

A

RAM SINGH

v.

STATE OF UTTAR PRADESH AND ORS.

JULY 25, 1996

B

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*U.P. Imposition of Ceiling on Land Holdings Act, 1960 : Section 2(8).*

C

*Land holding—Grove land—Cut off date fixed for January 24, 1971—Inclusion of fully grown trees except the excepted trees as on that date—Appellant cutting out the existing trees as on January 24, 1971 and planting new trees on that land after the cut off date—Held such a land does not constitute grove land under the Act.*

D

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1765 of 1982.

From the Judgment and Order dated 22.2.80 of the Allahabad High Court in C.M.W. No. 7091 of 1978.

E

Pramod Swarup for the Appellant.

R.C. Verma, A.K. Srivastava and M.N. Kural for the Respondents.

The following Order of the Court was delivered :

F

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 trees. 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 :

G

(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 con-

H

siderable portion thereof from being used primarily for any other purpose, and the trees on such land constitute a grove". A

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. B C

The appeal is dismissed. No costs.

T.N.A.

Appeal dismissed. D