

(2014) 08 AHC CK 0236
In the Allahabad High Court
Case No : C.M.W.P. (PIL) No. 4519 of 2011

Ajeet Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 14-08-2014

Acts Referred:

Cantonments Act, 1924 — Section 108, 2(zza), 280
Cantonments Act, 2006 — Section 108, 122, 122(g), 2(zza), 256
Constitution of India, 1950 — Article 19(1)(d), 294, 294(a)
Evidence Act, 1872 — Section 65, 74
Land Acquisition Act, 1894 — Section 42

Citation : (2014) 8 ADJ 643 : (2015) 1 ALJ 546 : (2014) 106 ALR 866 : (2014) 4 UPLBEC 2855

Hon'ble Judges : Dr. Dhananjaya Yeshwant Chandrachud, C.J.; Dilip Gupta, J

Bench : Division Bench

Advocate : Umesh Narain Sharma, Ravi Shankar Prasad and Anand Kumar Chaudhary, Advocate for the Appellant; Ajay Bhanot and R.B. Singhal, S.C, Advocate for the Respondent

Judgement

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Dr. Dhananjaya Yeshwant Chandrachud, C.J. and Dilip Gupta, J.—The petition, purportedly in the public interest, has been filed by a resident of Umarpur Niwa village for seeking a mandamus restraining the Union Ministry of Defence, the Military Estates Officer, Allahabad and other authorities of the Indian Army from imposing any restriction on or blocking a road, called "Niwa Road" and from prohibiting access to the members of the public. The petition as it was originally filed was on the basis of the pleading that Umarpur Niwa village with a population of thirty five thousand is connected to Niwa road. Niwa road, it has been averred, connects the village to the Cantonment area at Parashuram Chauraha, New Cant., Allahabad. According to the petitioner, the road in question which falls within the area of the Cantonment of Allahabad has been managed by the Cantonment Board as a public road. The cause of action for the petition was

that on 16 January, 2011, a notice was put up at the road side by the defence authorities to inform members of the public that the road would be closed from 30 January, 2011. The basis of the petition is that Niwa link road has been used by the public and the officers of the Defence establishment are under a legal obligation not to create any restriction on the right of the public. According to the petitioner, the land which is used for the purpose of the link road is not Class A(1) land within the meaning of the Cantonment Land Administration Rules, 1937, but falls in Class A(2) and is used for the purpose of a road on which the public has a right of way.¹ The petitioner relies upon the fundamental right conferred by Article 19(1)(d) of the Constitution.

2. The first counter-affidavit was filed in these proceedings by the Assistant Quarter Master General, 4 Artillery Brigade on 9 February, 2011. The counter-affidavit states that the road in question was constructed in 1960 on Survey No. 138 of the General Land Register to connect the training area on Survey No. 139 and Survey No. 6, when the area was developed for the training of troops. This was to include the following:

- "(a) Utilization of the McPherson lake as training area for Engineer units in watermanship training;
- (b) Rough driving track for training of drivers on survey No. 6 of General Land Register;
- (c) Small arms ranges for firing;
- (d) Open area for training of troops;
- (e) A golf course; and
- (f) Construction of ammunition and explosive dump."

3. Niwa village, it has been stated in the counter-affidavit, does not form a part of the Cantonment. The village and Cantonment were separated by a huge water body called McPherson Lake, which has now dried up due to a lowering of the water level. According to the counter-affidavit, the road in question is purely a military road constructed only for specific military purposes. The land is stated to be Class-A(I) land under the General Land Register and is comprised in Survey No. 138, ad-measuring 6.55 acres under the management of the Quarter Master General, Government of India, Ministry of Defence. According to the counter-affidavit, access to the road was restricted and was completely barred to the general public but, over the years due to lax policing, the road was trespassed upon by the residents of the village. The Indian Army intends to establish a strategic ammunitions storage facility and, it has been stated on affidavit that allowing the claim in the petition would seriously impinge upon national security. Moreover, it has been submitted that an alternative road which connects Niwa village is already in existence. Since the road in question falls in class A(1) defence land, it has been submitted that under rules 4, 5 and 6 of the Rules of 1937, the road is reserved for specific and exclusive military purposes of

conducting training, movement of war like stores including ammunitions and explosives, conducting of patrolling by armed and mobile quick reaction teams for ensuring security and safety of the ammunition and explosives dump. The averment of the petitioner that the road in question falls in Class A(2) land has been specifically denied.

4. After the initial counter-affidavit was filed, the case of the petitioner has been supplemented in several rejoinder affidavits and supplementary affidavits. Though, as we have noticed earlier, the initial pleading was that the road in question falls in Class A(2) land in the Rules of 1937, a case has been sought to be made by the petitioner in a rejoinder affidavit that the road was repaired by the Cantonment Board in 1996-1997 and 1998-1999 at a cost of Rs. 2.21 lacs. On the basis of this disclosure, which has been obtained under the Right to Information Act, 2005, a case is sought to be made out by the petitioner that the land in question falls within the purview of the Cantonment Act, 2006; that under section 256 of the Act, it is the duty of the Cantonment Board to maintain all roads in the civil areas of the Cantonment and hence, any closure of the road can only be effected by the Cantonment Board.

5. On behalf of the petitioner, it has been submitted that:

(i) Until 1960, the road belonged to the State Government as stated in the entries in the General Land Register and hence, there could be no reclassification of the road as Class A(1) land in 1960 by Union Government. Once the road was owned by the State Government, under Article 294(a) of the Constitution, the land would vest in the State Government and hence, a mere reclassification would not operate to transfer ownership to the Union Government;

(ii) The disclosure, which has been obtained by the petitioner under the Right to Information Act, 2005, indicates that prior to 1960 the land was recorded as Class B(2) land under the State Government. Under rule 7 of the Rules of 1937, there could be no alteration of the classification of the land except by the Central Government;

(iii) In the alternative, even if the land is regarded as falling in Class A of the Rules of 1937, any road over which the public has a right of way would be excluded from the holding despite it being a military road in terms of a Government Order dated 6 September, 1938;

(iv) Under section 258 of the Cantonment Act, 2006, the Cantonment Board is vested with the power to maintain a road over which the public has a right of way. The power of closure under section 280 vests exclusively in the Cantonment Board. No order for closure having been issued by the Cantonment Board, it is not open to the Army authorities to bar access to the members of the public.

6. On the other hand, it has been submitted on behalf of the respondents that:

(i) The land in dispute has been recorded as Class A(I) land in the General Land Register. The road was constructed for specific military purposes in 1960 after

the land was reclassified as Class A(1) land and was entrusted to the custody of military authorities;

(ii) Even prior to 1960, the public had no access to the road. As a matter of fact, the road is not vested in the Cantonment Board;

(iii) As a pure matter of fact, the road does not connect Niwa village to the Cantonment since the road ends much prior to the village;

(iv) After the land has been specified as Class A(1) land in 1960, it is to be utilized for completion of a strategic asset for the storage of ammunition for a prime strike facility of the Army. Access to the members of the public to the road would pose a grave danger to national security; and

(v) Once the road was duly classified as Class A(1) land, the well settled position, which has been laid down by the Supreme Court, is that entries in the General Land Register would be conclusive on questions of title.

7. The Cantonment Law Administration Rules of 1937 were framed in exercise of the power conferred by section 280 of the Cantonment Act, 1924. Rule 3 provides for the preparation by the Military Estates Officer of a General Land Register of all lands in the Cantonment. Under rule 4, a classification is provided for the purposes of the General Land Register. This three fold classification comprises of lands in Class A, Class B and Class C. Rule 4 reads as follows:

"4. Classification of land for the purposes of the General Land Register prescribed by Rule 3--

(a) Land in the cantonment which is vested in the Government shall be divided by the Central Government, or such other authority as the Central Government may empower in this behalf, into two classes, namely-

(i) Class "A" land which is required or reserved for specific military purposes; and

(ii) Class "B" land which is not so required, or reserved, but which is retained in the cantonment for the effective discharge of the duties of the Central Government in respect of military administration: and

(b) Land which is vested in the Board under section 108 of the Act shall be called class "C" land."

Rule 5 deals with the sub-classification of Class "A" land and is to the following effect:

"5. Class "A" land.--Class "A" land shall be divided by the Central Government, or such authority as they may empower in this behalf, into the following sub-classes namely-

(i) Class "A" (1).--land which is actually used or occupied by the Military Authorities, for the purposes of fortifications, barracks stores, arsenals, aerodromes, bungalows for military officers which are the property of

Government, parade grounds, military recreation grounds, rifle ranges, grass farms, dairy farms, brick fields, soldiers and hospital gardens as provided for in paragraphs 419, 421 and 425 of Regulations for the Army in India and other official requirements of the Military Authorities.

(ii) Class "A" (2) land which is not actually used or occupied by the Military Authorities, but to the use or occupation of which for any other purpose, except temporarily, there exist specific military objections.

Explanation.--For the purposes of this rule-

(a) Specific military objections shall be deemed to exist to the use or occupation of land the reservation of which is declared to be desirable by the Central Government in the interests of the discipline, health or welfare of the military forces, or the safety or defence of the cantonment and its inhabitants; and

(b) military recreation grounds means recreation grounds the management and control of which vest exclusively in members of the military forces."

8. Class B lands are to be divided by the Central Government, or the duly empowered authority, into Class B(1) lands, Class B(2) lands, Class B(3) lands and Class B(4) lands. Class B(1) land is land which is actually occupied or used by the Defence Department in the administration of Ecclesiastical affairs or by any Department of the Union Government or by a Railway Administration. Class B(2) land is actually occupied or used by or is under the control of, any department of a State Government. Class B(3) land is held by a private person under the provisions of the rules, or which is held under the provisions of the Cantonment Code of 1899 or 1912 or under any executive orders. Class B-4 land is land which is not included in any other class. Rule 7 provides for transfer of land from one class to another, and reads as under:

"7. Transfer of land from one class to another.--No alteration in the classification of land which is vested in the Government or in the Board shall be made except by the Central Government, or by such other authority as they may empower in this behalf, and the conditions on which land may be transferred from one class to another shall be governed by the orders of the Central Government or by the provisions of any law or rule for the time being in force which may be applicable: Provided that land in class "B" (4) may be transferred to class "B" (3) by the authority, and subject to the conditions, prescribed by rule 15 to 48."

9. Rule 9 stipulates that the management of Class A(1) lands shall be entrusted to the Military Estates Officer except for such areas or classes of areas as may be declared by the Central Government to be under immediate management of the Military authorities themselves. The management of Class A(2) land vests in the Military Estates Officer. The management of Class B(1) land vests in the Department or Administration in occupation of the land, while the management of Class B(2) land vests in the State Government in occupation or having control over the land. Finally, it may be noted that the management of Class C land

vests in the Board under section 108 of the Cantonment Act, 1924 (now section 122 of the Cantonment Act, 2006). Rule 10 provides for the maintenance of a General Land Register by the Military Estates Officer, inter alia, to record every transfer of right or interest as well as inter-departmental transfers of Class A land and every transfer of Class A land, from one service of the Army to another. Rule 13 requires the Military Estates Officer to plan and schedule land in Class A(1) and A(2) for each Cantonment. Under sub-rule (2) of rule 13 of the Rules of 1937, no alteration in the plan and schedule can be made without sanction of the Central Government. Rule 14 specifies that administrative control over Class A(1) land including the detection and prevention of encroachments thereon vests in the Military authorities for the time being in occupation of the land. Administrative control over Class A(2) land vests in the Central Government. Rule 14(3) provides as follows:

"(3) Land in Class "A" (1) shall not be used or occupied for any purpose other than those stated in sub-rule (i) of rule 5 without the previous sanction of the Central Government or such authority as they may appoint in this behalf."

10. Consequently, land which is specified as Class A(1) land cannot be used or occupied for any purpose other than as specified in sub-rule (i) of rule 5 without the previous sanction of the State Government.

11. Now before we deal with the facts of the present case, it would be necessary to advert to the settled legal position. Entries in the General Land Register are conclusive of questions of title. This principle was laid down in a judgment of the Supreme Court in *Union of India (UOI) Vs. Ibrahim Uddin and Another*, . Relying upon the earlier decisions, inter alia, in *Chief Executive Officer Vs. Surendra Kumar Vakil and Others*, , the Supreme Court held as follows:

"83. The General Land Register and other documents maintained by the Cantonment Board under the Cantonment Act, 1924 and the Rules made thereunder are public documents and the certified copies of the same are admissible in evidence in view of the provisions of section 65 read with section 74 of the Evidence Act. It is settled legal position that the entries made in the General Land Register maintained under the Cantonment Land Administration Rules is conclusive evidence of title."

(Emphasis supplied)

12. This principle was followed in a more recent decision of the Supreme Court in *Union of India (UOI) and Others Vs. Robert Zomawia Street*, . While adverting to the earlier decision in *Ibrahim Uddin (supra)*, the Supreme Court observed that entries made in the General Land Register are conclusive proof of title and the earlier decision was, therefore, concurred with.

13. Now in this background, it would be necessary for the Court to have due regard to the material which has come on the record. In the counter-affidavit, that has been filed by the Assistant Quarter Master General, it has been

specifically stated that the road in question, which falls on Survey No. 138, ad-measuring 6.55 acres, is classified as A(1) defence land in the General Land Register. This averment in paragraph 5 of the counter-affidavit is also buttressed by a submission that the road was constructed in 1960 to connect a training area on Survey No. 139 and Survey No. 6 when the area was developed for training of troops. A reference has been made there to the utilization of McPherson lake at the relevant point of time and the training area as well as to the other training facilities for the armed forces. The affidavit in rejoinder which was filed on behalf of the petitioner to paragraph 5 does not contain a specific traverse. On the other hand, Annexure No. 1 to the counter-affidavit filed by the Assistant Quarter Master General contains the relevant extract from the General Land Register pertaining to Survey No. 138. The extract from the General Land Register contains the following details:

- (i) the reclassification of the land to Class A(1) by an order of the Union Government in the Ministry of Defence dated 1 June, 1960;
- (ii) the area of the land as 6.55 acres;
- (iii) the description of land as a road;
- (iv) categorisation of the land in Class A(1);
- (v) entrustment of the land for management to the Ministry of Defence (Quarter Master General);
- (vi) the landlord being the Union Government and the holder of occupancy rights, the Ministry of Defence; and
- (vii) the nature of the road and the holder being proprietary. The counter-affidavit also annexes the extract in the General Land Register pertaining to Survey No. 139 and Survey No. 6 in the vicinity which have also been classified as A(1) land for the purposes of training troops.

14. In the petition, which was originally filed, the averment on behalf of the petitioner is that the land falls in Class A(2). Now land falling in category A(2) is land which is not actually used or occupied by Military authorities, but to the use or occupation of which for any other purpose there exist specific military objections.

15. As we have noted above, the petitioner has not furnished any material whatsoever to establish that the land falls within the ambit of Class A(2) land. This is belied by the entry in the General Land Register which shows the land to be Class A(1) land. In fact, as we shall note now, the case of the petitioner is contradictory and the petitioner has adopted varying positions in the matter, as the pleadings have accumulated. The original pleading in the writ petition was that the land fell in Class A(2). After the counter-affidavit was filed in which a specific case was set up to the effect that the land fell in Class A(1), duly supported by the entries in the General Land Register, the petitioner filed a

rejoinder only based on a disclosure under the Right to Information Act, 2005 that the road had been repaired in 1996-1997 and 1998-1999 by the Cantonment Board. Based on this tenuous thread, it was sought to be contended that it was only the Cantonment Board, which is authorised to effect closure of the road. Nonetheless, in paragraph 14 of the rejoinder affidavit, there is a specific statement that the land in question is A(2) land, maintained and repaired by the Cantonment Board. Finally, a third alternate submission has been sought to be set up which is that the land vested in the State Government and was of the ownership of the State Government. None of these alternate pleas find support in cogent documentary material. On the other hand, the entry in the General Land Register clearly indicates that since 1 June, 1960, the land continues to be vested in the Union Government in the Ministry of Defence and falls in category A(1).

16. Now, it is in this background that it is necessary to revisit the Rules of 1937. Under rule 4(a) both Class A lands and Class B lands are vested in the Union Government. Class A land is land which is required or reserved for specific military purposes. Class B land is land which is not so required, or reserved, but is retained in the Cantonment for the effective discharge of the duties of the Central Government in respect of the military administration. Under rule 4(b), it is only land which is vested in the Cantonment Board under section 108 of the Cantonment Act, 1924 (now section 122 of the Cantonment Act, 2006), which is termed as Class "C" land. Whether the land falls in Class A(1) or Class A(2) would ultimately make no difference to the prevailing legal position since both Class A(1) and Class A(2) lands stand vested in the Union Government. However, we must clarify that in the present case the land has been clearly categorised as Class A(1) land.

17. The submission that the land in question vests in the Cantonment Board is contrary to the clear provisions of rule 4(b) under which it was only Class C land which was vested in the Cantonment Board under section 108 of the Cantonment Act, 1924. There is nothing on the record to lead the Court to the conclusion that prior to the enactment of the Cantonment Act, 2006, the land in question was ever categorised as Class C land. When the Cantonment Act, 2006 was enacted as a successor to the earlier Cantonment Act, 1924, the expression "street" came to be defined in section 2(zza) as follows:

"2. (zza). "street" includes any way, road, lane, square, Court, alley or passage in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or foot-way over any bridge or cause way."

The expression "street" includes, inter alia, any way, road, lane, square, Court, alley or passage in a cantonment, whether a thoroughfare or not over which the public have a right of way. Hence, in order to reconstitute a "street" within the meaning of section 2(zza) of the Act of 2006, the road must fulfill the description of being one over which the public have a right of way. Section 122 of the Act of

2006 vests in the Cantonment Board, direction, management and control of all property of the nature described in the section which has been acquired or provided or is maintained by the Board, subject to any special reservation made by the Central Government. Section 122(g) of the Act of 2006 includes all streets and the pavements among other things. Vesting for the purposes of section 122(g) is in respect of those roads which fulfill the description of a street within the meaning of section 2(zza) of the Act of 2006. In the present case, the land since 1960 has been categorised as Class A(1) land over which the Military authorities have exclusive jurisdiction. Under Rule 5, Class A(1) land is defined as land which is actually used or occupied by the Military Authorities, inter alia, for the purposes of fortifications, barracks stores, arsenals, rifle ranges and for other official requirements of the Military Authorities. The land has not been vested in the Cantonment Board.

18. The petitioner has relied on a disclosure under the Right to Information Act, 2005 to the effect that prior to 1960, the land comprising in Survey No. 138 was recorded as Class B(2) land. While relying upon the disclosure made on 20 June, 2014 by the Central Public Information Officer to the Advocate for the petitioner, a great deal of emphasis has been placed on the statement that the land was under the ownership of the Uttar Pradesh Government and under the management of the Public Works Department. The issue is whether a statement contained in a disclosure of information by the Central Public Information Officer can override the specific provisions of the Rules of 1937 which have statutory force and effect. In our view, that cannot plainly be the position. Rule 6(ii) of the Rules of 1937 expressly provides that Class B(2) land is a land which is actually occupied or used by or is under the control of any department of a State Government. Therefore, in respect to Class B(2) land, the State Government was to be in occupation, use or control of the land. This did not disturb the vesting of even Class B land in the Central Government under rule 4(a). Rule 4(a) contemplates the vesting of both Class A and Class B lands in the Government. Land in the Cantonment which is vested in the Government is to be divided by the Central Government into Class A and Class B land. As a matter of fact, Class B land is also land which is described under rule 4(a) as land which is not required, or reserved for specific Military purposes, but is retained in the cantonment for the effective discharge of the duties of the Central Government in respect of military administration. The reclassification of the land on 1 June, 1960 from Class B(2) land to Class A(1) land has remained in force for well over 50 years. There is nothing to indicate that the land was vested, on the date of the enforcement of the Constitution in His Majesty for the purposes of the Governor of a Province as contemplated by Article 294(a) of the Constitution.² Once that be the position, the submission that the land became land of the State Government under Article 294 of the Constitution cannot be accepted. The State has not asserted any such right or interest nor is the State Government a party to these proceedings. The decision of the Supreme Court in *Union of India and Another Vs. M/s. Mundra Salt and Chemical Industries and Others*, would not

assist the case of the petitioner. The issue in the case before the Supreme Court was whether the grant made by the Government in favour of the respondents of the suit land was in fact a sale, as held by the District Judge and not merely a lease or licence to manufacture salt on the land. The Supreme Court, while advertent to the provisions of the Bombay Land Revenue Code, 1879, held that a conception of exclusive ownership over all land by the Crown stood dissolved after the coming into force of the Constitution of India, under which right over such land was conferred on both the Union and the State Governments. Moreover, the question of title of the Union in the proceedings under the Land Acquisition Act, 1894, which was under consideration, was after the enforcement of the Constitution of India, hence it was held that the title over the land in question could not be that of the Union of India. The basic position in the present case, on the other hand, is that the land in question has at all material times been treated and recorded since 1 June, 1960 as class A(1) land. The State Government has never disputed this position.

19. Learned Counsel appearing on behalf of the petitioner has relied upon an extract from a treatise by J.P. Mittal on Cantonment Law. In the commentary by the author, there is a note in the chapter relating to the preparation of the General Land Register³ which refers to an order of the Government of India dated 6 September, 1938. It states that where roads over which the public have a right of way traverse a holding, such roads should be excluded from the holding, even if they are military roads. The petitioner has not placed the order itself before the Court. But even proceeding on the basis of the extract from the commentary, it is clear that what is postulated is that there must be a road over which the public has a right of way. If there is a road over which the public has a right of way and traverses a holding, what is contemplated is that the road should be excluded from the holding even if it is a military road. Hence, there must be a road over which the public have a right of way. This is similar to the definition contained in section 2(zza) of the Act of 2006, which refers to a road over which the public have a right of way. The existence of a right of way is fundamentally contrary to the entry in the General Land Register which shows the land to be Class A(1) land. This entry is conclusive.

20. For the reasons, which we have noted above, we have come to the conclusion that there is no material before the Court sufficient to lead to the inference that Niwa Road is a road over which the public had a right of way. On the contrary, the record would indicate that the road was constructed after the land was reclassified on 1 June, 1960 as Class A(1) land specifically for the purposes of facilitating connectivity between land reserved for the purposes of the Army on which training facilities were set up for the purposes of the troops. The mere fact that the road has been used does not lead to the inference that the public has a right of way over the road. Any act of trespass cannot reflect the existence of a right of way in the public.

21. The decision of a Division Bench of Karnataka High Court in Dr. Nitin G. Khot

and Others Vs. Station Commandant, Belgaum Cantonment, Belgaum and Others, , on which reliance is placed by the petitioner, dealt with a situation where the Army authorities had completely closed sixteen roads in the city of Belgaum. The Division Bench held that admittedly the lands used for the purposes of the roads were not lands which were used for any of the purposes referred to in rule 5 of the Rules of 1937. It was in this background, that the Division Bench held that in view of the provisions of rules 5 and 13 of the Rules of 1937, the authorities did not have the exclusive right of manning, managing and regulating control over the roads belonging to them. Similarly, the decision of the Supreme Court in Fomento Resorts and Hotels Ltd. and Another Vs. Minguel Martins and Others, inter alia, considered the issue as to whether public access to a beach was available before the acquisition of the lands by the State Government and whether the access to the public was extinguished following the vesting of the land in the State Government under the Land Acquisition Act, 1894. The Supreme Court held that there existed a public access to the beach even before acquisition and the appellant for whose benefit the land was acquired was duty bound to act in accordance with the specific provisions of the agreement which had the force of law by virtue of section 42 of the Land Acquisition Act, 1894. This was, therefore, a case where there was an unhindered right of public access which was held to continue even after the land had vested in the State. These facts are clearly distinguishable from the facts of the present case where the nature of the land, as Class A(1) land, postulates that it was land specifically reserved for the purposes of the military and upon which the public has no right of way or access.

22. In the course of the pleadings which have been filed in these proceedings, the Army authorities have filed a map together with a supplementary counter-affidavit dated 1 May, 2014. The case of the respondents is that an alternative route is available to the residents connecting Niwa Road to Civil Lines via Sulemsarai. However, in order to obviate any inconvenience, as a temporary measure, a route passing through Class A(1) defence land can, it has been urged, be made available to the villagers till the construction of the military installation is complete. A copy of the map has been annexed to the supplementary counter-affidavit at Annexure No. 1. We record the assurance.

23. Accordingly, and for these reasons, we find no illegality in the decision of the respondents. The Court must above all place in balance in a petition, which has been filed in the public interest, the national importance of a project involving the construction of a strategic facility for the armed forces. As a matter of first principle, the public interest would require that the Court should be circumspect in interfering with a project of this nature, by passing any order which would have a serious effect upon national security. For these reasons, we find no ground to entertain the petition. The petition shall, accordingly, stand dismissed. There shall be no order as to costs.

1 Paragraph 19 of the petition, Ground D.

2 Article 294. Succession to property, assets, rights, liabilities and obligations in certain cases.--As from the commencement of this Constitution--

(a) all property and assets which immediately before such commencement were vested in His Majesty for the purposes of the Government of the Dominion of India and all property and assets which immediately before such commencement were vested in His Majesty for the purposes of the Government of each Governor's Province shall vest respectively in the Union and the corresponding State.

3 Vol. II Chapter 10 p. 416.