ORDER

1. Savransingh and 12 others were given land for cultivation in reserved forest by the Divisional Forest Officer, Sagar in the year 1969. They were also issued Pattas wherein the conditions of allotment of land were incorporated. By the order of the Government dated July 31, 1971 the Pattas granted to these 13 persons were revoked and they were ordered to vacate the land. The said order was challenged before the High Court by way of two writ petitions under Article 226/227 of the Constitution of India. The High Court by its order dated March, 3, 1976 dismissed the writ petitions. These two appeals via special leave petition are against the orders of the High Court.

2. The allotment of land in favour of the appellants was made under Para 68 of the Forest Manual. It was conceded before the High Court that the relevant provisions of the Forest Manual are merely executive instructions and have no statutory force. The purpose of the allotment of land to the appellants in the forest villages was to afford a permanent supply of suitable local labour. It was conceded before the High Court that the appellants status was that of licensees. The Manual provides that the allottees are liable to summary eviction without compensation by the order of the Forest Officer.

3. Mr. S.S. Khanduja, learned counsel appearing for the appellants has contended that the appellants are in possession of the land in the reserved forest for the last more than two decades. According to him the appellants have built their houses and are residing therein. He further states that ejecting the appellants and uprooting them from the land would be rendering them homeless.

4. Mr. Agnihotri, learned counsel appearing for the State of Madhya Pradesh on the other hand has contended that the appellants are not working as labourers with the Forest Department and they are not residing in the forest villages. According to him, the appellants are only interested in retaining the possession of the land on one pretext or the other. He has referred to the affidavit filed by the Divisional Forest Officer, North Sagar Division in this Court which is as under:

"(a) the purpose of granting pattas, i.e. to maintain source of labour supply has been and is being defeated by the petitioners inasmuch none of the petitioners reside permanently in the forest village concerned and have not and are not rendering services as forest labourers. In fact, these petitioners reside in other villages and this fact is also evidenced by the addresses given by the petitioners in the High Court as also in this Hon'ble Court;

(b)none of the petitioners have built any permanent structure in the forest village concerned and in any event on summary eviction, they are not entitled to any compensation;

(c)in fact one Shri S.N. Sharma, the SubInspector of Police has constituted (constructed?) a temporary hut in plot No. 8 and these petitioners were coming only for the purposes of sowing, cultivating and reaping the land and were not making themselves available as labourers for the forest work;

(d)that the pasta given to the petitioners under the aforesaid rules was not given for agricultural purposes;"

5. In the interest of preserving the reserved forests and also in the facts and circumstances of this case, we are not inclined o interfere with the judgment of the High court. We, however, feel that in case the appellants are still residing in the forest villages where according to them they constructed houses about 21 years back, then the State Government should rehabilitate them at some other place. We, therefore, direct the Conservator of Forests, Bhopal Circle, Bhopal to examine the matter and if according to him some rehabilitation measures in respect of the appellants are necessary then he will make suitable recommendations to the State Government. With the above observations, we dismiss the appeals without any order as to costs.

Appeals dismissed.

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