

Banwasi Seva Ashram

Vs

State of U. P.

Writ Petition (Criminal) No. 1061 of 1982

(Ranganath Misra, Kuldip Singh JJ)

06.08.1991

ORDER

1. Pursuant to our order of May 10, 1991, this matter was called on July 11, 1991, when parties and both the Commissioners were heard. The report from the Executive Chairman of the U.P. State Legal Aid and Advice Board has been received and looked into.

2. The proceeding has been pending in this Court for almost nine years. In spite of all possible orders and directions made from time to time no substantial progress has yet been made. The land records have got to be prepared; the forest land has to be identified and final action under the Forest Act has to be taken. The exercise involved in this process is undoubtedly massive but that by itself would not justify a protracted proceeding.

3. When we made our order in May 1991, we had a feeling that before the rains started there would be substantial progress. The rainy season has come though rains are belated. In these two months, however, there has been no progress.

4. Mr. R. P. Pandey, one of the Commissioners has been staying at Allahabad and he does not find it convenient to shift to the site. As we indicated earlier, the matter has reached a stage where presence of all the officers and the Commissioners at the site has become almost indispensable. Mr. Pandey has informed the Court that he would find it difficult to shift to the site. We do not think much of his services can be utilised if he is allowed to stay at Allahabad. It would, therefore, be necessary to substitute him by appointing some other judicial officer as Commissioner. Mr. Pandey had done good work during the period he was supervising the process. We would suggest to the Secretary to the Commission appointed by us to make a report to us as to in what way Mr. Pandey can be compensated for the work done. In place of Mr. R. P. Pandey we direct Shri Prem Singh, retired District Judge of the State to be appointed as one of the Commissioners. The Registry shall take steps to intimate him of the assignment at his Varanasi address.

5. At the hearing of the matter, on July 11 grievance was made that several directions out of the order of May 10, 1991 had not been complied with. Mr. Yogeshwar Prasad, senior advocate for the State of Uttar Pradesh assured us in Court that immediate steps would be taken to comply with all the directions excepting the requirement of depositing of Rs. 20 lakhs with the Secretary of the Commission. We have considered his stand in regard to the direction for depositing Rs. 20 lakhs and are prepared to modify the amount of Rs. 20 lakhs to Rs. 5 lakhs in view of the assurance that more of funds can come on requisition without loss of time. That amount may be kept in deposit with the Secretary in the interest account within two weeks hence. The State of Uttar Pradesh shall file an affidavit that all the directions made on May 10 as modified now have been complied with within

three weeks from today in the Registry of this Court.

6. Some time back, the Chief Secretary had set up a small committee at Lucknow for the monitoring the work. We suggest to the Chief Secretary that he may revive the committee which on account of the intervening disturbances of law and order followed by the general elections had perhaps been abandoned so that coordinated activity may be possible.

7. We request Mr. Justice Loomba, Executive Chairman of U.P. State Legal Aid and Advice Board to continue to supervise the work which he has been doing already so that the monitoring at the spot can appropriately be cross-checked. He is requested to send monthly reports to the Court. The matter may be placed again five weeks hence.

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