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REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5109 OF 2019

Jitendra Singh ..... Appellants(s)

VERSUS

Ministry of Environment & Ors. .....Respondents(s)

JUDGMENT

SURYA KANT, J.

1. The instant statutory appeal has been preferred under Section 22 of the National Green Tribunal Act, 2010 (hereinafter "NGT Act") against the order dated 06.03.2019 of the Principal Bench of the National Green Tribunal ("NGT"), whereby appellant's grievance against allotment of local ponds to private industrialists has been dismissed summarily without any adjudication of the *lis* or merits, but merely on the basis of an affidavit filed by Respondent No. 5 (Greater Noida Industrial Development Authority – hereinafter "GNIDA") claiming that it was developing bigger alternative water-bodies.

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FACTUAL BACKGROUND

2. The appellant is a permanent resident of village Saini, tehsil Dadri, of district Gautam Budh Nagar, which falls in the National Capital Region. He claims to be a socially-active lawyer dedicated to bettering the lives of his co-villagers and alleges that the Original Application before the NGT was triggered when around 18.01.2017 the agents of a private entity (Respondent No. 6 - M/s Sharp Enterprises Pvt. Ltd. - hereinafter "Sharp") using excavataors and other heavy machinery attempted to forcibly takeover possession of a 'common-pond', which had been in use by local villagers for a century. This was objected to by the villagers, and the appellant subsequently made a complaint on 25.01.2017 to various authorities including the District Collector. Pointing out revenue records which elucidate the commons-status of the ponds, he sought directions to restrain Sharp and its agents. However, there was no action on his representation for more than 10 days, leading to another attempt by Sharp at dispossession, compelling the appellant to seek police help. A few days later, he submitted another representation to the Collector, but to no avail. Aggrieved, he was left with no recourse but to approach the NGT by way of an Original Application under Section 14 (read with Sections 15 and 18) of the NGT Act for adjudication of these environmental issues.

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3. Before the Tribunal, appellant contended that large tracts of his village (but not the impugned water-bodies) had been acquired under the Land Acquisition Act, 1894 ostensibly for industrial development by GNIDA. Subsequently, these acquired lands (including some local ponds) had been leased to private industrialists, including Sharp in 2012. Using revenue records obtained under the UP Consolidation of Holdings Act, appellant showed that Khasra Nos. 552 (1140 sq meters) and 490 (8470 sq meters) were 'pokhar' (pond) and Khasra Nos. 522 (1620 sq meters) and 676 (9804 sq metres) were 'rajwaha' (canal). Highlighting that the water bodies were vested in the Gram Sabhas per Section 117 of the UP Zamindari Abolition and Land Reforms Act, 1950, he contended that such land had neither been acquired, nor resumed and hence there was no power with GNIDA to transfer the same to Sharp. He further claimed to have discovered other similar illegal allotments of water bodies by GNIDA to other third-parties.

4. The appellant urged that neither the mandatory environmental clearances under the Environmental (Protection) Act, 1984 had been obtained by the industrialists nor the statutory authorities applied their mind that the project would negatively impact the environment and human health. Laying support on the Ramsar Convention and Rule 4 of the Wetland (Conservation and Management) Rules, 2010 which prohibited reclamation of wetlands, setting up or expansion of

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industries, permanent construction or any other activity with potentially adverse effects on ecosystem, he sought cancellation of such illegal allotments and protection of water-bodies.

5. During pendency of the proceedings, GNIDA's representatives started filing up certain ponds and started developing an alternate area (1.25 times bigger) as a new waterbody to save the allotment made in favour of Sharp (as admitted in an additional affidavit filed before the NGT on 15.01.2019 by GNIDA).

6. Over the course of proceedings, the appellant was permitted to amend his prayers in the Original Application to enable challenge to all illegalities concerning village commons. No rejoinder or additional affidavit was filed by any respondent against the amended Original Application.

7. The NGT vide its brief impugned order dated 06.03.2019 took note of this representation of constructing alternate pond and abruptly concluded that appellant's substantial grievance had been redressed. It accordingly dismissed his application, without venturing into the merits or the *lis* of the dispute.

CONTENTIONS OF PARTIES

8. This summary dismissal by the NGT has been challenged before us. Appellant raises grievance against the manner in which the NGT, without even looking at the sweep of his prayers, disposed off the

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mater before it, merely on the strength of a proposed affidavit (which was actually filed only on 12.03.2019, post adjudication of the application by the NGT and without any advance copy to the appellant). He further protests the haste with which his application was disposed of and how the reluctance by the NGT to conduct even a proper enquiry has resulted in conferrment of illegal benefits to third-parties, at the cost to the environment and local residents.

9. The appellant contends that the disputed pond is situated near the Aravali hills which are in an arid zone with a low-water table. He demonstrated how the existing sparse flaura and fauna in the region was hence unlikely to survive elsewhere. Highlighting the unchecked urbanisation and construction of concrete jungles in the ecologically sensitive area, the appellant alleged that Respondent-authorities were in active connivance with industrialists and real estate companies, were negligently discharging their duties. This, he contended, violated public trust and consequently the right to a wholesome environment guaranteed under Article 21 of the Constitution. Interpreting Article 48A and Article 51-A(g) to place a duty on the State to protect the environment, including lakes and water-bodies, the appellant has sought intervention of this Court to save and restore the local ponds.

10. Per contra, learned Counsel for GNIDA (Respondent No. 5) placed reliance on a Government Order dated 03.06.2016, which he

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claimed permitted destruction of existing ponds and allotment of filled-up land to third-parties in certain extraordinary circumstances, with the stipulation that 25%-larger alternate water-bodies be developed elsewhere. Further, he questioned recording of Khasra Nos. 552 and 490 as 'pokhar' in revenue record, contending that it was merely 'slightly low lying land' over which some water would get accumulated during rainy season. There was statedly no water on the pond-land since the past year, showing that it was merely ordinary in nature. Even if 'pokhar', Khasra Nos. 552 was only 1140 sq. meters in size, which constituted a miniscule portion (only 1.4%) of the total allotted plot of 80,900 sq. meters. It was also explained that no other 'pokhar' had been included and Khasra No. 490 had not been allotted to Sharp. GNIDA also put forth a contrary allegation that the appellant was, in fact, aggrieved by non-disbursement of compensation and had set up the entire dispute as a rouse to stall development of the area so that he could instead use it for his private purpose of cattle grazing.

11. Sharp (Respondent No. 6) has averred that the disputed land was no longer vested in the Gram Sabha as the UP Zamindari Abolition and Land Reforms Act, 1950 had been repealed by the UP Revenue Code, 2006. This new Code specified that title of all lands including lakes, ponds, tanks, streams and nallas vest in the State Government. Through Section 59 of the Code, the land was merely

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entrusted to the Gram Panchayat, and the State retained power to alter such entrustment at any time. It claimed to have paid Rs 25 crores as sale consideration for leasehold rights over acquired areas and is allegedly suffering as a result of litigation-induced delays.

ANALYSIS & FINDINGS

12. At the outset, we must note, that the respondents have been unable to demonstrate how the 2016 Government Order can be made applicable retrospectively, the possession having been given to Sharp in 2012. Notwithstanding this, no case of the present instance being an extraordinary circumstance (hence permitting recourse to the exceptional provisions of the Government Order) has been made before us either. Further, argument that Khasra No. 552 is a 'slightly-sloped seasonal rainfall-catchment area' and not a 'pond', is creative but without merit. Photographs have been placed on record by the appellant showing that there is substantial water in the pond, which has not been controverted. Further, revenue records maintained by the Revenue Department themselves show that the land was 'pokhar'. It is hence not open for the authorities to contradict and plead against the record without any scientific or empirical support, for such categorisation had been made by them in the past. Further, it was conceded by respondent-authorities during arguments that Khasra

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No. 490 was also recorded as 'pokhar' in revenue records and that it too had been integrated in the industrial development project.

13. Additionally, it is clear that repeal of the UP Zamindari Abolition and Land Reforms Act, 1950 and vesting of such ponds and local areas in the State by Section 57 of the UP Revenue Code, 2006 would not by itself either change the nature of land contrary to revenue record nor will defeat the long-established rights of the local people on commons. Such a proposition had unequivocally been laid down in ***Chigurupati Venkata Subbayya v. Palaguda Anjayya***[1], where this Court negatived a contention that communal rights in the suit-land stood abolished per Section 3 of the Estates Abolition Act, 1948 for it provided that estates, including communal lands, would stand transferred to the Government free from any encombrance. Further, it was held that even explicit destruction of all rights and interests created by the principal or landholders, would not apply to community rights as such rights originated elsewhere.

14. Given that Section 22 of the NGT Act, 2010 specifies that the nature of the appeal shall be akin to a second appeal as specified under Section 100 of the Code of Civil Procedure, 1908, we would restrict our deliberation to a singular substantive question of law. That is, whether it is permissible for the State to alienate common water-

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1 (1972) 1 SCC 521.

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bodies for industrial activities, under the guise of providing alternatives?

15. In ***Hinch Lal Tiwari v. Kamala Devi***[2], this Court settled that 'ponds' were a public utility meant for common use and held that they could not be allotted or commercialised. It had refused to give any weight to similar arguments of the pond having become levelled, with merely some portion getting covered during rainy season by water. Importantly, it emphasised that:

> *"13. It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites."*

16. This Court reiterated in ***Jagpal Singh v. State of Punjab***[3] and noted that since time immemorial, certain common lands had vested in village communities for collective benefit. Except in exceptional circumstances when used exclusively for the downtrodden, these lands were inalienable. It was observed that such protections,

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2 (2001) 6 SCC 496.

3 (2011) 11 SCC 396.

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however, remained on paper, and since Independence powerful people and a corrupt system had appropriated these lands for personal aggrandisement. Pointing out the harms in allowing such misappropriation, the Court noted an urgent public interest in stopping such misdeeds. Further, various directions were issued for eviction of illegal occupants and restoration of the common land to villagers. It was explicitly specified that "*long duration of such illegal occupation or huge expenditure in making constructions thereon*" cannot be a "*justification for condoning this illegal act or for regularising the illegal possession*".

17. It is uncontroverted, in the present case, that the Government Order dated 03.06.2016 was a consequence of the afore-cited judgment in ***Jagpal Singh***. Curiously, however, Clause 5 of the Government Order carves an exception of "*huge projects/works*" (albeit in extraordinary circumstances) to ***Jagpal Singh's*** strict principle of non-alienation of common water-bodies. It is clear that such ground of exception doesn't fall under the limited class of grants to "*landless labourers or members of the Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land*". Such industrial activities without any rationale classification, unlike the narrow class exempted, do not serve a social public

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purpose or benefit the local people, and thus will be hit by the inalienability bar.

18. Even otherwise, the action of the respondent-authorities contravenes their Constitutional obligations. Article 48-A of the Constitution casts a duty on the State to "*endeavour to protect and improve the environment and to safeguard the forests and wild life of the country*", and Article 51-A(g) expects every citizen to perform his fundamental duty to "*protect and improve the natural environment*". A perusal of our Constitutional scheme and judicial development of environmental law further shows that all persons have a right to a healthy environment. It would be gainsaid that the State is nothing but a collective embodiment of citizens, and hence collective duties of citizens can constructively be imposed on the State. Such an interpretation of the Constitution has also been adopted in ***MC Mehta v. Union of India***[4] wherein this Court mandated the State to ensure mandatory environemental education to all school students in pursuance of the fundamental duties ensrined in Article 51-A(g):

> *"24. Having regard to the grave consequences of the pollution of water and air and the need for protecting and improving the natural environment which is considered to be one of the fundamental duties under the Constitution (vide Clause (g) of Article 51A of the Constitution) we are of the view that it is the duty of the Central Government to direct all the educational institutions throughout India*

4 (1988) 1 SCC 471.

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to teach atleast for one hour in a week lessons relating to the protection and the improvement of the natural environment including forests, lakes, rivers and wildlife in the first ten classes. The Central Government shall get text books written for the said purpose and distribute them to the educational institutions free of cost. Children should be taught about the need for maintaining cleanliness commencing with the cleanliness of the house both inside and outside, and of the streets in which they live. Clean surroundings lead to healthy body and healthy mind. Training of teachers who teach this subject by the introduction of short term courses for such training shall also be considered. This should be done throughout India."

19. There remains therefore no doubt that it is the responsibility of the respondents to ensure the protection and integrity of the environment, especially one which is a source for livelihood for rural population and life for local flaura and fauna.

20. Protection of such village-commons is essential to safeguard the fundamental right guaranteed by Article 21 of our Constitution. These common areas are the lifeline of village communities, and often sustain various chores and provide resources necessary for life. Waterbodies, specifically, are an important source of fishery and much needed potable water. Many areas of this country perennially face a water crisis and access to drinking water is woefully inadequate for most Indians. Allowing such invaluable community resources to be taken over by a few is hence grossly illegal.

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21. The respondents' scheme of allowing destruction of existing water bodies and providing for replacements, exhibits a mechanical application of environmental protection. Although it might be possible to superficially replicate a waterbody elsewhere, however, there is no guarantee that the adverse effect of destroying the earlier one would be offset. Destroying the lake at Khasra Nos. 552 and 490, for example, would kill the vegetation around it and would prevent seepage of groundwater which would affect the already low water-table in the area. The people living around the lake would be compelled to travel all the way to the alternative site, in this case allegedly almost 3 kms away. Many animals and marine organisms present in the earlier site would perish, and wouldn't resuscitate by merely filling a hole with water elsewhere. Further, the soil quality and other factors at the alternate site might not be conducive to growth of the same flora, and the local environment would be altered permanently. The respondents' reduction of the complex and cascading effects of extinguishing natural water-bodies into mere numbers and their attempt to justify the same through replacement by geographically larger artificial water-bodies, fails to capture the spirit of the Constitutional scheme and is, therefore, impermissible.

22. Hence, it is clear that schemes which extinguish local waterbodies albeit with alternatives, as provided in the 2016

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Government Order by the State of UP, are violative of Constitutional principles and are liable to be struck down.

23. For the reasons stated above, we allow the appeal and set aside the impugned order passed by the NGT. The allotment of all water bodies (both ponds and canals), including Khasra Nos. 552 and 490 to Respondent No. 6, or any other similar third party in village Saini, tehsil Dadari, district Gautam Budh Nagar is held to be illegal and the same is hereby quashed. Since this Court has on 15.07.2019 already directed the parties to maintain status quo, Respondent Nos. 1 to 5 shall restore, maintain and protect the subject-water bodies in village Saini. Respondents are further directed to remove all obstructions from the catchment area through which natural water accumulates in the village ponds, all within a period of three months.

.... J.
(ARUN MISHRA)

..................................J.
(SURYA KANT)

NEW DELHI
DATED : 25.11.2019

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REPORTABLE

IN THE SUPREME COURT OF INDIA

EXTRA-ORDINARY APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 1829 OF 2021

Joginder and another ...**Petitioners**

Versus

State of Haryana and others ...**Respondents**

O R D E R

M.R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 10.11.2020 passed by the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No. 17869 of 2020, by which the High Court has dismissed the said writ petition preferred by the petitioners herein, the original writ petitioners have preferred the present special leave petition.

Validity unknown
Digitally signed by Sanjay Kumar
Date: 2021.02.05
15:05:30 IST
Reason:

2. That the petitioners who are the residents of Village Sarsad, Tehsil Gohana, District Sonepat encroached upon the panchayat land and constructed the houses. It is not in dispute that the lands on which the petitioners have constructed the houses vest in the Gram Panchayat. That in the year 2000, the Government of Haryana framed a policy regarding sale of panchayat land in unauthorised possession inside outside the Abadi Deh. The Government of Haryana also amended the Punjab Village Common Lands (Regulation) Rules, 1964 (hereinafter referred to as the '1964 Rules') and issued a notification dated 1.8.2001 in this regard. Thereafter, in the year 2008, Rule 12(4) was incorporated in the 1964 Rules in terms of the notification dated 03.01.2008, which authorises Gram Panchayat to sell its non-cultivable land in Shamlat Deh to the inhabitants of the village who have constructed their houses on or before 31.03.2000, subject to fulfilment of the conditions mentioned in Rule 12(4) of the 1964 Rules. Rule 12(4) of the 1964 Rules, which is relevant in the present case, reads as under:

> "Rule 12(1) A Panchayat may, with the previous approval of the State Government, sell land in shamlat deh vested in it under the Act for—
>
> (4) The Gram Panchayat may with the prior approval of the State Government, sell its non-cultivable land in shamlat deh to

> the inhabitants of the village who have constructed their houses on or before the 31st March, 2000, not resulting in any obstruction to the traffic and passer-by, along with open space up to 25% of the constructed area or an appurtenant area up to a maximum of 200 square yards at not less than collector rate [floor rate or market rate, whichever is higher]."

Thus, as per Rule 12(4) of the 1964 Rules, the construction of the house on the panchayat land must have been put on or before 31.03.2000. It must be a non-cultivable land; does not result in any obstruction to the traffic and passer-by and the illegal occupation/constructed area shall be up to a maximum of 200 square yards and then only the same can be regularised/sold.

3. The petitioners herein submitted the application before the competent authority along with the resolution of the concerned panchayat and requested to sell the lands occupied by them illegally and unauthorizedly, in exercise of powers under Rule 12, more particularly Rule 12(4) of the 1964 Rules. After giving an opportunity of personal hearing, the competent authority, i.e., Deputy Commissioner, Sonepat on perusal of the record and the site report, which was verified by visiting the relevant place and having found that the petitioners are in illegal occupation of the area admeasuring more than 200 square yards, i.e, 757.37 square yards in case of the petitioner-Joginder and 239.48

square yards in case of the petitioner-Karamveer, rejected the said application. The order passed by the competent authority rejecting the application of the petitioners came to be challenged by the petitioners before the High Court. By the impugned judgment and order, the Division Bench of the High Court has dismissed the said writ petition. While dismissing the writ petition, the High Court has also considered the decision of this Court in the case of *Jagpal Singh v. State of Punjab, reported in (2011) 11 SCC 396*, by which this Court directed to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of the villagers of the village.

4. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court, the original writ petitioners have preferred the present special leave petition.

5. Learned counsel appearing on behalf of the petitioners has vehemently submitted that both, the competent authority as well as the High Court have misread and misinterpreted Rule 12(4) of

the 1964 Rules. It is vehemently submitted that only in a case where the constructed area is more than 200 square yards, bar under Rule 12(4) of the 1964 Rules shall be applicable. Therefore, according to the learned counsel for the petitioners, even if the total area of the unauthorised occupation is more than 200 square yards, i.e., constructed area plus the open space area, the same is required to be regularised in exercise of powers under Rule 12(4). It is submitted that in the present case, as such, there was no specific finding by the competent authority as to how much was the area over which the houses of the petitioners have been constructed and how much was the open space area. It is submitted that Rule 12(4) does not specify or limit any area with regard to houses constructed and it only creates a limit of 25% open space of the constructed area up to a maximum of 200 square yards. It is submitted that therefore the cases of the petitioners squarely fall within Rule 12(4) of the 1964 Rules. It is submitted that in the present case, even the Gram Panchayat also passed a resolution which was placed for consideration before the competent authority.

5.1 It is further submitted that even the High Court has materially erred in relying upon the decision of this Court in the case of *Jagpal Singh (supra)*. It is submitted that in the case of *Jagpal Singh (supra)*, this Court did not consider Rule 12(4) of the 1964 Rules.

6. We have heard the learned counsel appearing on behalf of the petitioners at length.

7. It is to be noted that the competent authority after giving an opportunity of personal hearing to the writ petitioners and on perusal of the record and the site report which was verified by visiting the relevant place found that petitioner no.1 – Joginder was in illegal occupation of the area admeasuring 757.37 square yards and petitioner no.2 -Karamveer was found to be in illegal occupation of the area admeasuring 239.48 square yards, rejected the prayer of the petitioners to sell the land in exercise of powers under Rule 12(4) of the 1964 Rules. The competent authority has specifically observed and held that the conditions mentioned in Rule 12(4) of the 1964 Rules have not been satisfied. The submission on behalf of the petitioners, noted hereinabove, that the cap of 200 square yards shall be with

respect to constructed area only and not to open space or an appurtenant area has no substance and cannot be accepted. On a careful reading of Rule 12(4) of the 1964 Rules, it is apparent that the illegal occupation of the panchayat land can be regularised provided the area of the illegal occupation is up to a maximum of 200 square yards. It includes the constructed area, open space up to 25% of the constructed area or appurtenant area. Therefore, on a fair reading of Rule 12(4), in case of an illegal occupation of the area up to a maximum of 200 square yards including the constructed area, appurtenant area and open space area can be regularised and sold at not less than collector rate (floor rate or market rate, whichever is higher). The idea behind keeping the cap of 200 square yards may be that the small area of the lands occupied illegally can be regularised/sold. If the submission on behalf of the petitioners is accepted, in that case, it may happen that somebody has put up a construction on 195 square yards and is in illegal occupation of 500 square yards area, in that case, though he has encroached upon the total area of about 700 square yards, he shall be entitled to purchase the land under Rule 12(4) of the 1964 Rules, which is not the intention of Rule 12(4). Therefore, the competent authority as

well as the High Court both are justified in taking the view that as the respective petitioners are in illegal occupation of the area more than the required area up to a maximum of 200 square yards, they are not entitled to the benefit of Rule 12(4).

8. It is required to be noted that the persons in illegal occupation of the Government Land/Panchayat Land cannot, as a matter of right, claim regularization. Regularization of the illegal occupation of the Government Land/Panchayat Land can only be as per the policy of the State Government and the conditions stipulated in the Rules. If it is found that the conditions stipulated for regularisation have not been fulfilled, such persons in illegal occupation of the Government Land/Panchayat Land are not entitled to regularization. As observed by this Court in the recent decision in the case of *State of Odisha v. Bichitrananda Das, reported in (2020) 12 SCC* 649, an applicant who seeks the benefit of the policy must comply with its terms. In the present case, the policy which was formulated by the State Government which culminated in Rule 12(4) of the 1964 Rules specifically contained a stipulation to the effect that the illegal/unauthorised occupation up to a maximum

of 200 square yards only can be sold on regularisation and on fulfilment of other conditions mentioned in Rule 12(4) of the 1964 Rules. The petitioners are found to be in illegal occupation of the area of more than 200 square yards. Therefore, one of the conditions mentioned in Rule 12(4) is not satisfied and therefore both, the competent authority as well as the High Court have rightly held that the petitioners are not entitled to the benefit of the provisions of Rule 12(4) of the 1964 Rules. We are in complete agreement with the view taken by the High Court as well as the competent authority.

9. At this stage, the decision of this Court in the case of *Jagpal Singh (supra)* is required to be referred to. In the said decision, this Court had come down heavily upon such trespassers who have illegally encroached upon on the Gram Sabha/Gram Panchayat Land by using muscle powers/money powers and in collusion with the officials and even with the Gram Panchayat. In the said decision, this Court has observed that "such kind of blatant illegalities must not be condoned". It is further observed that "even if there is a construction the same is required to be

removed and the possession of the land must be handed back to the Gram Panchayat". It is further observed that "regularizing such illegalities must not be permitted because it is Gram Sabha land which must be kept for the common use of the villagers of the village". Thereafter, this Court has issued the following directions:

> "23. Before parting with this case, we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For 1 this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. Regularization should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land."

In view of the above also, the prayer of the petitioners for regularization of their illegal occupation of the panchayat land cannot be accepted.

10. In view of the above and for the reasons stated hereinabove, the present special leave petition deserves to be dismissed and is accordingly dismissed.

…………………………………………J.
[Dr. Dhananjaya Y Chandrachud]

…………………………………………J.
[M.R. Shah]

New Delhi;
February 05, 2021.