

PETITIONER:
RAM SINGH

Vs.

RESPONDENT:
STATE OF UTTAR PRADESH & ORS.

DATE OF JUDGMENT: 25/07/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIK (J)

CITATION:
1996 SCALE (5)567

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

This appeal by special leave arises against the order of the High Court of Allahabad made on February 22, 1980 in W.P. No.6667 of 1978. The finding, as a fact, recorded by both the Tribunals under the U.P. Imposition of Ceiling on Land Holdings Act is that the appellant had cut out the existing trees as on January 24, 1971 and planted new tree. On that premise, the question arose: whether the trees planted by the appellant would be a grove land within the meaning of Section 23 [8] of the Act which reads as under:

[8] "grove land" means any specific piece of land in a holding having trees not including [Guava, Papaya, banana or vine plants] planted thereon before January 24, 1971, in such numbers that they preclude, or when full grown will preclude, the land or any considerable portion thereof from being used primarily for any other purpose, and the trees on such land constitute a grove".

A reading thereof clearly indicates that the Legislature has put a cut off date for existing trees as on January 24, 1971 except the Guava, Papaya, Banana or vine plants planted before that date. In other words, the Legislature has indicated that any grove existing as on that date with fully grown trees would be the grove except the excepted trees and for the purpose of the Act. By necessary implication any tree planted after that date cannot be the grove land under the Act. Though the contention of Shri Pramod Swarup, learned counsel for the appellant that in place of fallen trees some new trees were grown, is plausible, we cannot give acceptance to the contention since the Legislature has specifically put a date of the existing trees, viz., January 24, 1971. under these circumstances,

the view taken by the High Court cannot be said to be unwarranted.

The appeal is dismissed. No costs.

JUDIS