

(2013) 12 GUJ CK 0225

In the Gujarat High Court

Case No : Special Civil Application No. 6710 of 2013

Patel Bharatbhai Chimanlal

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 18-12-2013

Acts Referred:

Citation : (2014) 1 GLH 438

Hon'ble Judges : R.R. Tripathi, J; Mohinder Pal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

R. R. Tripathi, J.—On a request made by learned Advocate Mr. M.C. Bhatt appearing with learned Advocate Mr. Vikram J. Thakor for the petitioners, the matter is taken up for final hearing today, to which learned Senior Advocate Mr. Prashant G. Desai appearing with learned Advocate Mr. Ravi Karnavat for respondent Nos. 2 and 4 and learned Advocate Ms. Roopal R. Patel for respondent No. 6 have no objection. The present petition is filed by as many as 42 petitioners praying that:--

5 (A) Holding and declaring that the impugned land acquisition proceeding initiated by Notification Annexure-G dated 18-10-2011 issued u/s 20(A) of the Railways Amendment Act, 2008 is illegal and void and impugned Notification Annexure-L dated 9-11-2012 issued u/s 20(E) of the Railways (Amendment) Act, 2008 is also illegal, inoperative and void and consequently be leased to quash and set aside both the notifications and entire land acquisition proceeding and direct the respondents not to acquire the land of the petitioners pursuant to the aforesaid notifications and further direct the respondents to lay down new DFC railway line as per the original policy decision of the Government.

2. Learned Advocate for the petitioners invited attention of the Court to the various provisions of the Railways Act, 1989 ("the Act" for short). To start with, Page 2 of 28 C/SCA/6710/2013 JUDGMENT Clause-(7A) of Section 2, which

reads as under:-

2. (7A) "competent Authority": means any person authorized by the Central Government, by notification, to perform the functions of the competent Authority for such area as may be specified in the notification;

2.1 Learned Advocate for the petitioners next invited attention of the Court to Section 20 of Chapter-IV A of the Act, which provides for "Power to acquire land, etc." Section 20A reads as under:--

(1) Where the Central Government is satisfied that for a public purpose any land is required for execution of a special railway project, it may, by notification, declare its intention to acquire such land.

(2) Every notification under Sub-Section (1), shall give a brief description of the land and of the special railway project for which the land is intended to be acquired.

(3) The State Government or the Union territory, as the case may be, shall for the purpose of this Section, provide the details of the land records to the competent Authority, wherever required.

(4) The competent Authority shall cause the substance of the notification to be published in two local newspapers, one of which shall be in a vernacular language.

2.2 Learned Advocate for the petitioners then invited attention of the Court to Section 20D of the Act, which provides for "Hearing of objections, etc." The said Section 20D reads as under:--

(1) Any person interested in the land may, within a period of thirty days from the date of publication of the notification under Sub-Section (1) of Section 20A, object to the acquisition of land for the purpose mentioned in that Sub-Section.

(2) Every objection under Sub-Section (1), shall be made to the competent Authority in writing, and shall set out the grounds thereof and the competent Authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent Authority thinks necessary, by order, either allow or disallow the objections. (3) Any order made by the competent Authority under Sub-Section (2) shall be final.

2.3 Learned Advocate for the petitioners then invited attention of the Court to Section 20E, which pertains to "Declaration of acquisition". The said Section 20E reads as under:--

(1) Where no objection under Sub-Section (1) of Section 20D has been made to the competent Authority within the period of specified therein or where the competent Authority has disallowed the objections under Sub-Section (2) of that Section, the competent Authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central

Government shall declare, by notification, that the land should be acquired for the purpose mentioned in Sub-Section (1) of Section 20A. (2) On the publication of the declaration under Sub-Section (1), the land shall vest absolutely in the Central Government free from all encumbrances. (3) Where in respect of any land, a notification has been published under Sub-Section (1) of Section 20A for its acquisition, but no declaration under Sub-Section (1) of this Section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect: Provided that in computing the said period of one year, the period during which any action or proceedings to be taken in pursuance of the notification issued under Sub-Section (1) of Section 20A is stayed by an order of a Court shall be excluded. (4) A declaration made by the Central Government under Sub-Section (1) shall not be called in question in any Court or by any other Authority.

2.4 Learned Advocate for the petitioners submitted that notification under Sub-Section (1) of Section 20A was issued on 18.10.2011. It was published in the official gazette on 19.10.2011 and it was then published in the newspaper on 10.11.2011. Learned Advocate for the petitioners submitted that a declaration of acquisition required under Sub-Section (1) of Section 20(E) was dated 09.11.2012 and it was published in the official gazette on 09.11.2012 and thereafter, the same was published in the newspaper on 24.12.2012.

2.5 Learned Advocate for the petitioners submitted that publication of declaration of acquisition, which is claimed to be a declaration u/s 20E of the Act was in fact, compliance of Section 20F. Learned Advocate for the petitioners emphatically submitted that the term used in Sub-Section (1) of Section 20A is, "Where the Central Government is satisfied,....., it may, by notification; declare its intention to acquire such land". Learned Advocate for the petitioners submitted that the word "notification" is without any qualification in this particular Sub-Section and therefore, one has to look at its meaning in Clause-(26) of Section 2 of the Act. Clause-(26) defines notification by saying that, "notification means a notification published in the Official Gazette;" Learned Advocate for the petitioners submitted that therefore notification which is referred to in Sub-Section (1) of Section 20A is necessarily the one which is published in the Official Gazette. That being so, publication of the notification in the Official Gazette becomes important and therefore, when in Sub-Section (3) of Section 20E, it is provided that, "Where in respect of any land, a notification has been published under Sub-Section (1) of Section 20A for its acquisition, but no declaration under Sub-Section (1) of this Section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect", the language of Sub-Section (4) of Section 20A makes it very clear because what is required to be taken into consideration for counting period of one year is the date of publication of notification in the Official Gazette.

(emphasis supplied).

2.6 To bring home this submission, learned Advocate for the petitioners relied

upon a decision of the Hon"ble the Apex Court in the matter of Dedicated Freight Corridor Corporation of India Vs. Subodh Singh and Others, . Learned Advocate for the petitioners relied upon Head Note-A and then invited attention of the Court to para. 5 of the judgment, which reads as under:--

5. Feeling aggrieved the appellant has filed this appeal. The appellant contends that the award was validly made within one year from the date of declaration u/s 20E(1) of the Act, as it was made within one year from 20.2.2009, the date on which public notice of the said notification dated 12.12.2008 Was published in the newspapers. According to the appellant, where the publication is made in the official gazette and the newspapers, the last of the dates of such publication shall be the date of publication of the declaration. It is alternatively contended that as the award was made within 18 months of the date of publication of the declaration, the acquisition did not lapse.

2.7 Learned Advocate for the petitioners then invited attention of the Court to the questions formulated by the Hon"ble the Apex Court for its consideration in para. 6, which reads as under:--

6. On the contentions urged the following questions arise for consideration:--

(i) Whether the period of one year, stipulated u/s 20F(2) of the Act, for making the award, has to be reckoned from the date of publication of the declaration u/s 20E(1) of the Act in the official gazette or from the date of any subsequent publication of the declaration in newspapers?

(ii) Whether an award made within six months after the expiry of one year from the date of publication of the declaration, is valid under the first proviso to Section 20F(2) of the Act, even if reasons are not recorded by the competent Authority in writing to show that he was satisfied that the delay had been caused due to unavoidable circumstances?

2.8 Learned Advocate for the petitioners then invited attention of the Court to para. 8 of the judgment, which reads as under:--

8. Sub-Section (1) of Section 20E of the Act provides that the central Government shall, on receipt of the report of the competent Authority, declare by notification that the land should be acquired for the purpose mentioned in Section 20A(1). Sub-Section (2) of Section 20E of the Act provides that on the publication of such declaration by notification, by the central Government, under Sub-Section (1), the lands shall vest absolutely in the central Government free from all encumbrances. Clause (26) of Section 2 defines "notification" as a notification published in the official gazette. Section 20E thus requires the notification to be published only in the official gazette. The Section does not require the notification of declaration to be published in any newspaper or by any other mode. By way of contrast, we may refer to Section 20A(4) relating to preliminary notification and 20F(4) relating to public notice inviting claims before making the award of the Act. Section 20A(4) requires that in addition to

publication of a notification by the central Government, of the declaration of its intention to acquire any land, the competent Authority shall cause the substance of the notification to be published in two local newspapers one of which will be in a vernacular language. Section 20F(4) of the Act requires that before proceeding to determine the compensation, the competent Authority shall give a public notice in two local newspapers inviting claims. Wherever newspaper publication is required, it has been specifically provided by the legislature.

2.9 Learned Advocate for the petitioners submitted that it is true that the Hon'ble the Apex Court was considering the provisions contained in Sub-Section (4) of Section 20F of the Act, but then he submitted that the analogy will be the same and in the case on hand also, period should be reckoned from the date of publication of notification in the Official Gazette and not in newspaper.

2.10 Learned Advocate for the petitioners then invited attention of the Court to paras. 9 and 10 of the said judgment, which read as under:--

9. The absence of a similar provision in Section 20E for publication in newspapers, makes it clear that the publication of the declaration u/s 20E(1) is complete when it is published in the official gazette. The publication of the notification u/s 20E(1), or its substance, in any newspaper, is not therefore a requirement under the Act. Even if it is published in any newspaper, such publication will be only for general information and will not serve any purpose under the Act.

10. The appellant submits that a public notice u/s 20F(4) of the Act was published in two newspapers on 20.2.2009 notifying the public about the declaration u/s 20E(1) and inviting claims from persons interested and consequently, the period of one year should be reckoned from 20.2.2009 and not from 16.12.2008 (date on which the notification was gazetted). According to appellant, if the date of publication in the newspapers (20.2.2009) is taken into account, the award made on 8.2.2010 would satisfy the requirement of making the award within one year stipulated in Section 20F(2) of the Act. We find no merit in this contention. The public notice dated 20.2.2009 published in the newspapers was not a publication of the notification of declaration u/s 20E(1) of the Act, but a public notice required to be issued under Sub-Section (4) of Section 20F by the competent Authority inviting claims, after the publication of a notification u/s 20E(1) of the Act. Even if the public notice in the newspapers dated 20.2.2009, is to be regarded as publication of the declaration u/s 20E(1) of the Act, it would not be of any relevance to calculate the period of one year u/s 20F(2) of the Act. As noticed above what is relevant for the purpose of reckoning the period of one year is the date of publication of notification of declaration u/s 20E(1) of the Act in the official gazette and nothing else.

2.11 Learned Advocate for the petitioners next relied upon a decision of the Hon'ble the Apex Court in the matter of Padmasundara Rao and Others Vs. State of Tamil Nadu and Others, . Learned Advocate for the petitioners submitted that

though this decision is under Land Acquisition Act, the interpretation placed by the Hon'ble the Apex Court on the relevant provisions will have relevance to the facts of the case on hand. In this regard, he invited attention of the Court to paras. 11, 14, 15 and 16 of the judgment, which read as under:--

11. It may be pointed out that the stipulation regarding the urgency in terms of Section 5A of the Act has no role to play when the period of limitation u/s 6 is reckoned. The purpose for providing the period of limitation seems to be avoidance of inconvenience to a person whose land is sought to be acquired. Compensation gets pegged from the date of Notification u/s 4(1). Section 11 provides that the valuation of the land has to be done on the date of publication of Notification u/s 4(1). Section 23 deals with matters to be considered in determining the compensation. It provides that the market value of the land is to be fixed with reference to the date of publication of the Notification u/s 4(1) of the Act. The prescription of time limit in that background is, therefore, peremptory in nature. In *Ram Chand and Others Vs. Union of India (UOI) and Others*, , it was held by this Court that though no period was prescribed, action within a reasonable time was warranted. The said case related to a dispute which arose before prescription of specific periods. After the quashing of declaration, the same became non-est and was effaced. It is fairly conceded by learned Counsel for the respondents that there is no bar on issuing a fresh declaration after following the due procedure. It is, however, contended that in case a fresh notification is to be issued, the market value has to be determined on the basis of the fresh Notification u/s 4(1) of the Act and it may be a costly affair for the State. Even if it is so, the interest of the person whose land is sought to be acquired, cannot be lost sight of. He is to be compensated for acquisition of his land. If the acquisition sought to be made is done in an illogical, illegal or irregular manner, he cannot be made to suffer on that count.

12-13 xxx xxx xxx

14. While interpreting a provision the Court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of process of law, it is for the legislature to amend, modify or repeal it, if deemed necessary. [See *M/s. Rishabh Agro Industries Ltd. Vs. P.N.B. Capital Services Ltd.*,]. "The legislative casus omissus cannot be supplied by judicial interpretative process. Language of Section 6(1) is plain and unambiguous. There is no scope for reading something into it, as was done in *Narasimhaiah's* case (supra). In *Nanjudaiah's* case (supra), the period was further stretched to have the time period run from date of service of High Court's order. Such a view cannot be reconciled with the language of Section 6(1). If the view is accepted it would mean that a case can be covered by not only clauses (i) and/or (ii) of the proviso to Section 6(1), but also by a non-prescribed period. Same can never be the legislative intent.

15. Two principles of construction one relating to casus omissus and the other in regard to reading the statute as a whole appear to be well settled. Under the first

principle a *casus omissus* cannot be supplied by the Court except in the case of clear necessity and when reason for it is found in the four corners of the statute itself but at the same time a *casus omissus* should not be readily inferred and for that purpose all the parts of a statute or Section must be construed together and every clause of a Section should be construed with reference to the context and other clauses thereof so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so if literal construction of a particular clause leads to manifestly absurd or anomalous results which could not have been intended by the Legislature. "An intention to produce an unreasonable result", said Danckwerts, L.J., in *Artemiou v. Procopiou* (1966 1 QB 878), "is not to be imputed to a statute if there is some other construction available". Where to apply words literally would "defeat the obvious intention of the legislation and produce a wholly unreasonable result" we must "do some violence to the words" and so achieve that obvious intention and produce a rational construction [Per Lord Reid in *Luke v. I.R.C.* (1966 AC 557) where at p. 577 he also observed:--

this is not a new problem, though our standard of drafting is such that it rarely emerges.

16. The plea relating to applicability of the *stare decisis* principles is clearly unacceptable. The decision in *K. Chinnathambi Gounder* (supra) was rendered on 22.6.1979 i.e. much prior to the amendment by the 1984 Act. If the Legislature intended to give a new lease of life in those cases where the declaration u/s 6 is quashed, there is no reason why it could not have done so by specifically providing for it. The fact that legislature specifically provided for periods covered by orders of stay or injunction clearly shows that no other period was intended to be excluded and that there is no scope for providing any other period of limitation. The maxim "*actus curia neminem gravabit*" highlighted by the Full Bench of the Madras High Court has no application to the fact situation of this case.

2.12 Learned Advocate for the petitioners next invited attention of the Court to a judgment of the learned Single Judge of this Court (one of us) in the matter of *Raghjibhai Kanjibhai Kharsan v. Union of India & Anr.* in Special Civil Application No. 6097 of 2010 decided on 17.01.2011. Learned Advocate for the petitioners submitted that it is held in this judgment that, "date of publication of notification in the newspaper will be relevant date for reckoning the period" and therefore, the Court may consider the aforesaid submission, in light of the decision of the Hon"ble the Apex Court and may not hold as was held in the judgment in the case of *Raghjibhai Kanjibhai Kharsan* (supra).

2.13 Last but not the least, learned Advocate for the petitioners invited attention of the Court to a decision of the Hon"ble the Apex Court rendered in Civil Appeal No. 8629 of 2011 and allied matters in the matter of *Trilok Sudhirbhai Pandya v. Union of India & Ors.* dated 13.11.2011 in support of his submission that the competent Authority, defined in Clause-(7A) of Section 2 provides that,

"competent Authority" means any person authorized by the Central Government, by notification, to perform the functions of the competent Authority for such area as may be specified in the notification". Learned Advocate for the petitioners submitted that in the present case, by notification dated 23.11.2011, which was published in the Gazette of India in Part-II, Section-3, Sub-Section (ii) dated 28.11.2011 and by notification dated 09.07.2011, which was published in the Gazette of India in Part-II, Section-3, Sub-Section (ii), appointment of Project Manager (Land), is not only unjust and improper but it is also illegal. Learned Advocate for the petitioners submitted that this appointment of the Project Manager (Land), Dedicated Freight Corridor Corporation of India Ltd. is doing violation with the concept of "competent Authority". In the alternative, learned Advocate for the petitioners submitted that Clause-(7A) of Section 2 be held to be ultra virus Article 14 of the Constitution of India. It is in this regard that the learned Advocate for the petitioners invited attention of the Court to the relevant paras of the judgment of the Hon"ble the Apex Court in Civil Appeal No. 8629 of 2011 and allied matters (supra).

3. In reply to the aforesaid submissions made by the learned Advocate for the petitioners, learned Senior Advocate Mr. Prashant G. Desai appearing with learned Advocate Mr. Ravi Karnavat for respondent Nos. 2 and 4, invited attention of the Court to the fact that Section 20A, which consists of Sub-Sections (1) to (4), has to be considered a composite Section and it cannot be dissected into four different parts to contend that period of limitation is to be counted from the date of publication of the notification in the Official Gazette and not in newspapers.

3.1 In this regard, learned Senior Advocate for respondent Nos. 2 and 4 invited attention of the Court to the fact that the decision of this Court in Special Civil Application No. 6097 of 2011 (Single Judge) was cited before the Rajasthan High Court in a matter which was under consideration of the learned Single Judge. Learned Senior Advocate for respondent Nos. 2 and 4 submitted that the learned Single Judge of the Rajasthan High Court took the same view as was taken by this Court in the aforesaid decision. The said decision of the learned Single Judge was subject matter of challenge before the Division Bench and the Division Bench was pleased to uphold the judgment of the learned Single Judge of Rajasthan High Court. Learned Senior Advocate for respondent Nos. 2 and 4 submitted that decision of the Division Bench of the Rajasthan High Court in the matter of Pushpa Devi Maloo Vs. Land Acquisition Officer, SDO and Others, . Learned Senior Advocate for respondent Nos. 2 and 4 further informed this Court that the decision of the Division Bench of the Rajasthan High Court was the subject matter of Special Leave to Appeal (Civil) No. 31114 of 2012, which came to be dismissed by the Hon"ble the Apex Court by order dated 27.11.2013.

3.2 Learned Senior Advocate for respondent Nos. 2 and 4 submitted that it was expected from the learned Advocate for the petitioners to place the aforesaid details before this Court. Be that as it may, now it has come before the Court

that there is a decision of the Division Bench of the Rajasthan High Court, which stands approved by the Hon'ble the Apex Court. The Division Bench has dealt with this very question and has held in paras 15, 16 and 17 as under:--

15. A conjoint reading of Sub-Sections (2) to (4) of Section 20A makes it clear that unless a notification, which is issued under Sub-Section (1) gives a brief description, as required under Sub-Section (2) and unless the details thereof is furnished to the competent Authority, as required under Sub-Section (3) and unless the said notification is published by the competent Authority in two local newspapers, one of which shall be in a vernacular language, the proceedings u/s 20A of the Act cannot be said to be completed. If any of the chain between Sub-Sections (1) to (4) of Section 20A is missing then the notification issued under Sub-Section (1) can be declared as illegal or vitiated. The notification, which is issued and published in Gazette of India under Sub-Section (1) is required to be published in two local newspapers also by the competent Authority under Sub-Section (4), one of which shall be in a vernacular language also. Therefore, the period of one year used in Sub-Section (3) of Section 20A of the Act will commence from the date of publication of two local newspapers, one of which shall be in a vernacular language under Sub-Section (4) of Section 20A and not from the publication of notification in Gazette of India alone under Sub-Section (1) of Section 20A of the Act.

16. Now, we examine the contention of learned Counsel for the appellant that the words published under Sub-Section (1) of Section 20A for its acquisition used in Sub-Section (3) of Section 20E are concerned, the later part of this Sub-Section (3) has used the words within a period of one year from the date of publication of that notification. These words from the date of publication of that notification make it abundantly clear that the notification has to be published not only in the Gazette of India, as required under Sub-Section (1), but it has to be published under Sub-Section (4) of Section 20A of the Act. If the notification was not required to be published in two daily newspapers, one, in vernacular language, then there was no necessity to introduce Sub-Section (4) in Section 20A and further there was no necessity to use, word, publication of that notification in Sub-Section (3) of Section 20E of the Act. The legislature has intentionally used the word publication in Sub-Section (3) of Section 20E. If notification was required to be published in Gazette only, then using of word notification was sufficient, as word notification has already been defined u/s 2(26) that, it means notification published in the Official Gazette. Therefore, the limitation of one year for the purpose of issuance of declaration for acquisition u/s 20E of the Act will commence from the date of last publication of the notification in two local newspapers, one which shall be in a vernacular language. It is pertinent to mention that unless the notification is published in two local newspapers, one of which shall be in a vernacular language, the publication of notification under Sub-Section (1) of Section 20A cannot be said to be completed. In these circumstances, we find no force in the submission of learned Counsel for the appellant. Since notification u/s 20A(1) was issued on 6th

November, 2008, it was published in two local newspapers including a paper in a vernacular language on 21st June, 2009 and 22nd June, 2009 and notification/ declaration u/s 20E of the Act was issued on 23rd January, 2010, therefore, it was well within time. The period of limitation of one year in the present case will commence from 22nd June, 2009. The notification u/s 20E was issued on 21st January, 2010 and it was published in Gazette of India on 23rd January, 2010, therefore, it was well within time, the same view has been taken by the learned Single Judge while dismissing the writ petition of the petitioner. We find that the reasons assigned by learned Single Judge are absolutely legal and justified and no interference in the same is called for.

17. Learned Counsel for the appellant also submitted that the notification was earlier issued for land to be acquired for Chomu, Mujamabad and Phulera but another or the second notification was issued only in respect of Chomu and Mujamabad and not for Phulera. The petitioner is aggrieved only in respect of land situated in Phulera and since there is no second notification for Phulera, therefore, proceedings are vitiated. We do not find any substance in the submission of learned Counsel for the appellant in this regard. There is no bar in issuing another or second notification. He is required to challenge the notification on the basis of relevant provisions of law. He has not pointed out any illegality in issuance of the notification. Therefore, we find no force in his this submission also.

3.3 Learned Senior Advocate for respondent Nos. 2 and 4 submitted that the Division Bench of the Rajasthan High Court has rightly considered the question of effect of Section 20A of the Act in its totality and therefore, it observed in para. 15 that, "A conjoint reading of Sub-Sections (2) to (4) of Section 20A makes it clear that unless a notification, which is issued under Sub-Section (1) gives a brief description, as required under Sub-Section (2) and unless the details thereof is furnished to the competent Authority, as required under Sub-Section (3) and unless the said notification is published by the competent Authority in two local newspapers, one of which shall be in a vernacular language, the compliance of Section 20A of the Act cannot be said to be complete".

4. Learned Advocate Ms. Roopal Patel appearing for respondent No. 6 invited attention of the Court to the fact that the competent Authority has given every opportunity to the affected persons by granting them hearing. Learned Advocate for respondent No. 6 submitted that all objections which were received by the competent Authority, even beyond the time limit, were taken into consideration and the competent Authority did not stand to any technicality. Besides that, learned Advocate for respondent No. 6 invited attention of the Court to the fact that the present petition is filed after five months of the notification issued under Sub-Section (3) of Section 20E and by that time, the land had already vested in the Authority.

5. This Court is of the opinion that the Division Bench has made a meaningful reading and interpretation of arious Sub-Sections of Section 20A of the Act. This

Court is of the opinion that in absence of Sub-Section (4) of Section 20A, the exercise contemplated under various provisions of the Act will stand frustrated. This Court is also of the opinion that if publication of the notification in the Official Gazette was sufficient, the legislature would not have provided for so called futile exercise of publication in two local newspapers, one of which shall be in vernacular language.

5.1 This Court is also of the opinion that the submissions made by the learned Advocate for the petitioners that language of Sub-Section (4) of Section 20A and it is not to be lost sight of, stands answered by the same analogy that when a notification is published in Official Gazette, it is normally supposed to be in the same formate in which it is issued by the concerned Authority, meaning thereby it is bound to be in legal jargon, but the publication of the notification in the Official Gazette is for the benefit of public at large, which is not supposed to be conversant with the legal jargon and that is why legislature has provided that, "The competent Authority shall cause the substance of the notification to be published in two local newspapers, one of which shall be in a vernacular language".

5.2 It is a trite law that when not even coma or exclamation mark in the legal drafting is to be viewed as superfluous, how can a Sub-Section be viewed as mere formality having been provided by the legislature. In fact, this publication in the newspaper is the heart of the entire exercise which is required to be undertaken by the Authorities in the matters of land acquisition. The Court cannot lose sight of the fact that majority of the population of the country, more particularly those who are staying in villages and those who are going to be really concerned with the land acquisition for Special Railway Project, are, if not totally illiterate, are definitely low literate. The Court cannot lose sight of the fact that unless they are given necessary assistance by a legal trained mind, it will be difficult for them to understand the contents of the notification and that is why the legislature provided that, substance of the notification to be published in two local newspapers". Not only that, legislature went a step further and said that, "one of the newspapers shall be in a vernacular language". Why was this required if it was a matter of mere formality? If it is not a mere formality, the Court must give due weightage to this provision. Therefore, this Court wholeheartedly endorses the interpretation put on Section 20A of the Act by the Division Bench of the Rajasthan High Court.

5.3 True it is that in many cases, the Court may come across that there is misuse of power in acquiring land, but then there are cases and cases. That being so, the case on hand is found to be not the one where there is misuse of power by the Authorities and therefore, this Court is of the opinion that there is no substance in this petition and it is devoid of any merits and deserves to be dismissed.

6. Learned Advocate for the petitioners vehemently submitted that the Court may consider question of Section (7A) providing for "competent Authority" and

under that provision, appointment of Project Manager (Land) made by the Railway Authorities is definitely warrants interference at the hands of this Court.

7. The Court is not convinced of the aforesaid submission made by the learned Advocate for the petitioners because this Court is of the opinion that the said provision providing for "competent Authority" and the appointment made thereunder is not found abnormal by this Court.

8. Learned Senior Advocate for respondent Nos. 2 and 4 invited attention of the Court to the provisions like Section 3(c), 4(1) and 5A(2) of the Land Acquisition Act and successfully brought home a message that it is always that the provision is made almost in the same terms. Learned Senior Advocate for respondent Nos. 2 and 4 also invited attention of the Court to Section 69 of the Gujarat Provincial Municipal Corporations Act, 1949, where also terminology is almost the same. In view of this, the Court finds no substance in the submission made by the learned Advocate for the petitioners about Clause-(7A) of Section 2 of the Act.

9. Coming to the "virus", it appears that learned Advocate for the petitioners was trying to convince this Court with all vehemence and persuasive power at his command. He submitted that Clause-(7A) of Section 2 of the Act has not provided any qualification, any experience, any guideline, any control and any parameters in the matter of appointment of "competent Authority" and therefore, this provision must be held to be violative of Article 14 of the Constitution of India.

10. As discussed hereinabove, in view of comparative study of the similar provisions in Land Acquisition Act and in Gujarat Provincial Municipal Corporations Act, this Court finds no substance in the aforesaid submission made by the learned Advocate for the petitioners.

11. In the result, the petition fails and the same is dismissed. Notice is discharged. The Court restrains itself from imposing any cost on the petitioner because the Court is of the opinion that learned Advocate for the petitioners on behalf of the petitioners tried to persuade this Court on the aforesaid points in good faith.

12. At this juncture, learned Advocate for the petitioners requested that interim relief which is continuing may be extended for some time. As the Court has not found any substance in this petition, the Court is of the opinion that interim relief cannot be continued any further, more particularly when the matter pertains to an important project of Railways, viz. Dedicated Freight Corridor. The request is rejected. Interim relief is vacated.