
(1988) 02 AHC CK 0068

In the Allahabad High Court

Case No : Civil Misc. Writ No's. 19446 and 20368 of 1986 and 1507 of 1987

Rameshwar Saran and Others

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 18-02-1988

Acts Referred:

Constitution of India, 1950 — Article 133(1), 226, 300A

Land Acquisition Act, 1894 — Section 11, 16, 17(1), 17(4), 4

Citation : (1988) 1 AWC 674

Hon'ble Judges : A. Banerji, Acting C.J.; K.P. Singh, J

Bench : Division Bench

Advocate : Sunil Gupta, for the Appellant;

Final Decision : Allowed

Judgement

A. Banerji, A.C.J.

1. These writ petitions raise similar questions in respect of acquisition of the petitioners' land in village Majhauri, Tehsil and District Moradabad. The land was acquired for the purpose of construction of a shopping complex. The notification u/s 4(1) of the Land Acquisition Act, 1894, hereinafter referred to as the Act, is dated 22nd January, 1986. The notification u/s 6 of the Act is dated 27th January, 1986. The notice u/s 9 of the Act is dated 7th April, 1986. Plot No. 292 (0.47 acres) is involved in Writ Petition No. 19446 of 1986; plot No. 286 (1.45 acres) and plot No. 287 (1.54 acres) are involved in Writ Petition No. 20368 of 1986 and the remaining three plots viz, plot No. 280-M (0.37); plot No. 282 (1.42 acres) and plot No. 283-M (0.20 acres) are involved in Writ Petition No. 1507 of 1987. The purpose of acquisition has been stated as follows:

For commercial purpose (construction of shopping centre) at village Majhauri, Tehsil and district Moradabad by the Moradabad Development Authority, Moradabad under the planned Development Scheme.

2. The petitioners have urged that the provisions of Section 4(1) of the Act were

not complied with in the present case, inasmuch as there was no publication of the notification in any newspaper and the substance of the notification has not been publicised in the locality. It has been stated in paragraph 25 of the Writ Petition No. 20368 of 1986 that "the notifications under Sections 4 and 6 of the Act have never been notified to the public as required by Sections 4 and 6 of the Act. They were never published in any newspaper. regional or otherwise. The Collector of Moradabad never caused any public notice of the substance of the notification to be given at any place much less convenient place in the said locality." The petitioners have further stated that they received information from the Land Acquisition Officer, Moradabad, in this regard and Annexure 6 to the petition contains the questions asked by the petitioners and the answer given by the Land Acquisition Officer, Moradabad. Three questions were asked and the answers to all the three questions are in the negative. The first question was whether tenure-holders had been given any notice under Sections 4 and 6 of the Act. Secondly, whether, any notice regarding Sections 4 and 6 of the Act had been pasted at proper place and thirdly, whether any information regarding notifications under Sections 4 and 6 of the Act had been given or printed in any newspaper. The reply to the allegations made in paragraphs 25 and 26 of the petition has been given in paragraph 17 of the counter affidavit filed by Qamar Iqbal. The- contents of paragraph 25 of the writ petition are stated to be not correct. It is asserted that publication was made in the U.P. Gazette and notifications were also published in the locality. The acquisition was also announced by beat, of drum in January, 1986, and the Collector had caused public notice of the substance of the notifications published in the locality by beat of drum in the last week of January, 1986, and the contents of Annexure 6 to the petition are incorrect. Further, provisions of Section 5A of the Act having been dispensed with, it was not necessary to give individual notice to the petitioners.

3. In the rejoinder affidavit of Umesh Chandra, petitioner No. 3, it has been reasserted that there was no announcement by beat of drum and this fact is established by a certificate issued by the Special Land Acquisition Officer dated 24th April, 1987, a copy of which is annexed as RA-5 to the rejoinder affidavit. Reference was also made to a circular letter issued by the State Government to all District Magistrates regarding irregularities committed in land acquisition proceedings throughout the State of U.P.

4. Mr. S.P. Gupta, Senior Counsel appearing for the petitioners urged that apart from non-compliance with the requirements of Jaw u/s 4(1) of the Act, there was no jurisdiction for dispensing with the opportunity of filing objections u/s 5A of the Act and, in any event, the acquisition was mala fide and bad in law. Mr. Rishi Ram appearing for the Moradabad Development Authority urged that even if there has been no publication in the newspaper and no publication of the substance of the notification in the locality, notification u/s 6 of the Act may be cancelled and no notification u/s 4(1) of the Act. There being proper publication of the notification in the gazette, the notification u/s 4 of the Act cannot be held to be invalid or bad in law. The State can always issue a notification in the

newspaper and also direct the local authorities to publish in the locality the substance of the notification. In other words, his contention was that even if the notification u/s 6 of the Act be ordered to be quashed, the notification u/s 4 of the Act is not liable to be quashed and the proceeding may be undertaken by the State for the acquisition of land in accordance with law.

5. Mr. S.P. Gupta, has, however, contended that there are three essential ingredients of Section 4(1) of the Act viz, publication of notification in the gazette; publication of notification in two newspapers which have a circulation in the locality atleast one of which should be in the regional language and the public notice of the substance of such notification has to be given at convenient place in the said locality. Until all these three ingredients are complied with, no acquisition proceeding) can be based on such incomplete notification. In this context, he relied on the meaning of the words "publication of the notification" given in Section 4(1) of the Act itself. He also said that the provisions of Section 4(2) of the Act could not be brought into effect until all the three modes of publication were resorted to by the authority concerned.

6. The principal question, which arises in this case, therefore lies in a narrow compass. We need not go into the question whether the dispensing with the opportunity of filing objections u/s 5A of the Act is bad in law or not. We need only to consider one aspect of the matter viz, whether the notification u/s 4(1) of the Act published in the U.P. Gazette would survive if it is found that the other two modes of publication have not been resorted to by the authorities. In other words, the question is whether the notification published in the gazette survives so that the Stats may proceed with the acquisition by resorting to the other two modes of publication as mentioned in Section 4(1) of the Act.

7. We have heard the learned Counsel for the parties at some length and we are satisfied that the notification published u/s 4(1) of the Act has also to be quashed. Our reasons are as follows:

Section 4(1) of the Act reads as under:

4. Publication of preliminary notification and powers of officers thereupon,- (1) Whenever it appears to the appropriate Government that land in any locality is needed or is likely to be needed for any public purpose or for a company, a notification to that effect shall be published in the Official Gazette and in two daily newspapers circulating in that locality of which at least one shall be in the regional language and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification.

It requires the State Government to indicate the land in the locality which is needed or is likely to be needed for public purpose. It also requires that a notification to that effect shall be published (1) in the Official Gazette (2) in two daily newspapers circulating in that locality of which atleast one shall be in the

regional language and (3) the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality. The law also makes it clear that the last of the dates of such publication and the giving of such public notice shall be referred to as the date of the publication of the notification. It is only when all these three modes are carried out, then only the provisions of Section 4(2) of the Act would come into play viz, the office of the Government can enter upon and survey and take levels of any land in such locality; to dig or bore into the sub-soil; to do all other acts necessary to ascertain whether the land is adapted for such purpose and to set out the boundaries of the land proposed to be taken and the intended line of work (if any) proposed to be made thereon and to mark such levels, boundaries and line by placing marks and cutting trenches. It also empowers where necessary to cut down any part of standing crops, fence or jungle. It is also very clear that without compliance of Section 4(1) of the Act, no notification u/s 6 of the Act can be issued. Where there is dispensing with the filing of objection u/s 5-A of the Act, the law as envisaged u/s 17(4) of the Act requires that the publication of a declaration u/s 6 of the Act shall be only after the date of publication of the notification u/s 4(1) of the Act. Thus, the two notifications cannot be published simultaneously as it would offend the provisions of Sections 17(4) of the Act.

8. In the present case, notifications u/s 4(1) of the Act and section 6 of the Act are not published on the same date. They are of different dates, but since all the three modes of publication envisaged u/s 4(1) of the Act had not been completed, no notification u/s 6(1) of the Act could be published. The position is simple. Notification u/s 6 of the Act must always come after the publication of notification u/s 4(1) of the Act. The law envisages a situation that both the notifications cannot be published simultaneously in a case where the filing of objections is dispensed with. See *Kashmir Singh and Others Vs. State of U.P. and Others*, .

9. We are in respectful agreement with the views expressed in the above case. One thing is clear that unless all the three modes mentioned in Section 4(1) of the Act are resorted, there can be no notification u/s 6 of the Act. The position is more or less admitted that there has been no publication of the notification in the newspapers, for none has been filed on behalf of the Development Authority or the State in these writ petitions. The position, there fore, is that the notification u/s 6(1) of the Act must be quashed, as it is bad in law.

10. Reverting back to the question whether the notification u/s 4(1) of the Act survives or not, we may consider the matter from another aspect. A look at proviso of Section 6 Clause (ii) and the Explanation 1 is necessary. The proviso reads as under:

Provided that no declaration in respect of any particular land covered by a notification u/s 4, Sub-section (1)-

(i)

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of one year from the date of the publication of the notification.

Explanation 1.-In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued u/s 4, Sub-section (1), is stayed by an order of a Court shall be excluded.

In the present case, the notification u/s 4 of the Act is dated 22nd January, 1986. The Land Acquisition (Amendment) Act, 1984, came into force from 24th September, 1984. The notification was issued after the commencement of the aforesaid Act. Consequently, Clause (ii) in the proviso aforesaid would be attracted. The proviso makes it clear that no declaration in respect of any particular land covered by a notification u/s 4, Sub-section (1) shall be made after the expiry of one year from the date of the publication of the notification. The words "publication of the notification" refer to the date of publication u/s 4(1) of the Act. Section 4 of the Act refers to a notification published in the official gazette and the said provision further makes it clear "the last date of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification." If the gazette notification u/s 4(1) of the Act was the last of the three modes of publication then in that event the time would begin to run from the date of the said notification i. e, 22nd January, 1986. It must be noticed here that there is no material on the record to show that the notification was published in the two newspapers as required u/s 4(1) of the Act. It is also established that no public notice of the substance of the notification was published in the locality. Even if we assume that the date of publication of the notification in the gazette was the date of the publication of the notification even then the period of one year would expire on the 22nd January, 1987.

11. However, the above period of one year was subject to Explanation 1 to Section 6(1) of the Act. It provided that in computing any of the periods referred to in the above proviso, the period during which any action or proceeding had been taken in pursuance of the notification issued u/s 4(1) of the Act was stayed by an order of a court shall be excluded. In the present case, there is no order of any other court except the High Court. The order that was by this Court in the following words:

In case the petitioners have not been dispossessed and are still in possession, they shall not be dispossessed till 27-1-87.

The question to be considered now is whether this conditional order passed by this Court would save the period of one year and had not expired till 26-11-1986. In this context, the meaning of the words "any action or proceeding to be taken in pursuance of the notification issued u/s 4, Sub-section (1) is to be considered. If the stay order has the effect of staying any action or proceeding to be taken in

pursuance of the notification u/s 4(1) of the Act, then of course the period from the date of the said order would be excluded. Let us examine what action is proposed to be taken after the notification u/s 4(1) of the Act.

12. When the preliminary notification u/s 4(1) of the Act is published then the provisions of Section 4(2) of the Act would come into effect, it empowers any officer either generally or specially authorized by the Government in this behalf or his servants or workmen to enter upon and survey and take levels of any land in such locality ; to dig or bore in the sub-soil ; to do all other acts necessary to ascertain whether the land is adapted for such purpose; to set out the boundaries of the land proposed to be taken and the intended line of the work proposed to be made thereon ; to mark such levels, boundaries and line by placing marks and cutting trenches and also empowers to cut down and clear away any part of any standing crop, fence or jungle if survey cannot be completed and levels taken otherwise. Proviso to Sub-section (2) of Section 4 of the Act lays down that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house without the consent of the occupier thereof any without giving at least seven days" notice to such occupier in writing of his intention to do so.

13. A perusal of the interim order passed by this Court on 26-11-1986 does not indicate that any of the actions contemplated under Sub-section (2) was stayed by this Court. The provision of Section 5-A of the Act contemplates hearing of objections. Section 4(1) of the Act normally indicates that a party interested in the land to be acquired should file his objection within 21 days (In U.P.) from the date of the publication of notification before the Land Acquisition Officer. The question does not arise in the present case, for the notification u/s 4(1) of the Act published in the U.P. Gazette dated 22nd January, 1986 made it clear that the provisions of Section 17(4) were made applicable. Consequently, the filing and the hearing of the objections were dispensed with in the present case.

14. Section 6(3) of the Act makes it clear that when the declaration is made u/s 6(1), it shall be conclusive evidence that the land is needed for public purpose and after making such declaration, the appropriate Government may acquire the land in the manner enumerated thereafter.

15. Section 7 of the Act provides that after declaration, the Collector is to take order for acquisition. Section 8 of the Act provides for the land to be marked out, measured and planned. Section 9 of the Act provides for notice to be given to the persons interested to make their claim for compensation and commence the proceeding for making enquiry and award by the Collector u/s 11 of the Act.

16. In the present case, it is stated by the petitioners that a notification u/s 6 of the Act was issued on 27th January, 1987, but as seen above, that notification is bad in law and could not be issued until all the requirements Of Section 4(1) had been fulfilled. Even if notification is issued u/s 6 of the Act, possession is taken u/s 16 of the Act after the Award has been made u/s 11 of the Act. The land so

acquired shall thereupon vest in the Government free from all encumbrances. However, in the present case, a notification u/s 17(1) was also issued which empowers the Government to take possession of any land needed for public purpose even though no Award has been made on the expiration of 15 days from the date of publication of the notice mentioned in Section 9(1) of the Act. Section 17(1) of the Act further envisages that such land shall thereupon vest absolutely in the Government free from all encumbrances. It is stated in paragraph 30 of the petition that notice u/s 9(1) of the Act was issued on 7-4-1986. On behalf of the Respondent it is stated that they had taken possession of the land on 29-10-1986, but as seen above, if the notification u/s 6(1) of the Act is quashed, the taking of possession will also fall through, for it would be also rendered illegal, as the notification u/s 6(1) of the Act was bad in law.

17. However, from all this it will be noticed that the interim order passed by this Court came after the alleged date of having taken possession by the Respondents. It means that the stay order was of no effect. But, there is a serious dispute as to whether possession was taken on that day or not and the evidence of the parties make this a disputed question of fact. We need not go into this question in this petition. But, suffice it to say that if the notification u/s 4(1) of the Act is quashed, a fresh notification u/s 6(1) of the Act cannot be issued. In this view of the matter, the notification u/s 4(1) published in the gazette will not enable the Respondents to issue a fresh notification u/s 6(1) of the Act, as it would be beyond the period Of one year.

18. The matter may be seen from another angle. When some one's land is being acquired by the authorities under provisions of the Land Acquisition Act, it is imperative for the authorities to comply with fully with the requirements of Section 4(1) and 6(1) of the Act. It is imperative that the compliance is to the hilt where filing of objection u/s 5-A is dispensed with by invoking the provisions of Section 17(4) of the Act. Even where Section 17(1) is invoked which enables the State Government to take possession of the land even before the award is made and on the expiry of 15 days from giving of notice u/s 9(1) of the Act, the authorities are bound to comply with the requirements of Section 4(1) of the Act. The substance of the notification has to be published in the locality where the land is situate otherwise the persons affected would not know about the intendment of acquisition proceeding. Although they are being deprived of filing their objections, yet they would be in a position of file their claim u/s 9 of the Act for compensation. They would also lose an opportunity of petitioning to this Court under Article 226 of the Constitution in case they wish to challenge the acquisition proceeding as bad in law.

Article 300-A of the Constitution states:

No person shall be deprived of his property save by authority of law.

The authority of law means by due process of law. Even if the provisions of Section 5A of the Act are dispensed with, the authorities are not empowered to

dispense with the publication of the notification u/s 4(1) of the Act in the manner indicated in the Statute. The authority of law would mean that the authority acquiring the land has to comply with the requirements of law. The requirements of law are clearly envisaged under Sections 4(1) and 6(1) of the Act. The law is very well settled that these provisions are mandatory. There is nothing in the Land Acquisition Act which empowers the authorities to choose one of the modes for either publication of the notification or for issuing declaration envisaged u/s 6(1) of the Act. There has to be strict compliance.

19. Reference may be made to a decision in the case of Gujarat Electricity Board Vs. Girdharlal Motilal and Another, . Their Lordships were considering a case under the Electricity Act, 1910 and in particular the interpretation of Section 6(1) thereof. Their Lordships while considering the provisions of Section 6(1) observed:

It is a mode of exercising the power conferred on the State Electricity Board by the exercise of which the property rights of the licensee can be affected. Section 6(1) confers power on the State Electricity Board to take away the property of the licensee. Such a power must be exercised strictly in accordance with law. The Legislature has prescribed the manner of its exercise. It must exercise in that manner and in no other way. It must be also seen that the Parliament deliberately changed the form of the notice to be given from what it was before Act 32 of 1959 was enacted. It prescribed that the notice must specifically call upon the licensee to sell the undertaking. The mandate of law is clear and it must be obeyed. We agree with MR. M. C. Chagla learned Counsel for the licensee that the issuing of a notice strictly in accordance with the provisions of Section 6(1) is a condition precedent to the exercise of the power conferred on the State Electricity Board to purchase the undertaking. That being so, we must hold that Section 6(1) is mandatory and it must be strictly complied with

The matter before us is more or less on the same line. We have before us Section 4(1) of the Act as amended by the 1984 Act. Since it pertains to the acquisition of property, we are of the view that the power under that provision must be exercised strictly in accordance with law. It must be exercised in the manner indicated under that amended provisions. It has also to be seen that the Parliament has deliberately changed the form of giving notice u/s 4(1) of the Act. This decision is an authority for the proposition that whenever property rights are affected and one is being deprived of the same, the provisions of law must be strictly complied with.

20. In Khub Chand and Others Vs. State of Rajasthan and Others, their Lordships were dealing with a case under the Rajasthan Land Acquisition Act (24 of 1953). Their Lordships were considering the provisions of Section 4(1) of the Rajasthan Land Acquisition Act, which was more or less on the same lines as Section 4(1) of the Land Acquisition Act, 1894. Chief Justice Subba Rao observed:

The provisions of a statute conferring power on the Government to compulsorily

acquire land 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 that 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.

His Lordships made it further clear that it was only after the publication of the notification u/s 4(1) that 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 u/s 4(2) of the Act. The Legislature thought 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. His Lordship considered the provisions of Section 5(2) as well and then observed:

The expression " thereupon " and " shall be lawful " indicate that unless such a public notice is given, the officer "or his servants cannot enter the land. It is a necessary condition for the exercise of the power of entry. The non-compliance with the said condition makes the entry of the officer or his servants unlawful. ...The statutory intention is, therefore, clear, namely, that the giving of public notice is mandatory. If so, the notification issued u/s 4 without complying with the said mandatory direction would be void and the land acquisition proceedings taken pursuant thereto would be equally void.

21. In a subsequent case of Narindrajit Singh and Ranjit Singh and Others Vs. The State of U.P. and Others, the view expressed in the case of Khub Chand (supra) was affirmed. This was also a case u/s 4(1) of the Land Acquisition Act before its amendment in 1984. The Court observed:

Thus the construction of Section 4(1) cannot be made to depend upon any action or direction which the State Government may choose to make u/s 17(4) of the Principal Act. In our opinion Section 4(1) has to be read as an integrated provision which contains two conditions: the first is that the notification in the official gazette must be published and the second is that the Collector has to cause public notice of the substance of such notification to be given. These two conditions must be satisfied for the purpose of compliance with the provisions of Section 4(1).

After the 1984 amendment one more requirement has to be complied with u/s 4(1) of the Act viz, publication of notice of the substance of the notification in two newspapers having circulation in the area, one of which, must be in regional

language. Other terms remained the same. The amended law also makes it clear that the last date of the publication of any of these three modes will be the date of the publication. Where there is publication only in the gazette and not in any newspaper of publicity in the locality, there is in effect no due compliance with the requirements of law u/s 4(1) of the Act.

22. Mr. Rishi Ram urged that in *Narinjan Singh and Another Vs. State of Punjab and Another*, it was observed that after possession is taken in a land acquisition case, no writ petition lies, as the land vests absolutely in the State. This is correct, but if the acquisition proceeding is bad in law and the notification u/s 6(1) is quashed then the taking of possession would not be upheld and would also be rendered void. Learned Counsel took the stand that the notification u/s 6(1) of the Act will go i. e, cannot stand, but urged that a fresh notification u/s 6(1) can be issued in place of the quashed notification after complying with the remaining parts of the requirements of Section 4(1) of the Act. A similar stand was taken by the learned Standing Counsel Mr. Goswami who urged that notwithstanding the quashing of the notification u/s 6(1) of the Act, the notification u/s 4 of the Act would survive. We are unable to agree. It is well settled that any legislation which has the effect of depriving a person of his land has to be strictly interpreted. It is also well settled that there has to be strict compliance with the provisions of the Statute before a person can be deprived of his land. Although it is no longer a fundamental right, the very provision of Article 300-A of the Constitution makes it clear that a person cannot be deprived of his property except in accordance with law. That makes it obligatory on the part of the State or any acquiring body to strictly comply with the law of acquisition of property. The very basis of any acquisition proceeding under the Land Acquisition Act is the publication of notification u/s 4(1) of the Act. Prior to 24th September, 1984, the law required publication of the notification in the gazette and publishing of the substance of the notification in the locality and the date for the purpose of filing objections u/s 5-A was to be counted from the date of publication of the notification in the Gazette. After the amendment in 1984 the State Government has to do the publication in one additional manner viz, publishing the notification in two newspapers having circulation in the locality and one in a regional language.

23. In the present case, it is well established that there was no such publication in any newspaper and the assertion that it was published in the locality is also not established. The papers filed on behalf of the local authority clearly show that the substance of the notification was not published in the; locality. It cannot, therefore, be said by any stretch of imagination that Section 4(1) of the Act was complied with. Since the provisions of Section 4(1) of the Act are mandatory, we are of the view that the publication of the notification u/s 4(1) of the Act in the Gazette alone will not survive. As a consequence, the subsequent proceedings u/s 6(1) or u/s 17(4) or Section 16 of the Act will also not survive. Further, the State Government published a notification u/s 6(1) thereafter in the Gazette without publishing it in the newspapers and in the locality as required in law, the

gazette notification u/s 6(1) would also fall through. It is trite that where there are such defects in the acquisition proceeding, it would be difficult for the Court to justify the acquisition and the taking of possession of such land. In our opinion, both the notifications must be quashed. In this view of the matter, it is not necessary to go into the question whether the notification u/s 17(4) of the Act dispensing with the filing of objections u/s 5A of the Act is bad in law, for if the notification u/s 4(1) also goes, nothing survives. We have already held that the notification u/s 6(1) of the Act must be quashed.

24. In the result, therefore, the writ petitions are allowed and both the notifications u/s 4(1) and u/s 6(1) of the Act are quashed. We, however, observe that we see no impediment in commencing fresh proceedings for the acquisition of the said land in accordance with law. There will be no order as to costs.

25. After the judgment was pronounced, learned Counsel for Moradabad Development Authority, Moradabad, Mr. Rishi Ram prayed for a certificate under Article 133(1) of the Constitution. Learned Counsel urged that the case involves a substantial question of law of general importance and the said question needs to be decided by the Supreme Court. The question posed by the learned Counsel was that notwithstanding the quashing of the notification u/s 6(1) of the Land Acquisition Act, the notification u/s 4(1) of the said Act published in the U.P. Gazette survive, and proceedings can be recommenced therefrom. We have already considered the matter and given our opinion. We find no such substantial question of law of general importance arising in this case to merit the question to be decided by the Supreme Court. We, therefore, decline to grant the certificate prayed for.