

(1984) 04 KAR CK 0015

In the Karnataka High Court

Case No : Writ Petition No"s. 25572 to 25575 of 1981

K. Venkataramanappa

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 12-04-1984

Acts Referred:

Karnataka Industrial Area Development Act, 1966 — Section 28 (1), 28 (3), 28 (4)

Citation : (1984) ILR (Kar) 205

Hon'ble Judges : Puttaswamy, J;Mahendra, J

Bench : Division Bench

Advocate : K.S. Subba Rao, for the Appellant; S.V. Jagannath, H.C.G.P. for R-1 and 2 and K.V. Narayanappa, for R-3, for the Respondent

Judgement

Mahendra, J.—The petitioners in all these writ petitions have challenged the validity of the acquisition of their lands under the Industrial Areas Development Act, 1966 (hereinafter referred to as the Act) by the State of Karnataka.

2. Petitioners own lands at Bommasandra village in Anekal Taluk. Acquisition proceedings were initiated by the State of Karnataka to acquire their lands and various other persons under the Act by a notification dated 28-2-1981 u/s 28(1) published in the Karnataka Gazette dated 5-3-1981-Ann. "A". The petitioners were served with notices to show cause within 30 days from the date of service of notice as to why their lands should not be acquired. Petitioners in W.P. Nos. 25572, 25573 and 25574 of 1981 were served with notice on 28-3-1981 while the petitioner in W. P. No. 25575 of 1981 was served with notice on 26-3-1981. While the petitioner in W.P. No. 25572 of 1981 filed his objections on 11-5-1981, the petitioners in W. P. Nos. 25573 and 25575 of 1981 filed their objections on 1-9-1981 But the petitioner in W.P. No. 25574 of 1981 did not file any objections. The Assistant Commissioner and Land Acquisition Officer, Doddaballapur Sub-Division the second respondent served a notice as per Ext. "B" on the first petitioner calling upon him to appear before him on 21-8-1981 for consideration of his objections. The second respondent served a notice as per Ext. "F" on the

petitioner in W.P. No. 25573 of 1981 calling upon him also to appear before him on 26-8-1981 for consideration of his objections. But before that hearing date, the L.A.O. taking the view that the objections filed by the Petitioners were beyond the appointed date, did not hear them but submitted his report to Government which being satisfied that the lands should be acquired for the purpose specified in notification Ann. "A", issued a declaration u/s 28(4) of the Act as per Ann. "K" published in the Karnataka Gazette dated 1-10-1981. The second respondent thereafter served notices on the petitioners calling upon them to surrender possession of the lands notified for acquisition. At this stage the petitioners filed these petitions challenging the validity of the acquisition of their lands.

3. Sri K.S. Subba Rao, learned counsel for the petitioners made the following submissions. He argued that the petitioners have opposed the acquisition but still the authorities without considering their objections and without affording them an opportunity of being heard, have issued the impugned notification u/s 28(4) and therefore the entire acquisition "was illegal. According to him there is a clear disobedience to the mandate of Section 28(3). Alternatively he urged that the prescription in Section 28(3) that objections should be filed within 30 days of service of notice is of no significance and it is always open to the parties to file objections before a notification is issued u/s 28(4). According to him, an owner or a person interested whether or not he has filed objections, has a right to be heard u/s 28(3). It was his further case that the authorities have served notices on the owners of the lands to appear at the enquiry and this service of notices confers a right on the persons served with notices to participate in the enquiry and the authorities have a duty to hear them.

4. Learned Govt. Advocate and Sri K-v.- Narayanappa learned Counsel for the Karnataka Industrial Areas Development Board submitted that the petitioners did not file their objections within 30 days after service of notice as is required u/s 28(2) and they not having objected to the acquisition proposed within the time specified, the acquisition was not opposed by them and they having not opposed the acquisition, have no right to be heard before a notification is issued u/s 28(4). They further maintained that the issue of notices by the authorities as without the authority of law and will not confer any right on the petitioners to be heard as claimed by them.

5. We do not find any good ground to hold that what is found in the records as to the dates of service of notice and the dates on which the petitioners showed cause as to why their lands should not be acquired are not correct. We find no ground to accept the contentions urged by the petitioners to the contrary.

6. The Karnataka State Legislature enacted "The Karnataka Industrial Areas Development Act, 1966" to make special provision for securing the establishment of industrial areas in the State of Karnataka and generally to promote the establishment and the orderly development of industries in such industrial areas, and for that purpose to establish an Industrial Areas Development Board and for

purposes connected with the matters aforesaid.

The acquisition and disposal of lands is regulated by Section 27 to 31 in Chapter VII of the Act. Section 28 provides for acquisition of lands for purposes of Act. Section 29 provides for fixation and payment of compensation for the land acquired. Section 30 makes the provision of the Land Acquisition Act, 1894 (Act 1 of 1894), insofar as they relate to the enquiry and award by the Deputy Commissioner, the reference to the Court, the apportionment and payment of compensation, applicable in respect of the lands acquired under Chapter III. Section 29 that is material reads :-

"28. Acquisition of land (1) If at any time, in the opinion of State Government, any land is required for the purpose of development by the Board, or for any other purpose in furtherance of the objects of this Act, the State Government may by notification, give notice of its intention to acquire such land.

(2) On publication of a notification under sub-section (1), the State Government shall serve notice upon the owner or where the owner is not the occupier, on the occupier of the land and on all such persons known or believed to be interested therein to show cause, within thirty days from the date of service of the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(4) After orders are passed under sub-section (3), where the State Government is satisfied that any land should be acquired for the purpose specified in the notification issued under sub-section (1), a declaration shall, by notification in the official Gazette, be made to that effect.

(5) On the publication in the official Gazette of the declaration under sub-section (4), the land shall vest absolutely in the State Government free from all encumbrances.

(6) Where any land is vested in the State Government under sub-section (5), the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(7) If any person refuses or fails to comply with an order made under sub-section (5), the State Government or any Officer authorised by the State Government in this behalf may take possession of the land and may for that purpose use such force as may be necessary.

(8) Where the land has been acquired for the Board, the State Government, after it has taken possession of the land may transfer the land to the Board for the

purpose for which the land has been acquired."

7. Chapter III of the Act therefore provides for publication of a notification in the Karnataka Gazette by the State Government giving notice of its intention to acquire such land required for the purpose of the development of the Industrial Areas Board etc, and thereafter service of notice upon the owner, occupier and all such persons interested in such land to show cause within 30 days of service of notice, why the land should not be acquired. The State Government has thereafter to consider the cause, if any, shown by the owner and any other person interested and after giving such owner and person an opportunity of being heard, pass appropriate orders. It is only thereafter if the State Government is satisfied that the land should be acquired, it shall make a declaration to that effect in the Karnataka Gazette. On the publication of such a declaration, the land vests in the State Government free from all encumbrances and the State Government may then serve notice on the person in possession and call upon him to put the Government in possession within 30 days after service of notice and on his failing to comply, may itself take possession of the land. The State Government after taking possession may transfer the land to the Board Compensation for the land acquired is payable in terms of the agreement, if any, and in the absence of an agreement, compensation payable is as is determined under the relevant provision of the Land Acquisition Act, 1894.

8. An owner or when the owner is not the occupier and all such persons or believed to be interested in the land proposed to be acquired are required to show cause why the land should not be acquired within 30 days after service of notice u/s 28(2). It is after considering the cause, if any, shown pursuant to the notice served u/s 28(2) and after giving such owner or person interested an opportunity of being heard, the State Government is required to pass such orders as it deems fit to grant. A reading of both sub-sections (2) and (3) of Section 28 makes it clear that the owner or occupier and any other person interested has a right to file objections or show cause within 30 days after service of notice and the State Government has to consider objections or the cause shown and such owner or persons interested i.e., the owner or persons who have shown cause or filed objections within 30 days from the date of service of notice are given a right to be heard by the State Government before a decision is taken. This right to object or shown cause why land should not be acquired and the right to an opportunity of being heard are rights conferred on the owner or persons interested, by the Statute which authorises acquisition of lands. In other words, these are statutory rights. The same Statute invests the Government with the duty to afford an opportunity of being heard. This duty is a statutory duty, [vide Jayantilal Amrit Lal Shodhan Vs. F.N. Rana and Others,

9. A similar right to file objection and a right to be heard before a final decision is taken, is also conferred on a person interested in any land notified for acquisition under the Land Acquisition (Karnataka Extension and Amendment) Act, 1961. Section 4 of the Land Acquisition Act prescribes that a notification should be

published in the official Gazette and the Collector causing to give public notice of the substance of such notification at convenient places in the concerned locality.

Sec. 5A of the Land Acquisition Act provides that any person interested in any land notified for acquisition may, on or before the date specified in the notification issued u/s 4 (1) object to the acquisition of the land or any land in the locality as the case may be. It further provides that such objection should be in writing made to the Deputy Commissioner setting out the grounds thereof. Thereafter he is entitled for an opportunity of being heard either by person or by a Pleader and it was only after affording such a hearing and making such an enquiry, the authority should submit a report to the Government. The fact of having submitted the report to the Government must be communicated to the objectors.

10. It is settled law that principles of natural justice and fair play require that a party to whose prejudice an order is intended to be passed is entitled to an opportunity of being heard. It is one of the fundamental rules of our constitutional set up that every person is protected against exercise of arbitrary authority by the State or its officers. If the essentials of justice are ignored and an order to the prejudice of a person is made, the order is a nullity. Rules of natural justice and fair play operate only in areas not covered by any law. Rules of natural justice and fair play do not supplant the law but they only supplement the law. Their aim is to secure justice or/and prevent miscarriage of justice (State of Orissa v. Dr. (Miss) Binapani Dei, Kraipak v. Union Bank of India AIR 1969 S.C. 1269)

11. Any decision to acquire land is always to the prejudice of the owner or person interested therein and results in civil consequences because it results in the deprivation of right in property. The audi alteram partem pattern rule is applicable to a case of deprivation of rights in property. The principles of natural justice and fair play require that the owner or a person interested therein must have an opportunity of being heard before a final decision is taken to acquire the land. Both the Land Acquisition Act as also the Act in Chapter VII given the right to the owner and a person interested to file objections or to show cause why the land should not be acquired and also an opportunity of being heard before a final decision is taken to acquire. The Statute further specifies the authorities to take the decisions. It is not the case of the petitioners that the provisions of the Statute providing for acquisition of their lands do not provide for a reasonable opportunity of being heard to them the affected parties - and therefore unconstitutional. The Statutes in specific terms provide for an opportunity to the persons affected ...if they so desire, to oppose the proposed acquisition and also of being heard before a final decision is taken. The opposition to the acquisition and the hearing to be given before a final decision is taken, is as is provided by the Statute and should therefore be in conformity with the mandate of the Statute.

12. In Sri Hucheswar L.M.S. v. L.A.O. 1972 (2) Mys. L.J. 417 the petitioner

challenged the final notification issued u/s 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) as amended by the Mysore Act 17 of 1961 on the ground of non-compliance with the provisions of Section 5A (2).

The preliminary notification u/s 4 was issued on 6/8-7-1966 and published in the Gazette on 21-7-1966 and persons interested were required to file objections, if any, within 45 days from the date of publication of the notification in the Gazette. The petitioner filed his objection on 14-9-1966. The Land Acquisition Officer submitted his report to Government recommending acquisition and a final notification u/s 6 was thereafter issued and an award was also made on 23-10-1968.

13. It was contended that the petitioner who had filed his objections was not heard and the fact of having submitted the report to the Government was not communicated to him and therefore the final notification was vitiated. It was not in dispute that the petitioner filed his objections beyond the period specified in the notification u/s 4(1). It was also not in dispute that the fact of the report having been sent to Government had not been communicated to him. The question for consideration therefore was whether the petitioner who had filed his objections beyond the time specified is an "objector" and therefore entitled to be heard and communicated about the fact of the report having been sent to Government. In considering this question, the Court explained -

"It is manifest from the language of sub-section (1) of section 5A of the Act that a person interested in any land proposed to be acquired must file his objections on or before the date specified in the notification issued under sub-section (1) of section 4 of the Act, and, in our opinion, it is only such person who can be regarded as an objector to the proposed acquisition and entitled to be heard before any report is submitted to the Government and also thereafter to be communicated about the fact of the report having been submitted to the Government. A person not filing objections within the said time cannot, in the eye of law, be regarded as an objector and the Land Acquisition Officer in such a situation is not bound to entertain the belated objections filed thereafter or to hear the person filing them, nor is he bound to communicate him of the fact of his having submitted the report to the Government as required by section 5A (2) of the Act."

The Court further explained -

"..... the objector referred to in sub-section (2) of Section. 5A is the person who filed his objections within the time specified in the preliminary notification and it is that person if he is interested in the land who is entitled to be heard and also to be communicated about the fact of the report having been sent to Government. If the person claiming those rights under that sub-section has not filed any objections within the said time, he cannot, in our opinion, be regarded as an objector within the meaning of that expression occurring in that sub-section."

The Court therefore held that the petitioner who had filed his objection beyond the time specified was not an "objector" and therefore not entitled to be heard as also to be communicated about the fact of the report having been sent to Government under sub-section (2) of section 5A.

14. A Division Bench of this Court in Hucheswar L.M.S. case has taken the view that the objections are to be filed within the time specified and a person who has not filed his objections within the time specified is not an "objector" and has therefore no right to be heard or to be communicated about the report having been sent to Government.

15. The objections not filed are no objections in law and a person who has filed his objections beyond the time specified is not an "objector" in law. The authorities constituted under the Statute are required to consider only the "objections" filed in the manner prescribed and hear only the "objectors" i.e., persons who have filed objections within the time specified. The Statutory authorities have no competence or power to consider objections filed beyond the time specified or to hear persons who have filed objections beyond the time specified. This is the correct interpretation, is clear from the decision, of the Supreme Court in State of Mysore Vs. Abdul Razak Sahib, wherein it is held section 5A empowers the interested person to object to the acquisition of any land but his objections should be filed within thirty days from the date of the issue of the notification.

Any objection filed thereafter need not be considered as the same is filed after the time specified in section 5A (1)."

16. It was however argued on behalf of the petitioners that the language used in section 5A of the Land Acquisition Act and Section 28(2) and (3) of the Act is not the same and the provisions of the Act are wide enough to include persons who have failed to show cause why their lands should not be acquired. It is true in section 5A a person interested may object to the acquisition and every objection filed has to be considered by the Deputy Commissioner and the objector has to be given an opportunity of being heard and the fact of report having been submitted to the Government has to be intimated to the objector. But u/s 28 the owner, occupier or the person interested is required to show cause why the land should not be acquired. The Government has to consider the cause shown, given such owner, occupier or person interested an opportunity of being heard and then make final orders. As already noticed, section 28(2) provides for service of notice on the owner or the occupier and on all interested persons to show cause within 30 days from the date of service why land should not be acquired. section 28(3) casts a duty on the State Government to consider the cause, if any, shown by the owner or the occupier or person interested and to give such owner and person an opportunity of being heard before making orders. The cause to be considered is the cause shown u/s 28(2) of the Act, that is to say, the cause shown within the time specified i.e., within 30 days from the date of service of notice. An opportunity of being heard is also required to be given to such owner

and person. The words "such owner and person" necessarily mean the owner and person who have shown cause within 30 days from service of notice as is required u/s 28(2). It therefore follows that the cause that is required to be considered by the Government is the cause shown by the owner or occupier or a person interested therein within the time specified after service of notice and it is only such owner, occupier or person interested who has shown cause as is required u/s 28(2) who is required to be given an opportunity of being heard by the Government. In the Land Acquisition Act, objections are required to be filed and then objections filed are required to be considered by the authorities concerned. We are therefore of the opinion that the difference in the language used in section 5A of the Land Acquisition Act and section 28 of the Act will not in any way assist the petitioners because the scheme and object of both the provisions are the same i.e., to afford an opportunity to the parties interested to oppose the acquisition and consideration of the objections and affording an opportunity of being heard to those who have opposed the acquisition.

17. It was maintained that the period of 30 days is not of much importance and what is of importance is affording an opportunity to the person interested to object to the proposed acquisition and it is therefore always open to the authorities concerned to extend the time to enable the parties to file objections. In other words, according to Sri Subba Rao, this prescription of time in the Land Acquisition Act or the Act, is of no materiality at all audit is always open to the person interested to file his objections against the proposed acquisition and irrespective of whether the person interested has filed objections he has a right to be heard. According to the learned Counsel, the authorities under the Statute have always the competence to afford an opportunity of being heard to the person interested, before taking a final decision. The decision of the Gujarat High Court in *The State of Gujarat and Another Vs. Dashrathlal Fakirbhai Mukhi and Another*, on which Sri Subba Rao placed reliance fully supports this submission.

18. In Mukhi's case the acquisition of some lands was challenged by the owner. A notification u/s 4 (1) of the Land Acquisition Act as issued on 19-12-1957. The Urgency clause u/s 17 (4) was invoked and the enquiry u/s 5A was dispensed with and a notification u/s 6 was issued on 5-8-1958. The lands were acquired for slum clearance, housing and roads. The validity of both the notifications was challenged by the owner of the lands in the suit. The challenge to the notification was mainly on the ground that the urgency clause u/s 17 (4) was wrongly applied. The Trial Court upheld this ground and decreed the suit partly and granted a declaration that part of the notification u/s 4 whereby the urgency clause was invoked and the enquiry u/s 5 A was dispensed was illegal. It sustained the validity of the rest of the notification but invalidated the notification u/s 6. The plaintiff filed the appeal before the High Court praying that the notification u/s 4 in its entirety should be struck down. The State filed cross appeal.

19. One of the grounds taken on behalf of the plaintiff was that the Collector had

no competence or jurisdiction to hold an enquiry u/s 5 A since the time limit of 30 days for filing objections had expired long back. The submission therefore was when once the court came to the conclusion that the urgency clause was wrongly applied and the enquiry u/s 5 A was wrongly dispensed with, the notification u/s 4 in its entirety was liable to be struck down.

20. The State has framed Rules in exercise of the powers u/s 55 of the Land Acquisition Act for the guidance of Officers in dealing with the objections lodged u/s 5A. Rule 2 of these rules empowered the Collector to extend the time limit of 30 days prescribed in section 5A for filing objections. Apart from the power of the Collector under the rules, the Court observed "that the provision enabling a party whose lands are placed under acquisition to lodge objections is designed for the benefit of such a party and that the essence of the matter is that an opportunity is afforded to them before a decision is taken and before notification under S 6 is issued. The essence of the matter is giving of such opportunity, not, giving it within a particular number of days. There is no conceivable virtue or merit in affording a hearing "within" thirty days. It is not as if the period of thirty days is of mystical significance and is surrounded by some magic halo. No principle or policy underlies the selection of the period." But the Court however recognises that some time limit for filing objections has to be fixed and has further observed - "the party whose lands are placed under acquisition, it is true, may not have an unrestricted right to lodge objections beyond the time limit of 30 days embodied in section 5A. But that time limit operates as a limitation on the right of a party and not as a limitation on the power of the Collector to hear the objections" and held "Even if the rules are silent, the Courts usually read into the relevant provisions the principles of fair play and natural justice and insist on compliance with such principles notwithstanding the fact that there is no positive command by the Legislature. It is not therefore futile (it certainly is to canvass that the Collector has no legal jurisdiction or competence to hear the person whose land is proposed to be acquired merely because the time limit for lodging such objections has expired.." In Mukhi's case the Court has recognised the necessity of some time limit to be prescribed within which the objections are to be lodged and a party has no right to lodge objections beyond the time of 30 days prescribed in section 5A. But the Court has read into the provisions of the Land Acquisition Act the principles of fair play and natural justice and has held that it is within the power or competence of the Collector to afford an opportunity of being heard to an interested person even when he does not lodge his objections within 30 days after service of notice.

21. The distinction made between the right of an interested person to lodge objections and the competence of the Collector to hear the persons interested and the view taken that even when the party interested has no right to lodge objections, the Collector has the competence to afford an opportunity of being heard does not appear to be sound. We are also of the opinion that this enunciation is contrary to the enunciation of the Supreme Court in State of Mysore Vs. Abdul Razak Sahib, wherein it is held that the objections not filed

within 30 days need not be considered and the rulings of this Court noticed earlier. We therefore with respect dissent with the view expressed by their Lordships of the Gujarat High Court in Mukhi's case.

22. It was next urged that the prescription of time within which cause is to be shown may, at best, take away the right of a person interested to show cause and oppose acquisition but that does not affect the right or the competence of the authorities to afford an opportunity to a person interested to show cause to the proposed acquisition and also afford to such a person an opportunity of being heard. It was maintained that notwithstanding the fact that the objections were filed beyond the time specified, the authorities did issue a notice to the parties to appear before them for enquiry and this having been done, the parties acquired a right to be heard and the petitioners not having been heard, the order made to acquire their land as also the declaration made to that effect in notification An. "K" are vitiated. As already noticed, the authorities discharge their statutory duties and the power conferred under the Statute has to be exercised strictly in accordance with law. The authorities have a duty to receive the objections filed within the time specified in the Statute. The authorities have a duty to consider the objections so filed and afford an opportunity of being heard to only the owners or the persons interested who have shown cause why their land should not be acquired i.e., who have shown cause in the manner and within the time specified in section 28(2) of the Act. The authorities have no right or competence to receive any objection or any cause shown or to hear any owner or any person interested. The authorities have to exercise their jurisdiction and perform their duties in the way enjoyed by the Statute. The authorities have no competence to consider objections filed or cause shown beyond the time specified in the Statute. The authorities have no competence to consider the objections filed beyond the time specified. The authorities have also no competence to afford an opportunity of being heard to an owner or a person interested who has not filed objections or shown cause within the time specified in the Statute. If the authorities by ignorance or otherwise receive the objections or the cause shown beyond the time specified in the Statute, and even notifies such owner or person who has not shown cause as is required u/s 28(3) that does not confer any right on such persons to an opportunity of being heard and the cause shown or objections filed by such persons cannot be considered at all by the authority.

23. A similar question but under the Motor Vehicles Act, 1939, came up for consideration before this Court in N.R. Revanna v. T. P. Mallappa (7) In Revanna's case also, an operator who had a right to oppose the grant of a permit to one of the transport operators, did not file any representation opposing the grant, but he was permitted by the Regional Transport Authority at the time of hearing to oppose the grant. The question for consideration was whether an operator who had not filed his objections but was permuted by the R.T.A. 7. 1964 (2) Mys L. J. 394 to oppose at the time of hearing, had a right of appeal against the order of the R.T.A. This Court after considering the scope of Sub-section. 57(4) & (5) & 64 (1) (f) of the Motor Vehicles Act, 1939, held that "in view of

these provisions, all representations will have to be made in writing and that before the time prescribed under the notification. If a representation is made after the date notified, such representation cannot be taken into consideration. Further only persons who have made representations strictly in accordance with sub-section (4) of section 57 of the Act are entitled to a hearing before the R.T.A. (see sub-section (5) of section 57 of the Act). In view of the above provision, R.T.A. cannot hear any one who has not made a written representation. Therefore, if any person who has not made a written representation as required by sub-section (4) of section 57, is given a hearing by the R.T.A. he cannot be considered as one who has opposed the grant".

24. The Court further held in Revanna's case that the opposition to the grant, contemplated by section 64 (1) (f) is an opposition in accordance with law and not all oppositions however made and that a person who has not made a written representation as contemplated by section 57 (4) of the Act is not entitled to a hearing before the R.T.A. and even if he is given a hearing by the R.T.A. either by mistake or by ignorance of law, he cannot be considered as a person who has opposed the grant and such person not being a person who has not opposed the grant was not competent to maintain an appeal against the order of the R.T.A.

25. It was argued on behalf of the petitioners that the provisions of the Act do not prohibit an opportunity of being heard to persons who have not shown cause why land should not be acquired and therefore such a person is entitled to an opportunity of being heard before a final decision is taken to acquire and such a right in such persons and a duty in the authorities to afford an opportunity of being heard to such persons has to be read into the Act. In support of this submission reliance was placed on The Government of Mysore and Others Vs. J.V. Bhat and Others, In J. V. Bhat's case the notification issued under Sub-section 3, 9 and 12 of the Mysore Slum Areas (Improvement and Clearance) Act, 1959, as also the constitutionality of Sub-section 3, 9, 12 and 15 were challenged. In J. V. Bhat's case the Statute did not provide for an opportunity of being heard to persons who would be affected in implementing or working of the Act. There is however nothing in the provisions of the Act which debar the application of the principles of natural justice while the authorities exercise the statutory power under the Act. The Supreme Court therefore held"... there can be no two opinions about the need to hear the affected persons before declaring an area to be a slum area u/s 3 or an area as a clearance area u/s 9 or before taking action section 10. All these difficulties will be removed if the affected persons are given an opportunity to be heard in respect of the action proposed". In this view taken the Supreme Court upheld the validity of Sub-section 3 and 9 but only quashed the notifications as the affected persons were not given an opportunity of making representations against them.

26. In the case before us the Act provides for notice being served on the persons affected or likely to be affected by the proposed acquisition, affords them an opportunity to show cause why the land should not be acquired and also gives

them an opportunity of being heard before a final decision is taken. Principles of natural justice can only supplement the law and not supplant the law, their aim being to secure justice or/and prevent miscarriage of justice. Rules of natural justice and fair play operate only in areas not covered by the Statute. The opportunity given to the owners and other interested persons has to be exercised in the way and to the extent provided in the Act. J. V. Bhat's case is therefore not applicable to the facts of this case and is of no assistance to the petitioners.

27. If we accede to the argument of Mr. Subba Rao that we should read into Section 28(3) that all persons whether or not they have shown cause why land should not be acquired, have a right to be heard, it would only mean that any person without showing cause as is prescribed u/s 28(2) can at any time appear and claim a right to be heard and challenge the order and the declaration u/s 28(3) and (4) For good reasons and in its wisdom the Legislature wanted persons interested to show cause why land should not be acquired within 30 days after service of notice and has given only to such persons a right of being heard in person. A time limit is fixed within which cause is to be shown why acquisition of the land should not be made and a right to be heard is given only to such persons who have shown cause so that the acquisition proceedings could be completed within a reasonable time. If cause shown at any time is to be considered and persons who have not shown cause within the time specified and persons who have not shown cause at all are to be given an opportunity of being heard, it will lead to unjust and alarming results and defeat the very purpose of the Act and defeat any finality being reached. We have no doubt it will not be possible to acquire any land under the Act, if we accede to the argument addressed on behalf of the petitioners and we will not be interpreting but amending the provisions of the Act.

28. We therefore hold that the cause shown within the time of 30 days from the date of service of notice is the only cause that is required to be considered by the authorities and it is only the owner or the occupier or person interested who has shown cause within the time so specified who has a right to be heard before a final decision is taken. We also hold that the cause shown beyond the period of 30 days and the issue of a notice to the persons who have shown cause beyond the time to appear before the authorities for enquiry is without the authority of law and the authorities have no competence to receive or/and consider the cause so shown or/ and to afford such persons an opportunity of being heard. Persons who show cause beyond time even if they are served with notices will also have no right for the cause shown being considered or to an opportunity of being heard.

29. The resulting position, therefore, is that the notification issued u/s 28(4) notifying acquisition of the properties is in accordance with law and is unassailable.

30. In the result, we reject these writ petitions. But in the circumstances of the cases, we direct the parties to bear their own costs.