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**(2002) 10 AP CK 0005**  
**In the Andhra Pradesh High Court**  
**Case No : Writ Petition No. 16221 of 2002**

M.L. Ramalakshmi

APPELLANT

Vs

Government of A.P. and Others

RESPONDENT

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**Date of Decision :** 22-10-2002

**Acts Referred:**

Land Acquisition Act, 1894 — Section 4(1), 5(1), 5A, 6

**Citation :** (2003) 1 ALD 139

**Hon'ble Judges :** L. Narasimha Reddy, J

**Bench :** Single Bench

**Advocate :** O. Manohar Reddy, for the Appellant; Government Pleader for Land Acquisition for Respondent Nos. 1 and 2 and M. Adinarayana Raju, SC for TTD, for the Respondent

**Final Decision :** Dismissed

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## Judgement

L. Narasimha Reddy, J.—The petitioner is the owner of the property bearing D. No. 10/61, situated at T.S. No. 8/1, Ward No. 3, Block H, Tirumala Hills, Chittoor District. The premises comprise of commercial as well as residential portions. The same is sought to be acquired by the respondents. Notification u/s 4(1) of the Land Acquisition Act (for short "the Act") was published in the Gazette on 13-6-2001. Enquiry u/s 5A of the Act was held. The petitioner submitted a detailed representation during the course of enquiry u/s 5A. The respondents ultimately issued and published declaration u/s 6 of the Act on 16-7-2002. The petitioner challenges the validity of the proceedings on several grounds.

2. It is mainly contended that the notification u/s 6 of the Act was issued beyond the time stipulated under the Act, mere existence of Master Plan was not sufficient unless the details thereof were furnished in the relevant notifications themselves and that there was no objective consideration of the various grounds raised by the petitioner during the course of enquiry u/s 5A of the Act.

3. A counter affidavit has been filed by the respondents. It is stated that the

Master Plan for development of Tirumala was prepared long back and it was in the course of implementation thereof that the land of the petitioner together with the structures were sought to be acquired. It is stated that the substance of the Notification u/s 4(1) was published on 18-7-2001 and inasmuch as the declaration u/s 6 was published on 16-7-2002 i.e., within one year, there is compliance of the provisions of Section 6(1) of the Act. It is also stated that all the objections raised by the petitioner were considered and it is only thereafter that the declaration u/s 6 was published.

4. Sri O. Manohar Reddy, learned Counsel for the petitioner, submits that the Notification u/s 4(1) was published on 13-6-2001 and thereafter it was published in the newspapers on 15th and 8th July, 2001. He states that it should be with reference to this that the period of one year stipulated u/s 6(1) of the Act has to be reckoned and if it is so done, the publication of declaration u/s 6 of the Act was beyond the stipulated time. His 2nd contention is that the purpose mentioned in the notification is vague and the same is not permissible in law. Thirdly, he submits that though the petitioner has raised several objections and contentions during the course of enquiry u/s 5A, none of them were considered and the entire exercise is vitiated on that account.

5. The learned Government Pleader for Land Acquisition, on the other hand, submits that in view of the fact that the declaration u/s 6 was published within one year from the date of publication of notification u/s 4 in the locality, no exception can be taken to this. As regards the purpose, it is stated that the notification specifically refers to the implementation of the Master Plan and that constitutes an ample compliance. On the consideration of objections, it is submitted that the competent authority has taken into account all the objections raised by the petitioner, and it is only, on being satisfied that the necessity to acquire the land outweighed the objections, that the matter was proceeded with. The learned Government Pleader also placed the relevant record before this Court.

6. Sri M. Adinarayana Raju, learned Standing Counsel for the 3rd respondent has repeated the contentions advanced by the Government Pleader.

7. The 1st contention is as regards compliance with Section 6(1) of the Act. There is no dispute that any notification u/s 6 of the Act has to be issued within one year from the date of publication of the notification u/s 4(1) of the Act. There was some doubt as to the starting point for reckoning this period, for the reason that the Act contemplates as many as three modes of publication of notification u/s 4(1). They are (a) publication in the gazette; (b) publication in the newspapers; and (c) publication in the locality. Through a catena of decisions, it has been held that the last of such dates of publication can be taken as the starting point for computation of period of one year within which the declaration u/s 6 is to be issued. In the counter affidavit, it has been categorically stated that the substance of the notification u/s 4(1) was published in the locality on 18-7-2001. The record also discloses that the substance of the

notification was published at the prominent place such as Gram Panchayat Office, Police Stations, Office of the Mandal Revenue Officer, etc., on 18-7-2001. The petitioner did not contradict this fact by filing reply or through other means. If the same is taken into account, the declaration, which was published on 16-7-2002 can be said to be within the period stipulated under the Act. Therefore, the petitioner cannot have any complaint in this regard.

8. The 2nd contention raised on behalf of the petitioner is that the purpose of acquisition was not clearly mentioned in the notification. Placing reliance upon the judgment of the Hon"ble Supreme Court in *Munshi Singh and Others Vs. Union of India (UOI)*, and *Aflatoon and Others Vs. Lt. Governor of Delhi and Others*, , the learned Counsel states that the vagueness of the purpose would be fatal to the entire proceedings. In the first of the cases referred to above, the purpose mentioned in the notification u/s 4(1) was "planned development of the area" and in the 2nd of the cases, it was "planned development of Delhi". In contrast, the purpose mentioned in the impugned notification is "for implementing the Master Plan of the Tirumala Tirupathi Devasthanams". In the cases before the Hon"ble Supreme Court, the purposes mentioned in the notifications by their very nature were vague, abstract and indefinite. The purpose did not have statutory backing. On the other hand, in the present case, the acquisition is for a definite purpose of implementation of Master Plan. Master Plan is prepared in accordance with the provisions of the A.P. Urban Areas Development Act. Before preparing the plan, notifications are published inviting objections. Objections so received are considered by the competent authority and the final Master Plan is thereafter published as provided for under the said Act. Implementation of such Master Plan naturally requires acquisition of properties. That purpose cannot be said to be vague. At any rate, it has statutory backing and support. Therefore, the ratio laid down by the Hon"ble Supreme Court in the two cases referred to above does not apply to the facts of the present case.

9. Even otherwise, the petitioner's complaint of the vagueness would become relevant only if she is not in a position to discern the purpose for which the land was acquired. In the representation submitted by her during the course of enquiry u/s 5A, she has referred to various aspects that led to the proposed acquisition, the impact of acquisition on her and she ultimately came forward with certain proposals. She did not make any demur that the purpose was so vague that she was not in a position to understand the scope of it. That being the situation, the petitioner cannot be said that she was not in a position to understand the purpose of acquisition, or that she suffered any detriment on that account.

10. The 3rd contention advanced by Sri O. Manohar Reddy is that though the petitioner has raised several objections/ contentions, they were not considered by the competent authority. He places reliance upon the judgment of the Hon"ble Supreme Court in *Rohtas Industries Vs. S.D. Agarwal and Others*, . Consideration

of objections during the course of enquiry varies from one situation to other. Law does not stipulate a uniform pattern of consideration/disposal of objections. Wherever a Statute requires the reasons to be recorded, a reasoned order is mandatory. Where, however, the Act does not require a reasoned order to be passed, consideration of the objections, during the course of enquiry, cannot be tested with reference to the reasons, or rather the absence thereof. What all needs to be satisfied, in such circumstances, is whether the objections were considered at all. Once it is evident that the objections were considered, the Court cannot go into the correctness or otherwise of the ultimate decision taken by the authority. The enquiry contemplated u/s 5(1) of the resultant enquiry u/s 6, in my view, falls into this category.

11. The Land Acquisition Act has prescribed the forms in which the notifications u/s 4(1) and (6) are to be issued and published. The prescribed forms do not provide for statement of reasons even in a case where the enquiry u/s 5A is held. It can safely be concluded that the Act does not contemplate discussion of the objections in detail. Particularly, in cases of implementation of Master Plans, the prime object happens to be to give effect to the Master Plan and, hardship to the affected persons, though cannot be said to be irrelevant, assumes only secondary importance.

12. The decision of the Supreme Court in Rohtas Industries case (supra) related to the exercise of powers under the Companies Act for causing an enquiry into the allegations of fraud and misconduct by the management of the company. The initiation of such enquiry was almost penal in nature and was to have resulted in consequences, which were detrimental to the interest of the company. It was, in this context, that the Hon'ble Supreme Court ensured the existence of conditions precedent for exercise of such drastic powers. It took the view that in a judicial review, it is open to examine whether the conditions for exercise of such a power were present at all. That situation cannot be compared with the proceedings under the Land Acquisition Act. It is in the realm of Eminent Domain of State. There is no question of the petitioner being vested with any penal consequences. The Act provides for payment of compensation equivalent to market value in addition to solatium, which is paid for acquiring the property, contrary to the wishes of the owner. The other loss and damages, if any, suffered by the land-owner, are also amply protected. In the facts and circumstances of the case, it cannot be said that there did not exist any justification to acquire the land of the petitioner at all. It is not as if the petitioner was singled out. Therefore, the ratio laid down in Rohtas Industries case (supra) has no application to the facts of the case. Thus, viewed from any angle, no exception can be taken to the acquisition in question. The writ petition is accordingly dismissed. No costs.