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C.A.No. 939 OF 1999
ITEM No.202

Court No. 9

SECTION IV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal.No.939/1999

STATE OF HARYANA & ORS

Appellant (s)

VERSUS

GRAM PANCHAYAT VILL. MAJRA

Respondent (s)

(With prayer for interim relief and office report)
(For Final Disposal)

Date : 02/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Appellant (s) Mr. Ranbir Yada,Adv.
Mr. Mahabir Singh,Adv.

For Respondent (s)
Rr-Ex-Parte

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

The appeal is dismissed in terms of the signed
order. No costs.

.SP1
.....L.....T.....J

(Ajay Kr. Jain) (Prem Prakash)
Court Master Court Master

(Signed order is placed on the file)

.PA
.....L.....I.....T.....T.....T.....T.....T.....T.....J.
.PL55

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 939 OF 1999@@
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State of Haryana & Ors.

... Appellants

versus

Gram Panchayat Vill. Majra

... Respondent

O R D E R@@
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.SP2

Heard learned counsel for the appellants on merits. We do not find any error in the findings of fact recorded by the Trial Court and the First Appellate Court that the ownership of the land in question vests in Gram Panchayat, the plaintiff-respondent. The defendant-appellant claims to have planted certain trees on the land after declaring the land to be protected forest vide Notification dated 3.3.1972. The First Appellate Court has found that the Notification in question does not specify the land to which the Notification relates and therefore it cannot be positively held that the Notification relates to the suit land. Moreover, we are also not satisfied to hold that the State Government having planted trees on the land of Gram Panchayat has an unrestricted right to cut the trees and take-away the timber.

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For the foregoing reasons, we do not find any fault with the High Court having refused to entertain the second appeal against the concurrent findings of facts recorded by the two courts below. Accordingly, this appeal fails and is dismissed. No costs.

.SP1

.....J.
(R.C. LAHOTI)

.....J.
(BRIJESH KUMAR)

New Delhi,
February 02, 2001.