

(1988) 08 BOM CK 0044

In the Bombay High Court

Case No : Writ Petition No. 53 of 1965

Caetanoe Lourence and Others

APPELLANT

Vs

Additional Dy. Collector (Land Acquisition Officer) Collectorate
and Others

RESPONDENT

Date of Decision : 29-08-1988

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 4(1), 6(2)

Citation : (1988) 4 BomCR 498

Hon'ble Judges : G.F. Couto, J;G.D. Kamat, J

Bench : Division Bench

**Advocate : F. Rebello, for the Appellant; V.S. Nadkarni, A.G. and A.C. Navalkar,
for the Respondent**

Final Decision : Dismissed

Judgement

G.F. Couto, J.—By a Notification dated 18th February, 1982, the appropriate Government notified u/s 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") that the land described in its Schedule was likely to be needed for the public purposes of parks, recreational and other development of the Mira Mar area and therefore, by another Notification dated 18th February, 1985 declared u/s 6 of the Act, that said land was actually required for the Public purpose specified therein.

Petitioners alleging to have interest as owners and tenants in some portions of the land sought to be required, challenge in this writ petition under Articles 226 and 227 of the Constitution, the aforesaid Notification and Declaration on several grounds. They however, restricted their challenge at the time of the hearing to only three grounds.

2. Mr. Rebello, the learned Counsel appearing for the Petitioners, has indeed confined his attack to three propositions. He first contended that the publication of the substance of the Declaration made u/s 6 at convenient places of the

locality is mandatory, and therefore, the failure to comply with such requirement prescribed in sub-section (2) of section 6 leads to the invalidity of the Declaration itself. He next contended that it is an admitted position that at the time of the issuance of the Notification u/s 4(1) and of the Declaration u/s 6, there was no plan or scheme prepared for the development of the land sought to be acquired, indicating that no public purpose existed for the compulsory acquisition of the land. Finally, he urged, that both the aforesaid Notification and Declaration are vague inasmuch as mere reference is made to the development of the area without specifying and giving details of the intended development.

3. It becomes thus apparent that the main question that this petition poses for our determination is whether the omission, if any, in giving public notice of the substance of the Declaration u/s 6 of the Act at convenient places in the locality fatally vitiates the said Declaration, making it null and void. To it we will therefore, turn in the first place.

4. Section 6(2) of the Act postulates that every declaration shall be published in the Official Gazette and in two daily newspapers circulating in the locality in which the land is situate of which at least one shall be in the regional language, and that the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the locality. It further provides that the last of the dates of such publication and the giving of such public notice will be the date of the publication of the declaration and that the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area and whether a plan has been made of the land, the places where such plan may be inspected, should be mentioned. It would thus appear from the wording of sub-section (2) of section 6 of the Act that Mr. Rebello is right in his submission that the giving of notice of the substance of the declaration at convenient places in the locality is mandatory, and we unhesitatingly so hold. The use of the word "shall", indeed gives strong support to it, although we are not oblivious that sometimes the word "shall" used in a particular provision of law merely means "may". It ordinarily means "must" and therefore, expresses a mandate. See *Khub Chand & ors v. State of Rajasthan & ors.* AIR 1968 S.C. 1074 ; *Govindlal Chhaganlal Patel Vs. The Agricultural Produce Market Committee, Godhra and Others,* . Secondly, the said provision of law expressly postulates that the last of the dates of the publication of the declaration and of the giving of public notice of the substance thereof, at convenient places in the locality, will be the date of the declaration. Thirdly, it pertains to compulsory acquisition of land and hence, it has to be strictly construed. Fourthly, though the publication and giving of public notice of the substance of the declaration at convenient places in the locality is procedural in nature, it affects, as held by the Supreme Court in *Khadim Hussain Vs. State of U.P. and Others,* , substantive right of the parties.

5. Mr. Rebello however, sought to add a few more reasons in support of his view that section 6(2) is mandatory and that therefore, publication of the declaration

as provided therein and the giving of public notice of its substance in the locality must always be effected. He indeed drew our attention to the circumstance that the requirement of giving public notice of the substance of the declaration at convenient places in the locality was introduced by the 1984 amendment to the Act, and to the fact that at that time, such requirement was already existing in section 4(1) of the Act. He contended that therefore, it has necessarily to be assumed that the Legislature was not ignorant and, on the contrary, was fully aware of the meaning given by the Supreme Court to similar words occurring in section 4(1) and hence, knowingly used the same words in section 6(2) intending thereby the meaning given to them by the Supreme Court, particularly in *Khub Chand & ors. v. State of Rajasthan & ors* (above), *State of Mysore Vs. Abdul Razak Sahib*, ; *Narindrajit Singh and Ranjit Singh and Others Vs. The State of U.P. and Others*, ; . *Collector (District Magistrate) Allahabad and Another Vs. Raja Ram Jaiswal, State of Gujarat Vs. Panch of Nani Hamam's Pole and Others*, and *Khadim Hussain v. State of U.P. & ors.* (supra). Thus, he urged, the compliance with the requirements of publication and the giving of public notice of the substance of the Declaration in the locality is mandatory.

6. The requirements of publication of the Declaration in the Official Gazette and in two daily newspapers circulating in the locality and of the giving of public notice of its substance in the locality were introduced by the 1984 amendment to the Act and therefore, undisputably at that time similar requirements, except as regards the publication in two newspapers, existed in respect of the notification u/s 4 in its sub-section (1). It may thus be presumed that the Legislature was aware of the rulings of the Supreme Court relating to the mandatory nature of the requirement incorporated in section 4(1) to give public notice of the substance of the Notification at convenient places in the locality. But, in our view, it does not necessarily follow, as submitted by Mr. Rebello, that on that count the said rulings are applicable to the requirements in section 6(2) and therefore, for that reason, it must be held that the said provisions of law is mandatory. The scope of section 4 and of section 6 is not indeed the same, and this makes all the difference. Be that as it may, however, we have, for the reasons hereinabove given, no doubts in our minds that section 6(2) is mandatory and has therefore, to be strictly complied with.

7. This takes us to the main question that this petition gives rise to, namely, whether the omission in giving public notice of the substance of the Declaration in the locality invalidates it.

Mr. Rebello naturally, answered this question in the affirmative for, according to him, the provision of section 6(2) being mandatory, the failure to discharge this mandate permeates to the Declaration itself, vitiating and making it null and void. Those, he further urged, are no doubt requirements of the section which are procedural in nature, but they have effects in the substantive rights of the parties concerned and hence, the non-compliance with such requirements goes to the very root of the Declaration. This, he submitted, necessarily flows from the

authorities mentioned by us and relied on by him.

The learned Advocate General however, took the opposite view and placing reliance on *Shamrao Vishnu Parulekar Vs. The District Magistrate, Thana*, , contended that the rulings of the Supreme Court cited by Mr. Rebello in support of his submissions are not at all attracted to the case at hand, since all those rulings, except the one in *Khadim Hussain's case (supra)*, are in respect of section 4(1), and not in respect of section 6(2), the scope of each of these provisions of law being different. He further argued that in an unreported judgment delivered on 22nd April, 1987 in Writ Petition No. 228 of 1985, *Antonio Joao Bosco Lobo & anr. v. Union of India & ors.*, which was upheld by the Supreme Court, this Court held, while dealing with a submission that the Declaration u/s 6 of the Act is complete only with its publication, that such submission has no merit as the declaration and its publication are two different and distinct things; that the observations made by the Supreme Court in *Jaiswal's case (above)* were not attracted as the Supreme Court was dealing with section 4(1) and not with section 6; and that the scope of the Notification u/s 4(1) is different from the scope of the declaration u/s 6. The ruling of this Court in *Antonio Lobo's case* thus fully applies, the learned Advocate General further contended with the result that the contentions of Mr. Rebello clearly have no merit, being also note-worthy that the sub-titles of sections 4 and 6 also indicate that the scope of one section is different from the scope of the other. That apart, the Declaration u/s 6(1) can be challenged only when, he next submitted drawing support therefore from the observation of the Supreme Court in *Khadim Hussain's case*, the procedure prescribed in sections 4(1), 5, 5-A and 6(1) had not been followed.

Before we address ourselves to these rival contentions, we may usefully advert to the authorities cited at the Bar by the learned Counsel.

8. In *Khub Chand's case (supra)* the question arose as to whether giving of public notice of the substance of the Notification u/s 4(1) was mandatory or directory and whether the omission in giving such notice was fatal to the Notification. The Court answered both these questions in the affirmative and, inter alia, observed that the "provisions of a statute conferring power on the Government to compulsory acquire laods shall be strictly construed. Section 4 in clear terms says that the Collector shall cause public notice of the substance of such Notification to be given at convenient places in the said locality. The provision is mandatory in terms. Doubtless, under certain circumstances, the expression "shall", is construed as "may". The term "shall" in its ordinary significance is mandatory and the Court shall ordinarily give interpretation to that term unless such an interpretation leads to some absurd or inconvenient consequence or be at variance with the intent of the legislature, to be collected from other parts of the Act. The construction of the said expression depends on the provisions of a particular Act, the setting in which the expression appears, the object for which the direction is given the consequences that would flow from

the infringement of the direction and such other considerations. The object underlying the said direction in section 4 is obvious. Under sub-section (2) of section 4 of the Act, after such a notice was given, the officer authorised by the Government in that behalf could enter the land and interfere with the possession of the owner in the manner prescribed thereunder. The Legislature thought that it was absolutely necessary that before such officer can enter the land of another, the owner thereof should have a clear notice of the intended entry.

Therefore, it flows that the reasons why the Court held that the giving of the said public notice of the substance of the Notification is mandatory is that the owner of the land should have knowledge and clear notice that the authorized officer would be entitled to enter the land.

9. In *State of Mysore v. Abdul Razak Sahib* (above), dealing with the same question, the Supreme Court reiterated the view that the giving of such public notice is mandatory although for a different reason, namely that its purpose is to enable the interested parties to file their objection to the proposed acquisition.

10. In *Narinderjit Singh v. The State of U.P.*, (supra), the Supreme Court, once again, approved the view taken in *Khub Chand* and in *Abdul Razak Sahib*'s cases and answering a question which was raised, observed that a provision of law cannot be held mandatory in some cases and directory in others. The provision of section 4(1) is mandatory in all cases, the Court therefore held.

11. In *The Collector (Dist. Magistrate), Allahabad and anr. v. Raja Ram Jaiswal*, (above), the Supreme Court while reiterating the law laid down in the authorities mentioned before, observed that the only visible and demonstrable purpose behind publication of the substance of the Notification u/s 4(1) in the locality where the land proposed to be acquired is situate, is to give the persons interested in the land due opportunity to submit their considered objections against the proposed notification.

12. In *State of Gujarat v. Panch of Nani Hamam's Pole and ors.* (supra), the Supreme Court held the same view and observed that the requirement of section 4(1) is giving a general notice and by two methods, namely (1) by publication of the notification in the Official Gazette and (2) causing public notice of the substance of such notification to be given at convenient places in the locality.

13. In *Khadim Hussain's case* above, the Supreme Court observed that the notices in sections 4 and 6 are procedural methods, but they undoubtedly affect the substantive rights as well and in paragraph 25 observed that the object of the Notification u/s 6 is to ensure that the Government is duly satisfied, after an inquiry at which parties concerned are heard, that the land under consideration is really needed for a public purpose and that the Declaration is to operate as conclusive evidence to show that this is so. Conclusiveness of this Declaration, the Court added, cannot be questioned anywhere if the procedure dealing with its making has been observed. The Notification which takes place u/s 6(2) follows and serves only as evidence of the Declaration. That the Declaration mentioned

in section 6(1) differs from its Notification is shown by the fact that it has to be signed by a Secretary or other officer duly authorised. The Declaration is in the form of an order and the Notification is itself publication and proof of its existence.

14. In *Shamrao Vishnu Parulekar & anr. v. The District Magistrate, Thana & ors* (supra), the Supreme Court held while dealing with the provisions of the Preventive Detention Act, 1950, that since the purpose of sections 3 and 7 of the said Act were different it was not permissible to presume that the expression "the grounds on which the order has been made", is used in section 3(3) in the same sense which it bears in section 7. In other words, the Court held that the use of a particular expression. In a particular provision of an Act has not necessarily the same meaning in the other provisions of the same Act. It all depends on the purpose of each section.

15. In *Antonio Joao Bosco Lobo & anr v. Union of India & ors*, above, a Division of this Court held that the declaration made u/s 6 and its publication are two different and distinct things; that the scope of section 4 is different from the scope of section 6; and that the Notification in the Official Gazette and in two newspapers in u/s 4 the formal and only valid expression of the opinion of the Government that a land is likely to be needed for a public purpose, whereas the Declaration u/s 6 is entirely independent from its publication, which constituted a mere proof of the existence of the Declaration. That was a case where an agricultural land was sought to be compulsorily acquired for the public purpose of implementation of a housing scheme. The owners of the land challenged the acquisition proceedings, inter alia, on the ground that the said proceedings were vitiated in as much as the Notification u/s 6 has been published in the newspapers beyond three years although its publication in the Official Gazette had been made within that period of time. It was argued on the basis of what is provided in sub-section (2) of section 6 and relying on *Jaiswal's* case (supra), that the date of publication of the Declaration is the relevant date for the purposes of the proviso to sub-section (1) of section 6 of the Act. It was further contended that the Declaration u/s 6 is complete only with its publication. The Division Bench negated these submissions observing that the only legal requirement as regards the Declaration referred to in section 6(1) is that it has to be made within the period of time of three years and one year specified in Clauses 1 and 2 of the said proviso as the case may be, and that there was no merit in the contention that the Declaration u/s 6 is complete only with its publication, because the Declaration u/s 6 and its publication are two different and distinct things, as it directly flows from sub-sections (1) and (2) of section 6 which independently deal, respectively, with the Declaration and with its publication. The Division Bench further held that the ruling in *Jaiswal's* case was not attracted since the Supreme Court had been dealing in that case with a Notification u/s 4(1) and not with a Declaration u/s 6, the scope of each of these provisions of law being different. It was equally held, relying on the ruling of the Supreme Court in *Khadim Hussain's* case that the publication as prescribed in

section (2) is merely the proof of the existence of the Declaration which is therefore clearly independent from its publication.

16. It is thus seen that except for Khadim Hussain's and that of Antonio Lobo, the other authorities referred to herein before do not deal with section 6 of the Act. Shamrao Vishnu Parulekar's case indeed is an authority for the proposition that similar or same words used in different sections of the same Act, or even in the same section, do not necessarily have the same meaning, for one has to look first to the scope of the section to find the real meaning of such words, and Khub Chand, Abdul Razak Sahib, Jaiswal and Panch of Hamam's Pole's cases merely deal with section 4(1) of the Act. Now, in the light of what the Supreme Court said in Shamrao's case and of the findings of Division Bench in Antonio Lobo's case as regards the different scope of sections 4 and 6 and that a Declaration u/s 6 and its publication are different and distinct things, as well as in view of the observation that the ruling in Jaiswal's case was not attracted, as made while dealing with section 4 and not with section 6, it would appear that the learned Advocate General is right in submitting that the aforesaid rulings do not advance the petitioners' case, being not applicable to it.

Faced with this difficulty Mr. Rebello made a strenuous effort to come out of it in an attempt to distinguish Lobo's case by contending that the issues in the said case and in the present case are entirely different. In Lobo's case, he urged, the question raised was that the declaration u/s 6 and its publication had to be made within the periods of time prescribed in Clauses (i) and (ii) to the proviso to sub-section (1) of section 6, whereas the issues raised in the case at hand are whether the requirement of section 6(2) of the Act are mandatory and whether the non-compliance with such requirements invalidates the Declaration itself. He therefore, contended that whatever the Court observed and held in Lobo's case in respect of the Declaration being independent from its publication is not attracted to the present case, being, in any event, mere obiter.

There is however, no merit in these submissions of the learned Counsel, and Lobo's case fully applies to the present case. It is no doubt true that in Lobo's case the question raised was whether the Declaration u/s 6 and its publication had to be made within the time specified in Clauses (i) and (ii) of the proviso to section 6(1) of the Act. Equally true is that the issues raised in the petition, viz. whether the giving of the public notice of the substance of the Declaration in the locality being a requirement of the section, is mandatory, the omission in satisfying such requirement vitiates the Declaration, did not at all fall for our determination in Lobo's case. But while developing the contention that the Declaration u/s 6 and its publication has to be made in the aforesaid periods of time, it was argued that it was so mainly because such declaration is complete only with its publication. The Division Bench had therefore, necessarily to deal with the said argument in order to be able to answer the main contention raised by the petitioners in that case. Hence, it cannot be said that what the Court held in that respect is merely obiter. It undoubtedly amounts to a finding which was

required to be given. It was also seen that the Division Bench held that Jaiswal's case, being an authority as regards section 4(1), was not applicable to a situation arising out of section 6 as the scope of each of the aforesaid provisions of law is different. It was further seen that the Division Bench negated the argument that the Declaration u/s 6 is complete only after its publication, holding that the Declaration and its publication are two different, distinct and independent things, the publication being, as laid down by the Supreme Court in Khadim Hussain's case, merely the proof of the existence of the Declaration. We see no reason to depart from the view taken in Lobo's case and on the contrary we reiterate it, adding that there is another reason therefor. The Notification u/s 4(1) of the Act indeed is, as held in Lobo's case, the formal and valid expression of the opening of the Government that a land is likely to be needed for a public purpose, and hence, by implication, it shows that a decision in that regard has not yet been taken. The Declaration u/s 6(1) is the actual decision taken by the Government "in the form of an order", to use the words of the Supreme Court in Khadim Hussain's case, the Notification being itself publication and proof of its existence. We therefore, hold without hesitation that the ruling of the Supreme Court relied upon by Mr. Rebello are distinguishable as dealing with Notifications u/s 4(1), and not with Declaration u/s 6 and further, that a declaration u/s 6 being entirely different, distinct and independent from its publication and the giving of public notice of its substance in the locality, the omission to satisfy such requirements of section 6(2) of the Act does not vitiate it, turning it null and void, for the declaration certainly is complete without its publication which merely constitutes a proof of its existence.

17. Mr. Rebello however, next contended that even though the Declaration and its publication may be distinct and different things, the fact remains that sub-section (2) of section 6 of the Act is mandatory and its requirements are the requirements of the section itself. Therefore, the failure to comply with them constitutes, according to him a vice that fatally hits the Declaration u/s 6, making it null and void. In our view, there is no force in these submissions, for unlike that happens with the requirement u/s 4(1), those of section 6(2) are not respecting to the Declaration and do not as such, affect it. They merely constitute the proof of the existence of the Declaration and consequently, the absence of such proof does not obviously invalidate it.

18. We may mention here that the learned Advocate General had stated across the Bar that a Special Leave Application has been filed in the Supreme Court against the judgment of the Division Bench in Lobo's case and that Their Lordships of Supreme Court dismissed the said Special Leave Application summarily. This position is admitted by Mr. Rebello. It therefore, necessarily follows that although the Supreme Court has not dealt in detail with the said judgment, none the-less approved it as the Special Leave Application filed against it was not admitted.

19. Having thus answered in the negative the main question that his petition

gives rise to, it is not necessary at all for us to deal with the contention of Mr. Rebello that the affixation of the Declaration or of its substance, at the Mamlatdar's office does not satisfy the requirements of sub-section (2) of section 6 of the Act, as the Mamlatdar's Office is not, according to him, "locality" within its meaning in the aforesaid provision of law. We may however, not that the word "locality" is not defined in the Act and therefore, one has to construe it in conformity with its dictionary meaning as "area, site or place". But considering that the publication of the Declaration u/s 6 and the giving of public notice of its substance is meant to prove the existence of such declaration. It appears to us that its affixation, or of its substance, in the Mamlatdar's office satisfies the requirement of section 6(2) of the Act. We are supported in this view by the decision of the Andhra Pradesh High Court in *Nandipati Somireddy and Others Vs. State of Andhra Pradesh and Others*, .

20. Turning now to the second challenge of the petitioners, it was seen that Mr. Rebello contended that there was no public purpose for the acquisition of the land at the time the Notification u/s 4(1) and the Declaration u/s 6 were published, as the admitted absence of contemporaneous plan or scheme for its development for parks, recreational or other development indivates. He invited our attention in this connection and in support of his submission to the decision of the Supreme Court in *Smt. Somavanti and Others Vs. The State of Punjab and Others*, .

In *Somawanti's* case the Supreme Court no doubt observed that the existence of a scheme was necessary in that particular case to establish that there was a need of acquisition for a public purpose, but such observations were made in the particular facts of that case and no law was laid down in that regard. Hence, *Somawanti's* case is not an authority for the above proposition advanced on behalf of the petitioners and it is not applicable in the present case. That apart we find great merit and force in the submission of the learned Advocate General that the Act itself indicates that the plan or scheme for development of the land sought to be acquired need not be prepared, prior or contemporaneously to the Notification u/s 4(1) and of the Declaration u/s 6. Section 8 of the Act indeed provides that "the Collector shall thereupon cause the land (unless it has been already marked out u/s (4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof), a plan to be made of the same". The preparation of a plan or a scheme for the development of the land sought to be acquired is not thus a condition precedent for the issuance of a Notification u/s 4(1) and a Declaration u/s 6. It suffices for that purpose that the appropriate Government first forms the opinion that the concerned land is likely to be needed for a particular public purpose and then, takes a decision that the said land is actually required for that particular public purpose. Once the opinion is formed and decision is taken, the appropriate Government will be at liberty to issue, respectively, the aforesaid Notification and Declaration. The preparation of a detailed plan or scheme for the implementation of the particular public purpose for which the land is proposed to be acquired will, no doubt, be useful to

establish inter alia, the bona fide of the Government in acquiring the land and the genuineness of the public need of the same land. But definitely, such prior or contemporaneous preparation of a plan or scheme is not a condition precedent for the issuance of the Notification u/s 4(1) and of the Declaration u/s 6 of the Act, and as such, the existence of such plan or scheme at that time in no manner warrants the contention that the Notification and Declaration will be void and liable to be quashed and it indicates that there was no public purpose for the compulsory acquisition of the concerned land.

The second challenge of the petitioners has thus no substance and fails.

21. We finally come to the third and last challenge of the petitioners, according to which the impugned notification and Declaration are invalid inasmuch as they are vague. It was argued that by merely stating that the land was required for the public purpose of parks, recreation and other development without specifying the nature and the details of the development the persons interested in the concerned land had no material at their disposal to consider whether or not the alleged purpose for the acquisition was public and therefore, to represent against the proposed acquisition. The impugned Notification and Declaration are as such, vague and liable to be quashed, it was further urged, seeking support therefore in *Munshi Singh and Others Vs. Union of India (UOI)*, .

We do not think that the petitioners are right in contending that the impugned Notification and the Declaration are vague and do not disclose sufficient details as to enable them to consider whether or not the professed purpose for the acquisition is public and to represent against the acquisition of their land. It is no doubt stated that the purpose is acquisition for park, recreational and other development at Mira Mar. The expression "parks, recreational and other development" is to our minds clear and not vague, the words "other development" having to be construed in the context as meaning development ejusdem generis and similar to parks and recreational areas. That this is a public purpose is undisputable, for parks, gardens and recreational areas in a city or town are manifestly for the benefit of the community. This is more so in a fast developing town like Panjim and surrounding areas where housing colonies and high rising multi-storied buildings are mushrooming, many times without proper appraisal of public health, hygiene and aesthetics, as well as of the ecological and environmental dangers such development of the land may involve. Open spaces, parks, gardens, etc. are undoubtedly necessitated by reasons of public health and hygiene and therefore, work towards the general benefit of the urban population of a city or town. The public purpose of acquisition of land for parks, gardens and recreational places cannot, thus, be denied.

In these circumstances, the observations of the Supreme Court in *Munshi Singh's* case (supra) do not help the petitioners. Those observations were indeed in the context that the notification u/s 4 in that case merely stated that the land was needed for the public purpose of "planned development of the area". The Court felt that the said words were wholly insufficient and conveyed no idea as to

the specific purpose for which the lands were to be utilized and therefore quashed the said notification. In any event, it appears that a different view was taken in Pt. Lila Ram Vs. The Union of India and Others, , for the Supreme Court dealing with the contention that the public purpose alleged in that particular Notification viz., "for the execution of the Interim General Plan for the greater Delhi", was vague and, as such, the Notification was liable to be quashed, negated it, inter alia observing that when the land sought to be acquired is not a small plot but a vast area, it is not proper to insist upon a very great precision in specifying the public purpose ; that there were no objections taken on that ground before the concerned authorities by the interested persons and that after considering Munshi Singh's case the Supreme Court has held in Aflatoon and Others Vs. Lt. Governor of Delhi and Others, that in case of acquisition of a large area of land comprising several plots belonging to different persons the specification of the purpose can only be with reference to the acquisition of the whole area, a view reiterated in an unreported judgment of the same Court in Ratni Devi v. Chief Commissioner M.P.

These observations in Lila Ram's case, apply on all fours to our case where the land sought to be acquired is not a small plot, but vast one and belongs to different persons, and where the persons interested had not taken any objection before the concerned authorities that the notification was not specific enough and, as such, they were not able to file effective objections against the proposed acquisition. Hence, even if the notification u/s 4(1) and the Declaration u/s 6 were in the present case vague as regards the professed public purpose, and they are not, they could not be quashed on that ground and for that reason.

22. The petition thus fails and is consequently dismissed with costs. The rule is accordingly discharged.