

(2014) 12 MAD CK 0246

In the Madras High Court

Case No : W.A. (MD) Nos. 876 to 880 and 438 of 2013, M.P. (MD) Nos. 1 to 3 of 2013 in W.A. (MD) Nos. 876 to 880 of 2013 and M.P. (MD) Nos. 1 and 2 of 2013 in W.A. (MD) No. 438 of 2013

Sivanthi Coir Products (P) Ltd.

APPELLANT

Vs

The Secretary to Government

RESPONDENT

Date of Decision : 15-12-2014

Acts Referred:

Companies Act, 1956 — Section 51
Constitution of India, 1950 — Article 300A
Land Acquisition Act, 1894 — Section 5A, 6

Citation : (2014) 12 MAD CK 0246

Hon'ble Judges : R. Mahadevan, J;M. Jaichandren, J

Bench : Division Bench

Judgement

R. Mahadevan, J.—W.A. (MD). Nos. 876 to 880 and 438 of 2013, are focussed as against the common order passed by the learned Judge, dated 13.03.2013, in W.P. (MD) Nos. 9239 of 2011, 9240 of 2011, 9795 of 2011, 29 of 2012, 28 of 2012 and 9004 of 2011, respectively.

2. Since these writ appeals are arisen out of the common order passed by the learned Judge, they are taken up together for hearing and are being disposed of by this common order.

3. For the sake of convenience, the parties herein are referred to according to their litigative status in the writ petitions.

4. Facts leading to the filing of these writ appeals, would run thus:

4.1. The case of the writ petitioners is that the second respondent-District Collector had issued a notification dated 19.08.2010 in the dailies published on 28.08.2010 under Section 3(2) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (in short "the Act"). The lands of the writ petitioners were shown in Sl. Nos. 31 [W.P. (MD) No. 28 of 2012], 36 [W.P. (MD) No. 29 of 2012] 13 to 16 and 18 [W.P. (MD). No. 9239 of 2011], 19 and 20 [W.P.

(MD) No. 9240 of 2011], 103, 105, 106, 108 to 110 and 112 to 115 [W.P. (MD) No. 9004 of 2011], 100, 102, 106, 116, 117 and 120 [W.P. (MD) No. 9795 of 2011] in the said Notification, through which, the second respondent called for objection or claims statement from the interested persons within 30 days from the date of publication, namely, 28.08.2010 and he had fixed the date for enquiry on the objections on 21.09.2010 at 3.00 pm in the Tuticorin District Collector Office. The writ petitioners also filed their respective objections to the second respondent.

4.2. According to the writ petitioners, on 21.09.2010, all the objectors were required to assemble in the Collector Office. The second respondent, who is competent to hold the enquiry, had not conducted the same, instead the third respondent conducted the enquiry and the writ petitioners also filed their objections. The main allegation of the writ petitioners is that no personal hearing was given to any of the objectors. At that time, the officials of the Airport Authority of India were also present along with the third respondent on that date. On 02.11.2010, the second respondent rejected all the objections filed by the interested persons whose lands are the subject matters of the Notification dated 19.08.2010.

4.3. The acquisition of land is meant for expansion of the Tuticorin Airport. Originally, the requisition body, namely, the Airport Authority of India, had proposed to acquire 902 acres of land and subsequently, they had modified their proposal of acquisition of land to a lesser extent of 690 acres and finally, in the notification dated 19.08.2010, they proposed to acquire 586 acres.

4.4. A Road by name "Theri Road" is running North-South connecting Pudukottai at North and Sawyerpuram at South. The writ petitioners' lands are situated very near to the said road. Apart from the said manufacturing units, there are number of industries, farm houses and residential buildings on both sides of the above said road. The proposed acquisition of the lands for expansion of the Airport would de-link the road and thereby, the public could not use the road to all in future.

4.5. Further, one VKS Export Industry has been functioning in S. No. 1 of Servaikaranmadam Village, but the same has been omitted from acquisition on the basis of the Field Inspection Report submitted by the 3rd respondent, in and by which, the existence of the building of the above industry is mentioned. The petitioners have also structures and buildings on their lands, which clearly proves the mala fide attitude on the part of the authorities in the matter of selecting lands for acquisition.

4.6. Though the authorities had recommended in the field inspection for acquisition of lands to an extent of 1.62.50 Hectares in S. No. 1 of the Village, the said Survey Number has been omitted in the Notification. But, the lands in S. Nos. 10/1A1 and 10/1A2 to an extent of 1.51.5 Hectares, which had not been recommended by the authorities, who made the field inspection, had been

included in the impugned notification, which would exhibit the improper method adopted by the authorities in the acquisition process.

4.7. If the lands, in which, the manufacturing units are running, are acquired, the lives of the employees will be jeopardized. Though these facts had been brought to the notice of the authorities, they have not given any consideration. Under such circumstances, the petitioners had challenged the impugned notice dated 02.11.2010 before the Writ Court on the ground that the impugned notice was not served upon them in accordance with law.

4.8. The Writ Court, on 11.06.2011, had granted an order of interim stay of dispossession alone in W.P. (MD) No. 9004 of 2011 and thereafter, in the other writ petitions also, the order of interim stay was granted.

4.9. In the mean while, the second respondent filed counters to vacate the order of stay in all the writ petitions, wherein it is contended that the Airport Authority of India, Tuticorin Airport had requested for the acquisition of 586 acres (232.25.0 Hectare) of land for the expansion and development of Tuticorin Airport. Accordingly, necessary proposals seeking administrative sanction for acquiring 581.36 acres of patta lands and transfer of 4.64 acres of Government poramboke lands in Kumaragiri, Kattalankulam, Servaikaranmadam and Mudivaithanendal Villages in Tuticorin Taluk, Tuticorin District, were sent to the Government through the Principal Secretary and Commissioner of Land Administration, Chennai and the Government in their order G.O. Ms. No. 177, Transport(I-2) Department dated 09.07.2010 had accorded administrative sanction to acquire 586 acres of land under the Act for the expansion of Tuticorin Airport. Thereafter only, a notice in Form "A" under Section 3(2) of the Act, was issued to show cause as to why the lands proposed are to be acquired, on 19.08.2010 to all the pattadhars. Similarly, a Public Notice in Form "B" under section 3(2) of the Act, calling for objections of pattadhars within 30 days from the date of publication either orally or in writing, was issued in two leading newspapers. Consequent to the same, a general enquiry was conducted by the second respondent on 21.09.2010 and 320 objection petitions were received on the same day after due hearing by the second respondent and even after the enquiry date, 69 objection petitions were received till 10.10.2010. The said 389 objection petitions were handed over to the requisition body i.e., Airport Authority of India, Tuticorin Airport, for offering their remarks. The Airport Authority of India, Tuticorin Airport offered its remarks on all the objection petitions. After careful consideration of the objection petitions and the remarks offered by the Airport Authority of India, an order was passed by the second respondent on 02.11.2010 vide proceedings No. E2/96232/2007 rejecting all the objection petitions. Therefore, the second respondent prayed for dismissal of all the writ petitions.

4.10. The 5th respondent-The Regional Executive Director, Airports Authority of India, Chennai-27, filed a counter affidavit contending that the Airports Authority of India has been established under Airports Authority of India Act, 1994 for the

better administration and cohesive management of Airports and Civil Enclaves, wherein Air Transport services are operated or intended to be operated and of all Aeronautical communication stations for the purpose of establishing or assisting in the establishment of airports and for the connected matters. Originally, the above functions were performed by Civil Aviation Department. But for the growth of traffic and development of Southern Region, the Airports Authority of India had prepared a master plan for expansion and development of Tuticorin Airport and hence, prayed for the dismissal of the writ petitions.

4.11. Upon consideration of the rival submissions and the materials placed on record, the learned Judge dismissed all the writ petitions. Aggrieved over the same, the present writ appeals are filed.

5. Mr. M. Vallinayagam, learned Senior Counsel appearing for the appellants submitted that the impugned order has been passed by the second respondent-District Collector, without adhering to the law as the writ petitioners were called upon to submit their objections, even before the expiry of the thirty days time given for filing the objections and on that sole ground alone, the impugned order is liable to be interfered with by this Court.

6. Next contention raised by the learned Senior Counsel appearing for the appellants, is that the second respondent-District Collector, alone is the authority competent to conduct the enquiry as per the provisions of the Act, however, in the case on hand, the third respondent-District Revenue Officer had conducted the enquiry which would vitiate the entire land acquisition proceedings and therefore, he argued that when the District Collector has to perform his duties as per the Act, the enquiry conducted by the District Revenue Officer would be fatal to the land acquisition proceedings and thus, the mandates as prescribed by the law has been violated by the second respondent. In addition, he contended that the third respondent had conducted the enquiry in whose favour, the second respondent could not delegate such power and hence, the enquiry conducted by the third respondent is unsustainable in law.

7. The learned Senior Counsel argued that the second respondent, contrary to the provisions of Rule 6(c) of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001, had disposed of all the objections filed by the writ petitions, without getting the reply/remarks from the requisition body, namely, the Airports Authority of India and that it would render the entire land acquisition proceedings as futile.

8. Contending that the second respondent had adopted ""pick and choose"" method in acquiring the lands for the purpose of expansion of Tuticorin Airport, the learned Senior Counsel submitted that when the lands nearer to the Airport were not notified, the lands of the writ petitioners which are far away from the Airport, had been notified, which is not tenable, in the light of the decision of the Honourable Apex Court in Hindustan Petroleum Corporation Ltd. Vs. Darius Shapur Chenai and Others, , for the above proposition. Further, the Hon''ble

Division Bench of this Court in J. Doraibabu v. State of Tamil Nadu and others reported in 2011 Writ L.R. 505, wherein this Court held as under:

"43. A harmonious reading of the entire provisions of the Act would make it clear that this Act while aiming to immediately acquire the lands for industrial purposes, has never dispensed with the well acclaimed principle of audi alteram partem. Though under Section 4(1) it has been ordered that the lands shall vest absolutely in the Government, free from all encumbrances, after publication of the notice under Section 3(1) of the Act in the Gazette, the Legislature has mandated, in the form of Section 3(2), a show-cause notice to be issued to the owner and any other person, who in the opinion of the Government, may be interested in such land. Section 14 has narrated the manner in which the service of notices etc., as has been extracted supra.

47. Pursuant to our directions, the respondents/authorities have produced entire file relating to acquisition. It is seen from these records that the District Collector, Kanchipuram after conducting the statutory enquiry, submitted a report to the Commissioner of Land Administration, Chennai on 12.4.2007. According to the said report, an enquiry was conducted on 20.3.2007 and 26.3.2007 and the venue was a marriage hall, wherein both the objectors as well as those land owners who were agreeable to receive the compensation offered by the authorities were present. The objections were not considered individually and all the objections were rejected by the District Collector, lock, stock and barrel. The undue haste and hurry exhibited by the District Collector in submitting his report to the Government is the reason for this wholesale disposal of objections by him, with no appreciation of the individual cases. We are prompted to comment so in view of the fact that the enquiry has been conducted on 20.3.2007 and on 26.3.2007 and SIPCOT has offered its views on 9.4.2007 and within three days thereafter, i.e. on 12.4.2007 the Collector has sent his report to the Government, which led to the issuance of G.O. Ms. No. 102 on 16.4.2007. This undue haste would exhibit non-application mind on the part of the Collector to the individual objections of the land owners.

53. This Rule seeks to ensure free and fair hearing of objections by the Government, which is also the aim of Section 5-A of the Land Acquisition Act. The importance of such an enquiry has been expressed in clear terms by the Honourable Apex Court in Hindustan Petroleum Corporation Ltd. Vs. Darius Shapur Chenai and Others, , has held as follows:

"8..... The court in a case, where there has been total non-compliance or substantial non-compliance with the provisions of Section 5-A of the Act, cannot

fold its hands and refuse to grant a relief to the writ petitioner. Sub-section (3) of Section 6 of the Act renders a declaration to be a conclusive evidence. But when the decision-making process itself is in question, the power of judicial review can be exercised by the court in the event the order impugned suffers from well-known principles viz. illegality, irrationality and procedural impropriety. Moreover, when a statutory authority exercises such enormous power it must be done in a fair and reasonable manner.

9. It is trite that hearing given to a person must be an effective one and not a mere formality. Formation of opinion as regards the public purpose as also suitability thereof must be preceded by application of mind as regards consideration of relevant factors and rejection of irrelevant ones. The State in its decision-making process must not commit any misdirection in law. It is also not in dispute that Section 5-A of the Act confers a valuable important right and having regard to the provisions contained in Article 300-A of the Constitution it has been held to be akin to a fundamental right."

54. Applying these norms also to the cases on hand, we have no hesitation to hold that there is utter violation of the mandatory principles of natural justice, which is not the intention of the very Industrial Purposes Act, which would vitiate the entire proceedings."

9. Pointing out to the protection of right as conferred by Article 300-A of the Constitution of India, the learned Senior Counsel submitted that the writ petitioners are entitled to the said protection against their right to own their lands and they could not be deprived of their valuable constitutional right devolved upon them. He also took this Court through the original files filed by the respondents and argued that the law relating to the land acquisition has been violated by the second respondent, while passing the order impugned and it warrants interference by this Court.

10. Lastly, the learned Senior Counsel contended that there cannot be any delegation by the delegatee himself as per Section 23-A of the Act and in the case on hand, the second respondent being the District Collector, is not justified in delegating his powers to the third respondent, who is the District Revenue Officer, to receive the objections and that too, by an authority incompetent to do so. On that score also, the impugned order passed by the second respondent falls to the ground, he added. Therefore, he prayed for setting aside the order passed by the learned Judge.

11. Per contra, Mr. K. Chellapandian, learned Additional Advocate General appearing for the respondents 1 to 3 contended that the extent of 581.34 acres of land to be acquired were owned by 1086 persons and only 6 persons were objecting to the acquisition proceedings and the Government had received 389 objections and that out of 586 acres, 33.9 acres alone had been in dispute, which were sought to be required for acquisition of Tuticorin Airport and that the acquisition had been made only as per the Master Plan of the Airport Authority of

India. Therefore, he refuted the contention of the writ petitioners that the respondents were adopting ""pick and choose"" method in acquiring the lands. He further argued that the objections filed by each of the writ petitioners, had been considered properly by the District Collector and thereafter only, the impugned order had been passed.

12. Insofar as the stand of the writ petitioner in W.P. (MD) No. 9004 of 2011 that there had been a memorial in the lands sought to be acquired, the learned Additional Advocate General appearing for the respondents 1 to 3 submitted that in the inspection report of the District Collector, there was no mention to the existence of any such memorial and if at all any memorial building has been in existence in the said land, it should have been constructed only after initiation of acquisition proceedings.

13. With regard to the contention that the enquiry was conducted even before the expiry of 30 days from the date of notice, it is the submission of the learned Additional Advocate General that so far as the writ petitioners are concerned, they had submitted all their objections even before the date of enquiry and that the notification was dated 19.08.2010 itself and the objections were considered only after 30 days, however, the impugned order was passed only on 02.11.2010 after receiving the reply from the acquisition body. Hence, he contended that the writ petitioners cannot take a stand that the impugned order is invalid since the enquiry had been conducted even before the expiry of 30 days" time given for filing the objections.

14. Regarding the contention of the writ petitioners that since the enquiry was conducted by the District Revenue Officer, the entire land acquisition proceedings would be vitiated, the learned Additional Advocate General submitted that at the time of enquiry, the District Collector went to the place of enquiry and conducted a meeting with the pattadhars and as the District Collector was already pre-occupied with the other official works, he directed the District Revenue Officer to receive the objection petitions and thereafter, the District Collector himself passed the impugned order after considering the reply sent by the requisition body on 02.11.2010.

15. The learned Additional Advocate General also submitted that the expert committee had analysed all the relevant materials and given the technical advice and thereafter alone, the land acquisition proceedings had been initiated and hence, no question of non-application of mind, would arise. Since the impugned order came to be passed by the second respondent, after taking into account all the materials, the contention of the writ petitioners that the second respondent did not consider their objections, is untenable, he contended.

16. The learned Additional Advocate General concluded his arguments by stating that the acquisition proceedings have been only at the stage of notification under Section 3(2) of the Act and no notification as per Section 3(1) of the Act has been given and that the second respondent had not adopted the ""pick and

choose"" method as alleged by the writ petitioners and no ill-will or motive could be attributed as against the authorities concerned and that the writ petitioners who are before this Court, had been objecting to the public project and that the second respondent, after adhering to the relevant norms applicable to the purport of expanding the Airport concerned and that the learned Judge had also considered all these aspects in proper perspective and rejected the writ petitions, warranting no interference at the hands of this Court.

17. Mr. C. Godwin, learned Counsel for the fifth respondent submitted that there is no ground for mala fides and that there is no ""pick and choose"" method and that the learned Judge had rightly rejected the writ petitions warranting no interference at the hands of this Court.

18. We have considered the rival submissions and scrutinised the materials placed before us, including the original records.

19. The point that arose for consideration before us in these writ appeals, is as to whether the second respondent-District Collector has complied with all legal requirements before passing the impugned order?

Point:

20. At the outset itself, we would like to refer to the relevant provisions of the Act for better appreciation of the issue involved in these writ appeals, in the light of the legal submissions advanced on either side.

21. Section 2(c) defines the term "Industrial area" as "any area declared by the Government, by notification, to be an industrial area". Section 2(d) defines "industrial estate" as "any site selected by Government, where the Government builds factories and other buildings and makes them available for any industry". Section 2(e) defines "industrial purpose" as "includes the starting of a new industry, expansion of an existing industry, the development of an industrial area and establishment and management of an industrial estate."

22. Section 3 of the Act deals with "power to acquire land". Under this Section, the Government has got the power to acquire land for industrial purposes. Section 3 reads as under:

"3. Power to acquire land (1) If, at any time, in the opinion of the Government, any land is required for any industrial purposes, or for any other purpose in furtherance of the objects of this Act, they may acquire such land by publishing in the Tamil Nadu Government Gazette a notice specifying the particular purpose for which such land is required.

(2) Before publishing a notice under sub-section (1), the Government shall, call upon the owner and any other person, who in the opinion of the Government may be interested in such land, to show cause within such time as may be specified in the notice, why the land should not be acquired. The Government shall also cause a public notice to be given in such manner as may be prescribed.

(3) The Government may pass an order under sub-section (1) after hearing and considering the cause, if any, shown by the owner or person interested."

23. Section 4 contemplates that "land acquired to vest in Government free from all encumbrances". It reads as follows:

"4. Land acquired to vest in Government free from all encumbrances-

(1) When a notice under sub-section (1) of section 3 is published in the Tamil Nadu Government Gazette, the land to which the said notice relates shall, on and from the date of such publication, vest absolutely in the Government free from all encumbrances:

Provided that if before actual possession of such land is taken by, or on behalf of, the Government, it appears for the Government, that the land is no more required for the purpose of this Act, the Government may, by notice published in the Tamil Nadu Government Gazette, withdraw the land from acquisition. On the publication of such notice, the land shall revest with retrospective effect in the person from whom it was divested on the issue of order under sub-section (1) of section 3, subject to such encumbrances, if any, as may be subsisting at that time:

Provided further that the owner and other persons interested shall be entitled to payment of an amount as determined in accordance with the provisions of section 7 for the damage, if any, suffered by them in consequence of the acquisition proceedings.

(2) Where any land is vested in the Government under sub-section (1), the Government may, by order, direct any person who may be in possession of the land to surrender or deliver possession thereof to the Collector or any person duly authorised by him in this behalf within thirty days of the service of the order.

(3) If any person refuses or fails to comply with an order made under sub-section (2), the Collector may take possession of the land, and may, for that purpose, use such force as may be necessary."

24. Section 14 of the Act deals with "service of notices, etc." and it reads as follows:

"14. Service of notices, etc.-

(1) All notices, orders and other documents required by this Act or any rule made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule, be deemed to be duly served,-

(a) where the person to be served is a company, the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956 (Central Act 1 of 1956);

(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, identifying it by the name or style under

which its business is carried on, and is either-

(i) sent under a certificate of posting or by registered post, or

(ii) left at the said place of business;

(c) where the person to be served is a statutory public body or a corporation or a society or other body, if the document is addressed to the Secretary, Treasurer or other head officer of that body, corporation or society at its principal office and is either-

(i) sent under a certificate of posting or by registered post; or

(ii) left at that office;

(d) in any other case, if the document is addressed to the person to be served and-

(i) is given or tendered to him; or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates; or

(iii) is sent under a certificate of posting, or by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served-

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) where a document is served on the firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the Government, to state the name and address of the owner thereof.

25. Section 23-A of the Act deals with the delegation of powers and it reads hereunder:

"23-A. Delegation of powers.-The Government may, by notification, direct that all the powers under this Act except the powers,-

- (1) to issue notice under sub-section (1) of section 3;
 - (2) to withdraw the land from acquisition under the first proviso to sub-section (1) of section 4; and
 - (3) to make rules under section 25,
- shall, subject to such conditions, if any, as may be specified in the notification, be exercised by the Collector. "

The notification, delegating the powers of Government to the District Collectors under the Act, reads thus:

"REVENUE DEPARTMENT DELEGATION OF POWERS OF GOVERNMENT TO DISTRICT COLLECTORS UNDER THE TAMIL NADU ACQUISITION OF LAND FOR INDUSTRIAL PURPOSES ACT, 1997.

[G.O. Ms. No. 513, Revenue (LAI (1), 2nd September, 2005.]

No. II (2)/REV/716(d)/2005.-In exercise of the powers conferred by section 23-A of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), the Governor of Tamil Nadu hereby directs that all the powers exercisable by the Government under said Act except the powers excluded in the said section 23-A shall be exercised by the Collector of the district concerned.

(2) The Notification hereby issued shall come into force on the 2nd day of September, 2005."

26. A careful reading of the entire provisions of the Act would make it manifestly clear that this Act while aiming to immediately acquire the lands for industrial purposes, has never dispensed with the well acclaimed principle of audi alteram partem. Though under Section 4(1) of the Act, it has been ordered that the lands shall vest absolutely in the Government, free from all encumbrances, after publication of the notice under Section 3(1) of the Act in the Gazette, the Legislature has mandated, in the form of Section 3(2), a show-cause notice to be issued to the owner and any other person, who in the opinion of the Government, may be interested in such land. Section 14 has narrated the manner in which the service of notices etc., as has been extracted supra.

27. Similarly, it is also useful to reproduce Rules 3 to 6 of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001, thus:

"3. Issue of show cause notice by the Government.-The show cause notice specified in sub-section (2) of section 3 shall be in Form-A.

4. Publication of public notice.-The Government shall cause a public notice of the substance of the show cause notice issued under sub-section (2) of section 3 in Form-B. The notice shall be published at convenient places in the locality and copies thereof fixed up in the offices, of the Collector and the Tahsildar.

5. Statement of objections.-The statement of objections should mention how the objector is interested in the land.

6. Hearing of objections by the Government-

(a) If a statement of objections is filed by a person who is not interested in the Land, it shall be summarily rejected.

(b) If any objections are received from a person interested in the land, within the time prescribed in rule 3 or 4, the Government shall fix a date for hearing the objections and give notice thereof to the objector or as well as to the department or company requiring the land. Copies of the objections shall also be forwarded to such department or company. The Department or company may file on or before the date fixed by the Government, a statement by way of answer to the objections and may also depute a representative to attend the enquiry.

(c) On the date fixed for enquiry or any other date to which the enquiry may be adjourned by the Government, the Government shall hear the objector, or a person authorised by him in this behalf, or his pleader and the representative, if any, of the department or company and record any evidence that may be produced by both in support of the objections and in support of the need for acquiring the land."

28. Having noticed the above legal percepts applicable to the issue on hand, we feel it appropriate to consider the factual matrix advanced by either side before us.

29. It is the main plea of the learned Senior Counsel appearing for the appellants that the notification under Section 3(2) of the Act was published only on 28.08.2010, by which, 30 days" time had been afforded to the pattadhars to submit their objections, if any, however, before expiry of 30 days, the enquiry was conducted by the second respondent, which would vitiate the entire land acquisition proceedings.

30. We find that the learned Judge had considered this aspect in detail and arrived at a conclusion that there could be no dispute that the date of notification was 19.08.2010 and the publication of notification was made only on 28.08.2010, but the writ petitioners are concerned, they had already given their objections before the date of enquiry dated 21.09.2010 and hence, the second respondent considered all the objections raised by the writ petitioners very well before the date of enquiry. Accordingly, we are of the opinion that the learned Judge had rightly found that the objections of the writ petitioners were considered before passing the order by the second respondent and there is no illegality or irregularity in the enquiry conducted by the second respondent on 21.09.2010.

31. Insofar as the competency of the third respondent in conducting the enquiry as alleged by the writ petitioners, the learned Judge found that on the date of enquiry i.e. 21.09.2010, the second respondent himself went to the place of

enquiry and he had a meeting with the objectors and received objections and thereafter, he instructed the third respondent to receive the objections since he has to attend other departmental activities and after considering the objections as well as the reply from the requisition body, the second respondent had passed the impugned order only on 02.11.2010. We are in entire agreement with the finding of the learned Judge for the reason that when the objections and the reply sent by the requisition body were considered by the District Collector before passing the order dated 02.11.2010, there could be no quarrel over the conduct of enquiry by the second respondent as rightly held by the learned Judge.

32. We further proceed to examine the legal position as to the applicability of Rule 6(c) of the Rules and find that the learned Judge had analysed the materials available before him and arrived at a decision that the objections of all the pattadhars were sent to the requisition body and after getting their remarks only, the second respondent had taken into account all of them and passed the impugned order, warranting no interference at the hands of the Writ Court, which, in our considered opinion, is tenable in the eye of law.

33. In such circumstances, we feel that the learned Judge had an occasion to deal with the land acquisition proceedings under the Act and rightly held that the land acquisition proceedings are just and in accordance with the provisions of the Act and the Rules, in the light of the ratio laid down in various decisions of the Honourable Apex Court as well as by this Court and therefore, we have no hesitation to hold that the writ petitioners had not made out a case for interference before us. It is also well settled principle of law that the public welfare would be considered as important thing than that of the individuals. Here, in the present case on hand, only a few of the land owners had been objecting to implement the purpose for which the lands are sought to be acquired and because of them, the entire public interest would not be defeated without achieving its purport at all.

34. For the reasons stated above, we find that there is no infirmity or illegality in the order passed by the learned Judge and accordingly, the point is answered as against the appellants and in favour of the respondents. Ultimately, all the writ appeals fail.

35. In fine, all the writ appeals stand dismissed, leaving the parties to bear their own costs. Consequently, M.P. (MD) Nos. 1 and 2 of 2013 in W.A. (MD) Nos. 876 to 880 of 2013 are dismissed and M.P. (MD) Nos. 3, 3, 3, 3 and 3 of 2013 are closed. M.P. (MD) Nos. 1 and 2 of 2013 in W.A. (MD) No. 438 of 2013 are dismissed.