



**ANIMAL WELFARE BOARD OF INDIA**  
Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India  
(Department of Animal Husbandry and Dairying)  
NIAW Campus, 42 Mile Stone, Delhi-Agra Highway  
NH-2, Ballabgarh, Haryana-121004  
Email: [animalwelfareboard@gmail.com](mailto:animalwelfareboard@gmail.com) : Website: [www.awbi.in](http://www.awbi.in)

No. 9-1/2017-18/PCA/SAWB

Date: 23.02.2021

To,

1. All the Chief Secretaries of State/UT
2. All the Director, Animal Husbandry Department.
3. All the District Corporation.
4. All the Municipal Corporation.

**Sub: Request for disclose the particulars of Gochar/grazing land available in each village and make the same available for gazing of cows in respective States. -reg.**

Ref: 1) This office letter no. 9-1/2017-18/PCA/SAWB dated 02.02.2018 addressed to Chief Secretary of all States/UTs (Copy enclosed)  
2) This office letter no. 3-1/2017-18/Estt dated 05.03.2018 addressed to Chief Secretary of all States/UTs (Copy enclosed)

Sir,

With reference to the above-captioned subject, it is stated the Board have receives various representations to provide the details to Gochar/grazing land available in each village and make the same available for gazing of cows in the country.

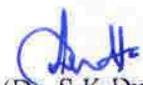
2. It is submitted, that as per the Hon'ble Supreme Court of India judgement dated 12.01.2011 passed in the matter of "State of Jharkhand & Ors. Vs Pakur Jagran Manch & Ors." The Board had sent a letter dated 02.02.2018 & 05.03.2018 to all the Chief Secretaries of the States/UTs and sought information regarding Fochar Land to form the uniform national policy for "Gochar Land". The said Gochar Land was to be made available for gazing of the cows.

3. It is stated that the judgment passed on 28.01.2011 in civil Appeal no. 1132/2011 in the matter "Jagpal Singh & Ors. Vs. State of Punjab & Ors, it was decided that the land for common use of the villagers of the village cannot be allowed to be encroached upon and allotted to anybody and such common use of the village must be restored for the purpose. Also, in Civil Appeal No. 43/2011, any attempt either the village or other to encroach uupon or illegally convert the Gochar for non-gazing use should be resisted and delt with.

4. Therefore, in the view of the above, the AWBI requests you to kindly provide the details of Gochar/grazing land available in each and every village to public and the same may be made readily available for gazing of cows in your respective States.

5. Kindly treat this as most urgent and intimate the Board on the action taken at earliest.

Yours Sincerely,

  
(Dr. S.K Dutta)  
Secretary

Elcl : as above

# ANIMAL WELFARE BOARD OF INDIA

(Ministry of Environment, Forest & Climate Change, Govt. Of India)

National Institute of Animal Welfare Campus

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**M. RAVIKUMAR, IFS**

Secretary

No.3-1/2017-18/Estt

Date : 05.03.2018

To

The Chief Secretary / Additional Chief Secretary (Revenue)  
of All States / UTs

Sir,

**Sub: Information regarding Gochar Land**

With reference to the captioned subject, I am directed to bring it to your kind notice the judgment dated 12<sup>th</sup> January 2011 of Hon'ble Supreme Court in the matter titled State of Jharkhand & Ors. V. Pakur Jagran Manch & Ors, Civil Appeal No. 436 of 2011 (copy enclosed). In view of this judgment, you are requested to kindly furnish the following information on or before 30<sup>th</sup> April 2018 for devising Uniform National Policy for Gochar land and further appropriate necessary action:

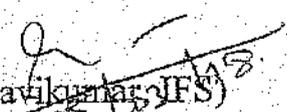
1. The legal provisions regarding Gochar / Grazing land in your State, if any, please furnish the provision of the relevant Acts / Rules;
2. The extent of Gochar / Grazing land available on or before 26<sup>th</sup> January 1950 as per revenue records in a village (block wise / tehsil wise / district wise);
3. The area of above Gochar land converted / de-reserved to Panchyat land or house plots or for non-grazing use and the reason thereof;
4. The area of Gochar land which is under encroachment / illegal possession up to 31<sup>st</sup> December 2017;

5. The area of Gochar land which is on lease, the duration of lease and its purpose;
6. The area of Gochar land available in a village and the present status of the same;
7. The area of total Gochlar land as per the revenue records in a village (block wise / tehsil wise / district wise) up to 31<sup>st</sup> December 2017;
8. The area of Bunjar / uncultivated land in a village (block wise / tehsil wise / district wise) up to 31<sup>st</sup> December 2017;
9. Details of the available Gochar/ Grazing land with particulars of actual use by the owners of chattels.
10. Additional remarks and information of importance, if any.

In view of the above judgment and dire need to have the provision for the stray animals and also their welfare as well as control on the accidents and other nuisance, immediate report and action is required from your side and the report and requested details to be submitted before stipulated date as above to avoid any delay in action.

Kindly treat this as most urgent and provide the information by e-mail : [animalwelfareboard@gmail.com](mailto:animalwelfareboard@gmail.com) / [awbi@md3.vsnl.net.in](mailto:awbi@md3.vsnl.net.in) or fax no. 044-24571016.

Yours faithfully,

  
(M. Ravikumar, JFS)  
Secretary, AWBI

Copies to;

1. Chairman, AWBI for information.
2. Chairman, Gauseva Aayog of concerned states for information and appropriate action.

"15. We should however note that such de-reservation of any government land reserved as gochar, should only be in exceptional circumstances and for valid reasons, having regard to the importance of gochar in every village. Any attempt by either the villagers or others to encroach upon or illegally convert the gochar to house plots or other non-grazing use should be resisted and firmly dealt with. Any requirement of land for any public purpose should be met from available waste or unutilized land in the village and not gochar. Whenever it becomes inevitable or necessary to de-reserve any gochar for any public purpose (which as stated above should be as a last resort), the following procedure contemplated in Regulations 24 and 25 and section 38(2) should be strictly followed :

- (a) The jurisdictional Deputy Commissioner shall prepare a note/report giving the reasons why the gochar had been identified for any non-grazing public purpose and record the non-availability of other suitable land for such public purpose. Deputy Commissioner shall send the said proposal for de-reservation to the State government for its previous sanction.
- (b) The state government should consider the request for sanction keeping in view the object of gochar and the need for maintaining a minimum of five percent of village area as gochar, and call for suggestions/objections from the villagers before granting sanction.
- (c) If the state Government grants the sanction, the Deputy Commissioner should proceed to make an order de-reserving the gochar by making appropriate entries in the record-of-rights and re-classifying the same for the purpose for which it was de-reserved.
- (d) Whenever the gochar in a village is de-reserved and diverted to non-grazing use, simultaneously or at least immediately thereafter the State should make available alternative land as gochar, in a manner and to an extent that the gochar continues to be not less than 5% of the total extent of the village as provided under section 38(2) of the Tenancy Act.

When the gochar is not government land, but is village common land vesting in the villagers and not the government, the consent of village headman and the Jamabandi Raiyats/villagers in whom the land vests shall have to be obtained, before de-reservation and diversion of use of gochar."

22. 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 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.

Reportable

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 436 OF 2011  
[Arising out of SLP [C] No.20203 of 2007]

State of Jharkhand & Ors.

Appellants

Vs.

Pakur Jagran Manch & Ors.

Respondents

WITH

CIVIL APPEAL No. 437 of 2011  
[Arising out of SLP [C] No.20636/2007]

Rocky Munnu

Appellant

Vs.

Pakur Jagran Manch

Respondent

JUDGMENT

R.V. RAVIENDRAN J.

Leave granted.

2. The Settlement Officer notified and published a record of rights under section 24 of the Santhal Parganas Settlement Regulations, 1872 (Regulations for short) under which land measuring 4.40 acres in Thana

No.24, Plot No.1061, Mouza Solagaria, Circle and District Pakur, Jharkhand, was recorded as *gochar* (village grazing land) for the said village Solagaria.

3. In a public interest litigation (W.P. No.5312/2001), the High Court of Jharkhand issued certain directions for effective implementation of national leprosy eradication programme and for improving the standards of health of the tribal residents of the area. In pursuance of it, the Department of Health & Family Welfare, Government of Jharkhand and the Deputy Commissioner, Pakur, on 21.12.2005, authorized the Executive Engineer, Rural Development, Special Division, Pakur, to construct a hospital building. The said *gochar* was identified as being suitable for construction of the Hospital with the consent of village headman and village community (all the Jamabandi Rariyats of the village) vide consent letter dated 10.11.2006.

4. When the construction commenced, the first respondent filed a public interest litigation (W.P. (PIL) No.6779/2006) in the Jharkhand High Court inter alia contending that the grazing land (*gochar*) could not be used for any other purpose and seeking prohibition of construction of a hospital in the said *gochar*.

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5. On 31.5.2007, the State government issued a notification denotifying releasing the said 4.44 acres of *gochar* in Plot No.1061 and in its place declaring an extent of 4.44 acres of Gairmajarua (Government) Khas land in Khata No.44, Plot Nos. 62, 199 and 427 as *gochar* under section 38(2) of the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 ('Tenancy Act' for short). On the basis of the said notification it was contended by the appellants in the two appeals before the High Court that the land in question had ceased to be *gochar* and therefore, there was no impediment for using the said land for construction of an hospital. The High Court by the impugned order dated 17.8.2007 allowed the said writ petition holding as follows: (i) The State had no authority to construct a hospital in the land earmarked as *gochar* meant for grazing of cattle. (ii) The notification dated 31.5.2007, denotifying and releasing the *gochar* in order to hand over the same to the health department for construction of a hospital, was not valid in law, having regard to the bar contained in section 38(1) read with sections 67 and 69 of the Tenancy Act.

6. The said order of the High Court is challenged by the State of Jharkhand and by the village headman in these two appeals by special leave. The contentions of the appellants, in brief, are as under:

(i) Having regard to section 2(1) read with section 38(2) of the Tenancy Act, the State Government had the authority to denotify/release/withdraw any land from its status as *gochar*, provided other suitable land is set apart as *gochar* to make up 5% of the total area of the village as required under section 38(2) of the Tenancy Act.

(ii) As the State had settled the said land as *gochar* for cattle grazing in the settlement made in 1932, it had the implied authority to denotify/de-reserve the said land from its status as *gochar* having regard to section 24 of the Bihar and Orissa General Clauses Act (for short 'General Clauses Act') subject to compliance with section 38(2) of the Tenancy Act.

(iii) Only the raiyats of the village Solagaria have the right to graze their cattle in the said *gochar*. The village headman and the entire village community (all the Jamabandi raiyats) have given their consent in writing on 10.11.2006 for the land in question being used for construction of a hospital. None else had any right to use the said land and therefore, the first respondent (writ petitioner) was not a person aggrieved.

(iv) Large amounts had already been invested for construction of a huge hospital building. If at this stage the said land is to be declared or confirmed or restored as *gochar*, it would result in irreparable financial loss to the Government as it would involve demolition of the recently constructed huge structure and construction of another building for the hospital at some other place. Such an exercise would also delay in extending health facilities to the residents/tribals who are in dire need of the same.

(v) Having regard to the declaration of an alternative area of 4.44 acres in the same village as *gochar* under section 38(2) of the Tenancy Act, there was no reduction in the village *gochar* nor violation of the provisions of the Tenancy Act.

(vi) In several other cases, the Jharkhand High Court had accepted and recognized the denotification of the *gochar* to enable the use thereof for other purposes and therefore the Government bonafide proceeded on the basis that such a procedure of denotification was permissible.

7. The first respondent on the other hand, supported the decision of the High Court. It contended that having regard to the bar contained in section 38(1) of the Tenancy Act, the land earmarked and settled as *gochar* could not be used for any other purpose (including the use as a hospital) under any circumstances. They relied upon the following passage from the final Report on "Revision, Survey and Settlement Operations in the District of Sarthal Parganas" submitted by Mr. J.F. Gantzer in 1935 (vide Para 63) to highlight the object of setting apart some Government land as *gochar*:

"Gochar and its Object"

63. That there are mainly two objects of *gochar* or grazing land:

(a) It provides rights to Jamabandi Raiyats (Poor Tribal Agriculturists) to graze their cattle free of cost, and without any money. These tribal people are very poor and illiterate, and they cannot afford to purchase expensive feed and fodder for their domestic animals to provide them good health and nutrient foods. Grazing lands provides economic support

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to these indigent people, and it is a very source and means of livelihood for them.

(b) Grazing land is a part of our ecology, and helps a lot in maintaining our ecological balance by providing domestic animals of the tribes their natural habitation, natural home and natural environmental and natural vegetation, where they eat food (grass), drink water, get pure air, sunlight, rest, move and enjoy freedom, freedom from the shackles of farm-house, freedom from the fetters of rope, and freedom from every iron bar. Their habitats are necessary, and necessary to be preserved, as otherwise it would be a perpetration of cruelty, torture, exploitation and degrading treatment of domestic animals unbalancing our ecological system."

Whether section 2(1) of the Tenancy Act has any bearing ?

8. The appellants relied upon section 2(1) of the Tenancy Act, as the source of power, to support the validity of the notification dated 31.5.2007 and the said section is extracted below:

2. Power to vary local extent of the Act and effect of the withdrawal of the Act from any area. (1) The State Government may, by notification withdraw the Act, or any part thereof, from any portion of the Santhal Parganas Division and may likewise extend this Act, or any part thereof to the area from which the same has been so withdrawn."

Sub-section (1) of section 2 of the Tenancy Act enables the state Government to re-organise or delimit any portion of the Santhal Parganas Division for convenient revenue administration. De-reserving certain land which has been recorded as *gochar* in the record of rights in pursuance of a settlement under the Settlement Regulations, has nothing to do with withdrawing the applicability of the Tenancy Act or any part thereof from

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any portion of Santhal Parganas, Division. De-reservation or re-categorisation of a land recorded as *gochar* in the record-of-rights is not within the scope of the Tenancy Act. We are therefore, of the view that section 2(1) of the Tenancy Act has no relevance and cannot be treated as the source of power to issue a notification de-reserving *gochar*.

Whether the Notification dated 31.5.2007 is valid?

9. The core issue is whether section 38(1) of the Tenancy Act was violated by the State Government, in using the *gochar* for constructing a hospital, after de-reserving it from its status as *gochar*. Section 38 of the Tenancy Act reads thus:

"38. Grazing land shall not be cultivated.—(1) No land recorded as village grazing land or *gochar* shall be settled or brought under cultivation or utilized for any purpose other than grazing by any one.

(2) If the area recorded as grazing land or *gochar* be less than five per centum of the total area of the village, the Deputy Commissioner may, in consultation with the landlord, village headman or *muhalyat*, and *rayals*, set apart suitable area of village waste land for grazing. Such land when so set apart shall be governed by the provision of sub-section (1)."

Sub-section (1) of section 38 prohibits any land recorded as village grazing land or *gochar* being (i) settled or (ii) brought under cultivation or (iii) utilized for any purpose other than grazing, by anyone.

10. The appellants seek to support the notification dated 31.5.2007 with reference to section 24 of the State General Clauses Act (corresponding to section 21 of the Central Act) which provides that where by any State Act or Regulation, a power to issue notifications, orders, rules or bye-laws is conferred, then that power includes a power exercisable in the like manner and subject to like sanction and conditions if any, to add to, amend, vary or rescind any notification, orders, rules or bye-laws so issued. The power implied from the said provision of General Clauses Act would be available only to add, amend, vary or rescind a notification issued in exercise of power conferred by a State Act or Regulation (which does not specifically confer the power to add, amend, vary or rescind such notification). It is not the case of the appellants that the lands in question were declared reserved or notified as *gochar* by issue of a notification under any State Act or Regulation. The notification dated 31.5.2007 was not issued to add, amend, vary or rescind any notification issued in exercise of power under a State Act or Regulations. Therefore the implied power to rescind, vary or amend an existing notification, recognized by section 24 of the State General Clauses Act is of no assistance to support the power to issue a notification de-reserving a land recorded as *gochar*.

The High Court has erroneously assumed that as there is no provision in the Tenancy Act for de-reserving *gochar* for other uses, the State Government has no power to de-reserve any land recorded as *gochar* under any circumstances and therefore the notification dated 31.5.2007 was invalid. The High Court has also erroneously assumed that once a land is recorded as *gochar*, such land should forever be *gochar*. The prohibition under section 38(1) of the Tenancy Act in regard to settlement, cultivation or utilization for non-grazing purposes is *applicable only to land recorded as village grazing land or gochar*. If the land is not recorded as *gochar* or village grazing land, or if the land ceases to be shown as *gochar* or village grazing land in the Record of Rights for valid reasons, then the bar under section 38(1) will not apply. The manner of recording a land as *gochar* (or village grazing land), or the manner of de-reserving any land recorded as *gochar* (or village grazing land) is not governed or regulated by section 38 of the Tenancy Act. If the State Government has the power to de-reserve or denotify *gochar* (village grazing land) under any other law, and such power is validly exercised, then the land will cease to be *gochar* and the prohibition under section 38(1) of the Tenancy Act in regard to non-grazing use will not apply.

Let us now consider whether the State Government has the power to de-reserve or de-notify *gochar* (village grazing land). We find that appropriate provision therefor is found in the Regulations. The preamble of the Regulations make it clear that it was made for securing the peace and good governance of the territory known as Santhal Parganas (as contrasted from the preamble to the Tenancy Act which shows that the Act was made to amend and supplement certain laws relating to landlords and tenants in Santhal Parganas).

(2.1) Regulation 10 empowers the state government to appoint the officers by whom the settlement is to be made and make rules for the procedure of such officers in the investigation into rights in the land and hearing of suits, and generally for the guidance of such officers.

(2.2) Regulation 13 provides that the record of rights to be prepared by a settlement officer shall show the nature and incidents of each rights and interest held by each class of occupiers or owners in a village and if need be of each individual owner, occupier or headman in a village. The second part of Regulation 14 provides that the Settlement Officer shall inquire into, settle and record all rights in, or claims to, the lands of a village of which he

is preparing a record of rights, even though such claims or rights may not be urged by the parties interested.

12.3) Regulation 24 relates to publication or record of rights and it is extracted below :

Publication or record of rights - After the Settlement the Settlement Officer shall have made the record of rights for any village, he shall notify and publish the contents of such record to the persons interested by posting it conspicuously in the village and otherwise in such manner as may be convenient.

Objections against such record - Any person interested shall thereupon be allowed to bring forward (in the Settlement Courts) within a period of six months from the date of publication of such record of rights, any objection he may desire to make to any part of such record; and the objection so made shall be inquired into and disposed of by a decision in writing under the hand of the officer presiding in the court."

12.4) Regulation 25 provides when and how the record of rights of any village becomes final. Sub-sections (1) and (3) thereof which are relevant for our purpose are extracted below.

Record to be final after six months publication - (1) After a period of six months from the date of the publication of the record of rights of any village, such records shall be conclusive proof of the rights and customs therein recorded, other than the rights mentioned in section 25-A, except so far as concerns entries in such record regarding which objections by parties interested may still be pending in the Original or Appellate Court, or may still be open to appeal.

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(3) When a record of rights has become final, or any objection to any entry in a record of rights has been finally disposed of in the Settlement Courts, and when all final decisions and orders, including such as may have been passed on revision as provided in sub-section (2), have been correctly embodied therein, such record shall not, until a fresh settlement

is made or a new table of rates and rent-rolls are prepared, be re-opened without the previous sanction of the State government.

12.5) It is evident from Regulation 25 read with Regulation 24 that though normally once the record of rights has become final, it shall not be re-opened until a fresh settlement is made, the entries in the record of rights can be re-opened and altered *with the previous sanction of the state government*. It is therefore clear that even if a land had been recorded as a *gochar* in the record-of-rights of a village in pursuance of a settlement under the Regulations, it can be re-opened and altered at any time, without waiting for the next settlement, *with the previous sanction of the state government*. Therefore the contention of the first respondent that once a *gochar*, always a *gochar*, and there is no power in any one at any time, to alter its status as *gochar* is without merit. All that the state government did by the notification dated 21.5.2007 was to de-reserve *gochar* in pursuance of a proposal/request for sanction by the Deputy Commissioner so that it is no longer recorded as *gochar* (or village grazing land).

13. The Deputy Commissioner is the authority empowered to reopen the record-of-rights for the purpose of de-reserving the land recorded as *gochar* by altering its use. He made a proposal seeking the sanction of the state government, for de-reserving the *gochar* in question (4.40 acres in Thane

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No. 24, P.O. No. 1404, Solgaria) and the state government by the impugned notification dated 31.5.2007 granted such approval by issuing an order of de-reservation. By the very same notification, it ensured that section 38(2) of the Tenancy Act was also fulfilled by earmarking alternative land as gochar. The only possible objection that can be raised to the notification dated 31.5.2007 is that having regard to the Regulation 25(3), the state government had to merely sanction the de-reservation and could not by itself de-reserve the land. This technical objection has no merit as de-reservation is effected by the Deputy Commissioner in pursuance of the approval granted by the state government, by making appropriate entry in the record-of-rights of the village. Therefore, the notification in question has to be read as an order granting reopening of the final record of rights of the village Solgaria for the purpose of de-reserving the gochar of 4.40 acres for the purpose of constructing a hospital with the consent of the village headman and Jambhandi Rayats and at the same time instructing and directing the Deputy Commissioner to ensure that appropriate suitable land is set aside for grazing so as to make up 5% of the total land of the village as required under section 38(2) of the Act.

14. The notification no doubt does not refer to Regulations 24 and 25(3). But it is now well settled the omission to refer to the provision of law which is the source of power, or the mentioning of a wrong provision, will not by itself render an order of the government invalid or illegal, if the government had the power under an appropriate provision of law -- vide *K.K. Parmar vs. High Court of Gujarat* -- 2006 (5) SCC 789 and *Kedar Shashikant Deshpande vs. Bhar Municipal Council* (CA Nos. 10452-457/2010 dated 10.12.2010).

15. We should however note that such de-reservation of any government land reserved as *gochar* should only be in exceptional circumstances and for valid reasons, having regard to the importance of *gochar* in every village. Any attempt by either the villagers or others to encroach upon or illegally convert the *gochar* to house plots or other non-grazing use should be resisted and firmly dealt with. Any requirement of land for any public purpose should be met from available waste or unutilized land in the village and not *gochar*. Whenever it becomes inevitable or necessary to de-reserve any *gochar* for any public purpose (which as stated above should be as a last resort), the following procedure contemplated in Regulations 24 and 25 and section 38(2) should be strictly followed:

- (a) The jurisdictional Deputy Commissioner shall prepare a note/report giving the reasons why the *gochar* had been identified for any non-grazing public purpose and record the non-availability of other suitable land for such public purpose. Deputy Commissioner shall send the said proposal for de-reservation to the State government for its previous sanction.
- (b) The state government should consider the request for sanction keeping in view the object of *gochar* and the need for maintaining a minimum of five percent of village area as *gochar*, and call for suggestions/objections from the villagers before granting sanction.
- (c) If the state Government grants the sanction, the Deputy Commissioner should proceed to make an order de-reserving the *gochar* by making appropriate entries in the record-of-rights and re-classifying the same for the purpose for which it was de-reserved.
- (d) Whenever the *gochar* in a village is de-reserved and diverted to non-grazing use, simultaneously or at least immediately thereafter the State should make available alternative land as *gochar*, in a manner and to an extent that the *gochar* continues to be not less than 5% of the total extent of the village as provided under section 38(2) of the Tenancy Act.

When the *gachar* is not government land, but is *village common land* vesting in the villagers and not the government, the consent of village headman and the Jamabandi Ratyats/villagers in whom the land vests shall have to be obtained, before de-reservation and diversion of use of *gochar*.

16. In this case the urgent need for de-reserving the *gochar* of 4.40 acres and diversion of its use for the public purpose of hospital is not in dispute. The village headman and all the Jamabandi Raiyats have consented to the de-reservation and use of the land in question for hospital. The land in question was found to be most suitable for housing the hospital. Alternative land was immediately notified as *gochar*. The Hospital has already been constructed in the land. Any delay would come in the way of health care of the villagers/tribals. In the circumstances, the notification dated 31.5.2007 of the Government is upheld. It is needless to say that respondents 6 and 9 will carry out necessary amendments in the Record of Rights of the village, showing Plot No.1061 as used non-grazing public purpose and record Plot Nos.62, 199 and 427 as *gochar*.

Other objections of first respondent

17. Learned counsel for the first respondent submitted that the hospital could have as well been put up in Plot Nos.62, 199 and 427 measuring 4.44 acres which has now been declared as alternative *gochar*. The *gochar* measuring 4.40 acres in plot No.1061 was chosen for the hospital having regard to its easy accessibility as it adjoins a main road. Any interior land would be disadvantageous for construction of a hospital but will not be

disadvantageous for being used as a grazing land. Therefore the decision of the authorities to locate the hospital in Plot No.1061 in question cannot be faulted with.

18. The first respondent next submitted that Plot Nos.62, 199 and 427 are rocky land and not suitable for grazing land for being declared/earmarked as *gochar*. But such an objection has not been raised by the village community who are entitled to use the *gochar*. If the alternative lands notified as *gochar* were unsuitable, they would have raised the objection. When the village headman and Ralyats have agreed for the alternative area as *gochar*, such a contention is not available to the first respondent.

19. The first respondent lastly submitted that there were some irregularities and misuse of funds in the construction of the hospital building, during the pendency of the litigation, as it was done without inviting tenders. That is a separate issue. If there is any irregularity in regard to construction, the first respondent may agitate the issue by lodging a complaint with appropriate authorities.

20. We therefore allow these appeals, set aside the impugned order of the High Court and dismiss the public interest litigation (W.P. (PIL))

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No. 6779/2006) and permit the hospital to function in ex-gachar land  
namely Plot No. 1061, Mohza Solagaria

.....  
(R. V. Ravseelan)

New Delhi,  
January , 2011.

.....  
(H. L. Gokhale)



## Animal Welfare Board of India

(Ministry of Environment, Forest and Climate Change, Govt. of India)

13/1, Third Seaward Road, Valmiki Nagar, Thiruvanniyur,  
Chennai - 600 041 PostBoxNo.8672 Email: [awbi@md3.vsnl.net.in](mailto:awbi@md3.vsnl.net.in),  
[animalwelfareboard@gmail.com](mailto:animalwelfareboard@gmail.com) website:[www.awbi.org](http://www.awbi.org),  
Phone:044-24571025, 24571024, Fax: 044-24571016.

M. RAVIKUMAR, I.F.S

Secretary

No.9-1/2017-18/PCA/SAWB

Dt.02.02.2018

The Chief Secretary/Additional  
Chief Secretary,  
Of all States/UTs

Sir,

Sub: Request to furnish the information regarding Gochar land – Reg.

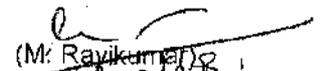
With reference to the above cited subject, I am directed to bring it to your notice that the Hon'ble Supreme Court of India has directed to implement the order passed in January, 2011 in Civil Appeal No.436 of 20011, State of Jharkhand & Ors Vs Pakur Jagran Manch & Ors and in the case Civil Appeal No.1131 of 2011, Jagpal Singh & Ors Vs State of Punjab & Ors (copy enclosed). In this connection, it is requested to kindly furnish the following information for taking further appropriate action as per the details given below:-

1. Legal provisions regarding Gochar/Grazing land. Give the name and details of relevant Act/Rules.
2. Total Gochar Land as per the revenue records in a village (Block wise/Tehsil wise/District wise)
3. How much land out of 2 under encroachment / illegal possession
4. How much land on the lease and duration of lease and purpose.
5. How much land available for Gochar in a village and present status of the sme.
6. How much land is Banjar/uncultivated in a village (block wise/Tehsil wise/District wise)
7. Remarks, if any / additional information of importance, if any.

It is also requested to furnish the above mentioned information at the earliest for taking further appropriate action in the matter.

Kindly treat this as most urgent and provide the information by e-mail: [animalwelfareboard@gmail.com](mailto:animalwelfareboard@gmail.com) /[awbi@md3.vsnl.net.in](mailto:awbi@md3.vsnl.net.in) or fax no.044-24571016.

Yours faithfully,

  
(M: Ravikumar)  
Secretary

Copy to: Chairman, AWBI