

(2015) 07 MEG CK 0003
In the Meghalaya High Court
Case No : WP(C) No. 276 of 2013

Banshanbor Thangkhiew

APPELLANT

Vs

The State of Meghalaya and Others

RESPONDENT

Date of Decision : 03-07-2015

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 80
Constitution of India, 1950 — Article 226, 32
Land Acquisition Act, 1894 — Section 12, 18, 4, 6

Citation : (2015) 07 MEG CK 0003

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Advocate : E. Nongbri, for the Appellant; N.G. Shylla, GA and R. Deb Nath, CGC, Advocates for the Respondent

Final Decision : Dismissed

Judgement

T. Nandakumar Singh, J.—In this writ petition, the petitioner is questioning the legality and propriety of the award dated 22-06-1971 prepared by the Collector of Land Acquisition, East Khasi Hills, Shillong for the various land owners and seeking for a direction to the respondent authority to take immediate measures/steps as per judgment and order dated 19-07-2002 and the modified order dated 16-10-2002 passed by the Court of Smti. A. Nikhla, Assistant to Deputy Commissioner, Ri-Bhoi District, Nongpoh within a specific period of time in accordance with law. Thus, the present writ petition had been filed with a considerable delay of more than a decade for the relief sought for therein.

2. Heard Mr. E. Nongbri, learned counsel appearing for the petitioner, Ms. N.G. Shylla, learned GA appearing for the respondents No. 1 to 3 and Mr. R. Deb Nath, learned counsel appearing for the respondent No. 4.

3. The fact of the case leading to filing of the present writ petition is briefly noted. The erstwhile Government of Assam issued a Notification No. RLA-90/68/9 dated 17-04-1968 under Section 4 of the Land Acquisition Act, 1894 that the

land located in Village Barapani Sub-Division in the District of the United Khasi and Jaintia Hills measuring an area of about 1400 acres more or less within the boundaries stated therein which include the land of (L) Sahari Massar owner of a plot of land known as "Ummluh" situated at Umden Raid Mawbuh, Myllem Syiemship who was later represented/inherited by his sons and daughter namely (L) Din Singh Dkhar, (L) Do Dkhar and Smti Evangeline Dkhar on the death of (L) Din Singh Dkhar and (L) Do Dkhar, is now represented by the petitioner who is the son of (L) Din Singh Dkhar, was likely to be needed for public purposes.

4. After declaration that the said land was required for public purposes under Section 6 of the Land Acquisition Act, 1894, the acquisition proceeding was initiated and various land owners also submitted their claim for compensation for their interest in the said land. After considering the claim of the various land owners, the Collector of Land Acquisition made an award on 22-06-1971 for the various land owners. In that award, i.e. 22-06-1971, the petitioner's predecessor in interest (L) Sahari Massar was also awarded compensation only in respect of the plots No. 54, 55, 60, 71 and 72, the total area of which was about 30.705 acres. However, in respect of the plots No. 44, 51, 52 and 56 with a total area of 99.78 acres more or less compensation was not made but the said plots of land were taken possession by the respondent No. 4 on 28-12-1971, only on the ground that those plots of land had been classified as Raid Land.

5. Against the non payment of compensation with respect to the plots No. 44, 51, 52 and 56 having a total area of 99.78 acres more or less, (L) Sahari Massar had approached the concerned authorities several times along with the judgment and order dated 03-02-1954 passed by the Judge of the District Council Court, United Khasi and Jaintia Hills, Shillong in Misc. appeal No. 4/1954 and the letter dated 17-08-1971 issued by the office of the Syiem of Myllem whereby it clearly affirmed the ownership, right, title and possession of (L) Sahari Massar over the said plots of land. But inspite of those supported documents, the Government of Meghalaya vide its letter dated 03-07-1981, rejected the claim of the petitioner. The Land Acquisition Act, 1894 is a self contained one which provides statutory remedies to the land owners who are not satisfied with the award for the acquired land prepared by the Collector of Land Acquisition. Section 18 of the Land Acquisition Act, 1894 provides that any interested person who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for determination of the Court, whether his objection be to the measurement of land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested. Section 18 of the Land Acquisition Act, 1894 read as follows:

"18. Reference to Court - (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation,

the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire."

6. Thus, remedy is provided under Section 18 of the Land Acquisition Act, 1894 to a person who is dissatisfied with the Collector's award. Any person having any interest or claiming to have an interest in the subject matter of the land acquisition proceeding has a right to claim a reference under Section 18 of the Act. Where the claimant has approached the Court for directing reference to a Civil Court under Section 18 of the Land Acquisition Act, 1894, it is the duty of the Court to examine whether the claims has waived his right to seek reference or whether there is any other legal bar disentitling him for the relief sought for.

7. The writ jurisdiction of the High Court can be invoked for issuing a writ of mandamus to the Collector directing him to make a reference when the Collector illegally or arbitrarily refused to make a reference. When the High Court is dealing with the matter under Article 226, it is a settled law that it cannot appreciate the evidence and come to its own conclusions. The predecessor in interest of the petitioner if not satisfied with the award dated 22-06-1971, should seek appropriate remedy specially prescribed under the Land Acquisition Act, 1894. In other words, the predecessor in interest of the petitioner should have filed the application under Section 18 of the Land Acquisition Act, 1894 to the Collector of Land Acquisition for referring the matter for determination of the Court to the Land Acquisition Court i.e. the Principal Civil Court of original jurisdiction, unless the appropriate Government has appointed a Special Judicial Officer within any specified local limit to perform the function of the Court under the Land Acquisition Act, 1894. It is clear that a power is required to be exercised by a certain authority in a certain way, it should be exercised in that manner or not at all and all other modes of performance necessarily forbidden. (Ref: Hukam Chand Shyam Lal Vs. Union of India (UOI) and Others, AIR 1976 SC 789 : (1976) 2 SCC 128 : (1976) 2 SCR 1060 and Bhavnagar University Vs. Palitana Sugar Mill Pvt. Ltd. and Others, AIR 2003 SC 511 : (2002) 10 JT 55 : (2003) 2 SCC 111 : (2003) 1 UJ 80

8. After the claim of the predecessor in interest of the petitioner over the said plots of land i.e. plots No. 44, 51, 52 and 56 had been rejected by the

Government of Meghalaya vide its letter dated 03-07-1981, the predecessor in interest of the petitioner on 15-06-1994 again filed an application to the Deputy Commissioner, Shillong requesting him to take up their case and depute an Officer for conducting an appropriate enquiry into the matter. After having received no response from the concerned authority on 15-04-1995 sent a legal notice under Section 80 CPC demanding compensation for the land acquired but the concerned authority did not pay any heed to the legal notice. Having no other alternative, the predecessors in interest of the petitioner filed a suit being T.S. No. 31(T) of 1995 in the Court of Assistant to Deputy Commissioner, Shillong for declaring that the predecessors in interest of the petitioner are entitled to receive the compensation for the said plots of land bearing No. 44, 51, 52 and 56 in Block No. 3 and 5 situated at Umden, Raid Mawbuh, Ri Bhoi District acquired by the Government for the Defence Estate. Then with the creation of a new district of Ri Bhoi in the State the said title suit was transferred to Ri Bhoi District, Nongpoh within whose local jurisdiction the suit property is situated. Smti. A. Nikhla, Assistant to Deputy Commissioner, after hearing all the parties concerned and examining the witnesses and the materials available on record, disposed of the suit vide judgment and order dated 19-07-2002 with an observation that for the plots of land bearing No. 44 and 56 which have been acquired by the Government, the plaintiffs i.e. the predecessor in interest of the petitioner had not been paid compensation and therefore they were entitled to receive compensation for the same with interest @ 12% per annum from the date of possession by the respondent No. 4 (28-12-1971) till date. Subsequently, the aforesaid judgment and order dated 19-07-2002 was partly modified by an order dated 16-10-2002 to the extent that the amount of compensation shall be assessed by the Defendant/present Respondent No. 2 and 4 within a period of three months from the date of the order and shall apprise to the court at the earliest.

9. Being aggrieved by the said judgment and order dated 19-07-2002, the predecessor in interest of the petitioner approached the Gauhati High Court, Shillong Bench by way of an appeal. The said appeal was registered as RFA No. 2 (SH) 2003. Thereafter, the said appeal was disposed of by the High Court vide order dated 29-04-2008 by allowing the petitioner to withdraw the same with liberty to approach the trial court to ventilate their grievances.

10. More than a decade after passing of the said judgment and order dated 19-07-2002 by the Assistant to Deputy Commissioner, Nongpoh, the petitioner approached this Court for a direction to the respondent to take immediate measures/steps as per the said judgment and order dated 19-07-2002 and the modified order dated 16-10-2002.

11. The respondent No. 2, the Deputy Commissioner/Collector, Ri Bhoi District, Meghalaya filed the affidavit-in-opposition which categorically stated that the Civil Court has no jurisdiction to pass the said judgment and order dated 19-07-2002. The Land Acquisition Act, 1894 has self contained mechanism

inasmuch as to deal with such situations and as such, the said judgment and order dated 19-07-2002 is a nullity in the eyes of law. Learned court below ought not to have entertained the suit relating to matters covered by the Land Acquisition Act, 1894 and as such, any order passed by a Court having no jurisdiction is a nullity in the eye of the law. The instant matter is coram non judice and on this ground, this instant writ petition is liable to be dismissed.

12. The respondent No. 4 also filed the additional affidavit dated 09-12-2014 that as per the Land Acquisition Act, the land at Ummluh had been acquired and compensations was duly paid to the land owners as well as the possessor of the land including other compensation. During the process of acquisition, it was established that the land acquired comprised of two parts, one is the private land and another is Raj Land. The land belonging to the private person had been compensated adequately by the Deputy Commissioner. However, in respect of the Raj land, compensation was paid to the occupier of the land for their right of occupancy. The petitioner claims to be the legal heir of Shri Din Singh Dkhar (now deceased) and also holder of power of attorney had submitted the fact in suppression of material fact. It is also the further case of respondent No. 4 that after withdrawal of the RFA No. 2 (SH) 2013 by the petitioner, nothing is surviving for ventilating the grievances by way of a writ petition. The present writ petition has been filed without there being appropriate explanation for having delayed about 12 years and on this cause the writ petition deserves to be dismissed.

13. The Apex Court in *Government of West Bengal Vs. Tarun K. Roy and Others*, (2003) 9 JT 130 : (2004) 1 LLJ 421 : (2004) 1 SCC 347 : (2004) SCC(L&S) 225 held that the respondents are not even entitled to any relief on the ground of gross delay and lapses on their part in filing the writ petitions. (SCC p 359-360 para 34) in *Tarun K. Roy's* case (Supra) read as follows:

"34. The respondents furthermore are not even entitled to any relief on the ground of gross delay and laches on their part in filing the writ petition. The first two writ petitions were filed in the year 1976 wherein the respondents herein approached the High Court in 1992. In between 1976 and 1992 not only two writ petitions had been decided, but one way or the other, even the matter had been considered by this Court in *Debdas Kumar State of West Bengal and Others Vs. Debdas Kumar and Others*, (1991) 62 FLR 647 : (1991) 2 JT 36 : (1995) 3 LLJ 294 : (1991) 1 SCALE 271 : (1991) 1 SCC 138 Supp : (1991) 1 SCR 517 : (1991) 2 UJ 30 . The plea of delay, which Mr. Krishnamani states, should be a ground for denying the relief to the other persons similarly situated would operate against the respondents. Furthermore, the other employees not being before this Court although they are ventilating their grievances before appropriate courts of law, no order should be passed which would prejudice their cause. In such a situation, we are not prepared to make any observation only for the purpose of grant of some relief to the respondents to which they are not legally entitled to so as to deprive others there from who may be found to be

entitled thereto by a court of law."

14. The Apex Court in *Chairman, U.P. Jal Nigam and Another Vs. Jaswant Singh and Another*, AIR 2007 SC 924 : (2007) 112 FLR 243 : (2006) 10 JT 500 : (2007) 2 LLJ 17 : (2006) 12 SCALE 347 : (2006) 11 SCC 464 : (2006) 8 SCR 916 Supp held that the petitioners who are non-vigilant in invoking the protection of their right cannot be heard after delay on the ground that same relief should be granted as was granted to other persons similarly situated, but who are vigilant of their right. Paras 13 and 16 of the SCC in *UP Jal Nigam's* case (Supra) read as follows:

"13. In view of the statement of law as summarized above, the respondents are guilty since the respondents has acquiesced in accepting the retirement and did not challenge the same in time. If they would have been vigilant enough, they could have filed writ petitions as others did in the matter. Therefore, whenever it appears that the claimants lost time or whiled it away and did not rise to the occasion in time for filing the writ petitions, then in such cases, the Court should be very slow in granting the relief to the incumbent. Secondly, it has also to be taken into consideration the question of acquiescence or waiver on the part of the incumbent whether other parties are going to be prejudiced if the relief is granted. In the present case, if the respondents would have challenged their retirement being violative of the provisions of the Act, perhaps the Nigam could have taken appropriate steps to raise funds so as to meet the liability but by not asserting their rights the respondents have allowed time to pass and after a lapse of couple of years, they have filed writ petitions claiming the benefit for two years. That will definitely require the Nigam to raise funds which is going to have serious financial repercussion on the financial management of the Nigam. Why should the Court come to the rescue of such persons when they themselves are guilty of waiver and acquiescence?

16. Therefore, in case at this belated stage if similar relief is to be given to the persons who have not approached the Court that will unnecessarily overburden the Nigam and the Nigam will completely collapse with the liability of payment to these persons in terms of two years" salary and increased benefit of pension and other consequential benefits. Therefore, we are not inclined to grant any relief to the persons who have approached the Court after their retirement. Only those persons who have filed the writ petitions when they were in service or who have obtained interim order for their retirement, those persons should be allowed to stand to benefit and not others. We have been given a chart of those nine persons, who filed writ petitions and obtained stay and are continuing in service. They are as follows:

1. Shri Bhawani Sewak Shukla
2. Shri Vijay Bahadur Rai
3. Shri Girija Shanker

4. Shri Yogendra Prakash Kulshresht
5. Shri Vinod Kumar Bansal
6. Shri Pradumn Prashad Mishra
7. Shri Banke Bihari Pandey
8. Shri Yashwant Singh
9. Shri Chandra Shekhar

And the following persons filed Writ Petitions before retirement but no stay order was granted.

1. Shri Gopal Singh Dangwal (WP No. 35384 of 2005 vide order dated 5-5-2005)
2. Shri R.R. Gautam (WP No. 45495 of 2005 vide order dated 15-6-2005)."

15. The Apex Court in Life Insurance Corporation of India and Others Vs. Jyotish Chandra Biswas, AIR 2000 SC 3666 : (2000) 86 FLR 1004 : (2000) 9 JT 49 : (2000) 5 SCALE 501 : (2000) 6 SCC 562 : (2000) SCC(L&S) 793 : (2000) 2 UJ 1488 : (2000) AIRSCW 4137 : (2000) 5 Supreme 437 held that:

"6. We find it difficult to accept the observations made by the Division Bench of the High Court extracted above that the order passed by the learned Single Judge was laconic. When there was no explanation whatsoever given by the respondent in the writ petition for delay of about six years, the learned Single Judge was right in saying so and dismissing it."

16. The Apex Court in Bharat Sanchar Nigam Limited Vs. Ghanshyam Dass and Others, (2011) 2 SCALE 479 : (2011) 4 SCC 385 : (2011) 1 SCC(L&S) 685 : (2011) AIRSCW 1556 : (2012) AIRSCW 43 : (2011) AIRSCW 5130 held that:

"27. In Jagdish Lal and others Vs. State of Haryana and others, AIR 1997 SC 2366 : (1997) 5 JT 387 : (1997) 4 SCALE 202 : (1997) 6 SCC 538 : (1997) SCC(L&S) 1550 : (1997) AIRSCW 2257 : (1997) 5 Supreme 1 , the appellants who were general candidates belatedly challenged the promotion of Scheduled Caste and Scheduled Tribe candidates on the basis of the decision in Ajit Singh Januja and others Vs. State of Punjab and others, (1996) 2 AD 597 : AIR 1996 SC 1189 : (1996) 2 JT 727 : (1996) LabIC 1030 : (1996) 2 LLJ 154 : (1996) 2 SCALE 526 : (1996) 2 SCC 715 : (1996) 3 SCR 125 : (1996) 2 UJ 81 , Union of India and others etc. Vs. Virpal Singh Chauhan etc., AIR 1996 SC 448 : AIR 1995 SC 448 : (1995) 7 JT 231 : (1995) 6 SCC 684 : (1995) 4 SCR 158 Supp and R.K. Sabharwal and others Vs. State of Punjab and others, AIR 1995 SC 1371 : (1995) 70 FLR 985 : (1995) 2 JT 351 : (1995) LabIC 1618 : (1995) 1 SCALE 685 : (1995) 2 SCC 745 : (1995) 2 SCR 35 : (1995) 3 SLJ 227 and this Court refused to grant the relief saying: Jagdish Lal and others Vs. State of Haryana and others, AIR 1997 SC 2366 : (1997) 5 JT 387 : (1997) 4 SCALE 202 : (1997) 6 SCC 538 : (1997) SCC(L&S) 1550 : (1997) AIRSCW 2257 : (1997) 5 Supreme 1

"18. this Court has repeatedly held, the delay disentitles the party to the discretionary relief under Article 226 or Article 32 of the Constitution. It is not necessary to reiterate all the catena of precedents in this behalf. Suffice it to state that the appellants kept sleeping over their rights for long and elected to wake up when they had the impetus from Union of India and others etc. Vs. Virpal Singh Chauhan etc., AIR 1996 SC 448 : AIR 1995 SC 448 : (1995) 7 JT 231 : (1995) 6 SCC 684 : (1995) 4 SCR 158 Supp and Ajit Singh Januja and others Vs. State of Punjab and others, (1996) 2 AD 597 : AIR 1996 SC 1189 : (1996) 2 JT 727 : (1996) LabIC 1030 : (1996) 2 LLJ 154 : (1996) 2 SCALE 526 : (1996) 2 SCC 715 : (1996) 3 SCR 125 : (1996) 2 UJ 81 ratios."

17. The Apex Court in State of Uttaranchal and Another Vs. Sri Shiv Charan Singh Bhandari and Others, (2013) 139 FLR 760 : (2014) LabIC 1494 : (2013) 5 LLN 413 : (2013) 11 SCALE 56 : (2013) 12 SCC 179 : (2014) 1 SCT 303 : (2014) 1 SLJ 33 held that:

"20. In Karnataka Power Corporation Limited through its Chairman and Managing Director and Another Vs. K. Thangappan and Another, AIR 2006 SC 1581 : (2006) 109 FLR 724 : (2006) 4 JT 312 : (2006) 2 LLJ 421 : (2006) 4 SCALE 56 : (2006) 4 SCC 322 : (2006) SCC(L&S) 791 : (2006) 3 SLJ 201 : (2006) AIRSCW 3259 : (2006) AIRSCW 1828 : (2006) 5 Supreme 309 : (2006) 3 Supreme 370 the Court took note of the factual position and laid down that when nearly for two decades the respondent workmen therein had remained silent mere making of representations could not justify a belated approach.

21. In State of Orissa Vs. Pyarimohan Samantaray and Others, AIR 1976 SC 2617 : (1977) 43 CLT 595 : (1977) 34 FLR 300 : (1976) LabIC 1697 : (1977) 3 SCC 396 : (1976) 8 UJ 967 it has opined that making of repeated representations is not a satisfactory explanation of delay. The said principle was reiterated in State of Orissa and Others Vs. Shri Arun Kumar Patnaik and Others, AIR 1976 SC 1639 : (1976) LabIC 1122 : (1976) 3 SCC 579 : (1976) SCR 59 Supp : (1976) 8 UJ 508 .

22. In Bharat Sanchar Nigam Limited Vs. Ghanshyam Dass and Others, (2011) 2 SCALE 479 : (2011) 4 SCC 385 : (2011) 1 SCC(L&S) 685 : (2011) AIRSCW 1556 : (2012) AIRSCW 43 : (2011) AIRSCW 5130 a three-Judge Bench of this Court reiterated the principle stated in Jagdish Lal and others Vs. State of Haryana and others, AIR 1997 SC 2366 : (1997) 5 JT 387 : (1997) 4 SCALE 202 : (1997) 6 SCC 538 : (1997) SCC(L&S) 1550 : (1997) AIRSCW 2257 : (1997) 5 Supreme 1 and proceeded to observe that as the respondents therein preferred to sleep over their rights and approached the Tribunal in 1997, they would not get the benefit of the order dated 7-7-1992."

18. The Apex Court in Vinay Shukla Vs. Union of India (UOI) and Others, (2007) CriLJ 1448 : (2007) 3 JT 234 : (2007) 2 SCALE 60 : (2007) 2 SCC 464 held that since the petitioner had approached the court claiming for award of damages basing entirely on grounds factual in nature, which can be established only by

recording oral evidence, it will be open to the petitioner to seek such legal remedy as is available to him in law and therefore, the writ petition is not maintainable. Para 4 of the SCC in Vinay Shukla's case (Supra) reads as follows:--

"4. Learned counsel has next submitted that the petitioner should be awarded damages for his illegal abduction and confinement by the authorities of the State. The allegations made by the petitioner are entirely factual in nature, which can be established only by recording oral evidence. It will be open to the petitioner to seek such legal remedy as is available to him in law for claiming damages on the ground of his alleged abduction and confinement. The writ petition is dismissed."

19. The Apex Court in Chairman, Grid Corporation of Orissa Ltd. (Gridco) and Others Vs. Smt. Sukamani Das and Another, (1999) 2 ACC 432 : (1999) 7 JT 109 : (1999) 123 PLR 569 : (1999) 5 SCALE 539 : (1999) 7 SCC 298 : (1999) 2 SCR 458 Supp : (1999) 2 UJ 1557 : (2000) WritLR 331 held that it is settled legal position that where the disputed questions of fact are involved in the writ petition under Article 226 of the Constitution, the writ petition is not a proper remedy. Para 6 of the SCC in Sukamani Das's case (Supra) reads as follows:--

"6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live wires of the electric transmission lines of the appellants, that "admitted/prima facie amounted to negligence on the part of the appellants". The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. The mere fact that the wire of the electric transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation."

20. The Apex Court in D.L.F. Housing Construction (P) Ltd. Vs. Delhi Municipal Corpn. and Others, AIR 1976 SC 386 : (1976) 3 SCC 160 held that:

"20. In our opinion in a case where the basic facts are disputed, and complicated questions of law and fact depending on evidence are involved the writ court is not the proper forum for seeking relief. The right course for the High Court to follow was to dismiss the writ petition on this preliminary ground, without entering upon the merits of the case. In the absence of firm and adequate factual foundation, it was hazardous to embark upon a determination of the points involved. On this short ground while setting aside the findings of the High Court, we would dismiss both the writ petition and the appeal with costs. The appellants may, if so advised, seek their remedy by a regular suit."

21. For the foregoing discussions, this Court is of the considered view that there is considerable delay of more than a decade on the part of the petitioner in

approaching the Court by filing the present writ petition for relief sought for therein and also there was no reasonable explanation for the delay in approaching the Court. This Court is of the further view that the writ court is not the executing court of the said judgment and order dated 19-07-2002 and the modified order dated 16-10-2002 passed by the Civil Court i.e. the Assistant to Deputy Commissioner, Nongpoh.

22. This Court is of the further view that there are serious disputed questions of fact in the writ petition which cannot be decided in the writ proceeding.

23. For the reasons discussed above, the present writ petition is dismissed.