
(1975) 08 DEL CK 0009

In the Delhi High Court

Case No : Letter Patent Appeal No. 172 of 1972

Vinod Sagar and Another

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 11-08-1975

Acts Referred:

Citation : AIR 1976 Delhi 76 : (1975) ILR Delhi 613(2)

Hon'ble Judges : T.V.R. Tatachari, J;S.S. Chadha, J

Bench : Division Bench

Advocate : Harbans Singh and B. Dutt, for the Appellant;

Judgement

T.V.R. Tatachari, J.

(1) These two Letters Patent Appeals (Nos. 172 and 247 of 1972) have been filed by Vinod Sagar and Shrimati Kanta Kumari respectively against the judgment of Dalip K. Kapur J., dated May 22, 1972, whereby the learned Judge dismissed Civil Writ Petition No. 760 of 1970, filed by Vinod Sagar. Shrimati Kanta Kumari who is the mother of the petitioner was respondent 5 in the Writ Petition. The other respondents in the Writ Petition were (1) the Union of India through the Secretary, Ministry of Housing, Works & Supply, Government of India; (2) The Estate Officer (Director of Estates) to the Government of India ; (3) Deputy Director of Estates to the Government of India; and (4) Shrimati Prem Kumari, respondent 4 is the widow of the petitioner's brother. The Civil Writ was filed for the issuance of a writ quashing an order of requisition of certain property belonging to the petitioner and respondents 4 and 5 and two orders calling upon them to carry out repairs to the said property.

(2) The property in question is No. 5, Sikandara Road. New Delhi, situated opposite to Lady Irwin College, New Delhi. The said property originally belonged to late Sir Moti Sagar, and the petitioner Vinod Sagar and respondents 4 and 5 inherited the said property from late [Sir Moti Sagar. It is stated in the Writ Petition that respondents 4 and 5 did not join the petitioner in filing the Writ

Petition and were, Therefore, imp led as respondents. They were represented by counsel and supported the petitioner at the hearing of the Writ Petition.

(3) The property referred to above is stated to be a spacious house constructed in an area of 2.6 Acres for the purpose of residence of the family of the owners. By an order No. 3-E.O. VII/REQ of 1947. dated August 21, 1947, passed by Shri G. T. Mashram, Estate Officer to the Government of India, the aforesaid property was requisitioned u/s 3 of the Delhi Premises (Requisition and Eviction) Ordinance No. Xii of 1947. It was stated in the order that in his opinion it was necessary to requisition the premises for public purpose, and that the Estate Officer, Therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the aforesaid Ordinance requisitioned the said premises with effect from September 1, 1947, until further orders. The owner or any other persons in possession of the said premises were directed by the order to deliver possession thereof with all fittings and fixtures therein on the forenoon of September 1, 1947, to the Executive Engineer "E" Division, Central Public Works Department, New Delhi. At the end of the order, it was stated as under :- "Copy forwarded for information and necessary action to the :

1.Ex-Engineer "E" Division, Central P. W. D., New Delhi. Possession of the house in question be taken over from the AIR on 1-8-1947 and handed over to the Principal, Lady Irwin College, New Delhi, on the same day after preparing necessary inventories, etc. A report may be furnished to this Office on the same day.

2.Electrical Engineer, Electr. Division No. Ii, Central Public Witness .D., New Delhi.

3.Deputy A.E.O. (Accounts). Government of India, New Delhi.

4.The Principal, Lady Irwin College, New Delhi. She is requested to contact the Executive Engineer, "E" Division, Central Public Witness .D., New Delhi and take over the possession of the house on 1-9-47. The house is placed at the disposal of the College from the said date and college will have to bear the entire cost of its requisition."

The requisitioned property was accordingly handed over to and has since then continued to be in the possession of the Lady Irwin College.

(4) By a notice/order No. 5(29) dated April 29, 1969, the petitioner and respondents 4 and 5 were required by the Competent Authority (respondent 3) acting u/s 5(2) of the Requisitioning and Acquisition of. Immovable Property Act No. 30 of 1952 to execute certain repairs, the cost of which was estimated at Rs. 3420.00 . Again, by a notice/order No. 5(29) dated March 9, 1970, the Competent Authority required the petitioner and respondents 4 and 5 to execute certain further repairs whose cost was estimated at Rs. 9074.00 . The petitioner made representations against the said two orders requiring the execution of the repairs, and it is stated in the Writ Petition that no replies were sent by the respondents I to 3. "The petitioner, Vinod Sagar, Therefore, filed the Writ

Petition on July 18/21, 1970, praying that the order of requisition, dated August 21, 1947 and the two orders, dated April 29, 1969, and March 9, 1970, requiring the repairs to be effected be quashed, and that the Central Government be directed to release the property from requisition and restore the possession thereof to the petitioner.

(5) The contention in the Writ Petition regarding the order of requisition was that the property in question was not requisitioned either for a public or a Union purpose within the meaning of Section 3 of the Delhi Premises (Requisition and Eviction) Ordinance 1947 (No. Xii of 1947), that the term used in the order of requisition viz. that the requisition was being effected for "public purpose", was ambiguous and vague, that the property was being used for the purpose of a private institution, namely, Lady Irwin College to which it has been handed over, that the said actual user could not be said to have been either a public purpose or a Union purpose, and that the order of requisition was, therefore, invalid and liable to be quashed. As regards the orders requiring the petitioner and respondents 4 and 5 to carry out repairs, it was contended that u/s 5 of the Requisitioning and Acquisition of Immovable Property Act No. 30 of 1952, only such repairs as may be necessary and are usually made by landlords in that locality could have been ordered to be carried out, that the repairs ordered were beyond the scope contemplated by the Act and were not warranted under the provisions of the Act, and that the orders were, Therefore, liable to be quashed. It was also contended that the estimated amount of expenses for the repairs were exorbitant and one-sided, and no opportunity was given to the petitioner to place his case before respondents I to 3 passed the orders made u/s 5 of the Act of 1952. The virus of the said Section 5 of the Act of 1952 was also challenged on the ground that it was discriminatory and vested an unbridled, unguided, uncanalised, and arbitrary power in the Competent Authority (respondent 3).

(6) In opposition to the Writ Petition, a counter affidavit of Shri S.C. Rajguru, Deputy Director of Estates, was filed on behalf of respondents I to 3. It was stated in the counter affidavit that prior to the requisitioning of the premises in question, the premises was let out to the All India Radio on lease in 1941, that when "the said premises was no more required by the All India Radio, it was vacated by them in the year 1947, and that the rent that was being paid by the All India Radio by that time was Rs. 475 per month. It was also stated that at the request, of the authorities of the Lady Irwin College, the Government of India requisitioned the said premises u/s 3(1) of the Delhi Premises (Requisition and Eviction) Ordinance No. Xii of 1947 with effect from September 1, 1947, for the said College, that it was for a public purpose, and that the petitioner could not raise and agitate the said question at that late stage. It was further averred that subsequently the requisitioning was deemed to have been done under the Requisitioning and Acquisition of Immovable Property Act No. 30 of 1952, that the compensation for the premises was fixed at the rate of Rs. 593.75 per month after allowing 25 per cent increase on the rent of Rs. 475 which was being paid to the owners by the All India Radio, that under the statute responsibility for the

maintenance of the premises was on the owners of the property, and that in accordance with an agreement arrived at between the parties, the compensation was being paid to the petitioner and respondents 4 & 5. It was submitted that the orders u/s 5 of Act No. 30 of 1952 were issued as the Lady Irwin College authorities requested that the necessary repairs may be carried out, that the owners failed to carry out the repairs, and that in the circumstances the same were to be carried out by the Government under the provisions of the Act. In the circumstances, it was prayed that the Writ Petition be dismissed as being without merit.

(7) By judgment, dated May 22, 1972. Dalip K. Kapur J. held that the requisitioning order, dated August 21, 1947, was not liable to be quashed, but that the two orders/notices requiring the execution of repairs were liable to be quashed. Accordingly, the learned Judge partly accepted the Writ petition and quashed the notices/orders issued u/s 5(2) of the Act No. 30 of 1952, requiring the execution of repairs. It is against that judgment that the petitioner Vinod Sagar preferred Letters Patent Appeal No. 172 of 1972 and respondent 5 Kanta Kumari preferred Letters Patent Appeal No. 247 of 1972, questioning the view of the learned Judge that the requisitioning order of 1947 was not liable to be quashed. The two appellants were represented by Shri Harbatns Singh and Shri Brij Bans Kishore respectively, and the learned counsel addressed arguments in the respective appeals urging practically the same contentions.

(8) The first contention urged by both the learned counsel was that the requisitioning order, dated August 21, 1947, suffered an infirmity and was vitiated in-as-much as the public purpose for which the premises in question was requisitioned was not sufficiently specified or indicated therein. In support of the contention, reference was made to the decision in V.N. Wanchoo, etc. Vs. Collector of Delhi, etc., . In that case, it was observed in paragraph 7 that-

SECTION 3(4) of the Delhi Premises (Requisition and Eviction) Act Xlix of 1947 required that the order under that clause to be "an order in writing to that effect" and that by "that effect" clearly is meant that the public purpose contemplated to be served by the requisitioning shall be stated"

In the present case, it is true that in the first paragraph of the impugned order it was merely stated that in the opinion of the Estate Officer it was necessary to requisition the premises in question for "a public purpose". The nature of the public purpose was not specified in that paragraph. But, at the end of the order, it was stated that the Executive Engineer "B" Division should take over possession from All India Radio on September 1, 1947 and hand over the same to the Principal, Lady Irwin College, on the same day after preparing necessary inventories, etc. It was also stated that the Principal, Lady Irwin College was requested to contact the Executive Engineer and take over the possession of the house on September 1, 1947, and that the house was placed at the disposal of the College from the said date and the College would have to bear the entire cost of its requisitioning. It is thus clear that the requisitioning was to place the

premises at the disposal of the Lady Irwin College. There is no legal requirement that the purpose is to be specified in any particular part of the order. "The circumstance that the actual purpose was specified in the later portion of the order and not in the earlier portion appears to us to be immaterial. The order has to be read as a whole, and so read, it cannot be said that the purpose of the requisitioning was not sufficiently specified or indicated in the requisitioning order." There is thus no force in the contention.

(9) Mr. Brij Bans Kishore sought to argue that the premises was being used for housing some of the teachers of the college, and that the said actual user was not specified in the requisitioning order. There was no specific averment in the Writ Petition that the premises was being used for accommodating the teachers of the college. "There was, Therefore, no occasion for the respondents I to 3 in the Writ Petition to traverse the same in their counter affidavit. However, it appears from the judgment of the learned single judge that it was submitted before him that the College was actually using the premises for housing some of its teachers, and the learned Judge appears to have proceeded on that basis in his judgment. Assuming that the submission made to the learned Judge was factually true, it has to be noted that the contention as urged before the learned single Judge was that the College was actually using the premises for housing some of its teachers, and not that the original requisitioning itself was for the purpose providing housing accommodation to the teachers of the College. We have, therefore, to proceed on the basis that the original requisitioning was for the purpose of placing the premises at the disposal of the Lady Irwin College, and that the College was subsequently using the premises for providing housing accommodation to some of its teachers. As already pointed out, the purpose for the requisitioning as distinguished from the subsequent user, was sufficiently specified in the order, and there is no question of mentioning the actual user in the order as the said actual user was subsequent to the date of the requisitioning order. The argument of the learned counsel has thus no force.

(10) The second contention of the learned counsel was that if the purpose of requisitioning the property in question was to place it at the disposal of the Lady Irwin College which is a private institution, such a purpose could not be said to be a "public purpose" within the meaning of Section 3(1) of the Delhi Premises (Requisition and Eviction) Ordinance No. Xii of 1947 and that the requisitioning order was consequently illegal and invalid. Section 3(1) of the aforesaid Ordinance empowered the Estate Officer to the Government of India to requisition any premises that was necessary "for any public purpose". The term "public purpose" was defined in the Ordinance as meaning "any purpose connected with the shortage of accommodation in the Province of Delhi". The Ordinance was replaced by the Delhi Premises (Requisition and Eviction) act No. Xlix of 1947. Section 3(1) of the said Act was to the same effect as Section 3(1) of the Ordinance and conferred power on the Competent Authority to requisition any premises that was needed "for any public purpose". The term "public purpose" was defined in Section 2(e) of the said Act as meaning "any purpose"

which is so declared by rules made under the Act, Rule 2(e) of the Delhi premises (Requisition and Eviction) Rules, 1947, made under the Act defined the term "public purpose" as under :- (c). Public purpose shall include the purpose connected with-- (ii) (iii) (iv) (v) The functioning of any institution of public utility, such as school, orphanage, hospital, library or cultural centre, including the provision of accommodation for persons connected with the management of any such institution, (vi) (vii) (viii)

(11) It has to be noted that it was an inclusive definition, and it is common ground that clause (v) is the relevant clause for the purpose of the present case. The said clause clearly provided that a purpose connected with the functioning of any institution of public utility, such as school, including the provision of accommodation for persons connected with the management of it is a "public purpose" within the meaning of the Act. In the present case, the property in question was requisitioned for the purpose of placing the same at the disposal of the Lady Irwin College. Though the word "College" was not as such used in clause (v), the word "school" obviously includes a college like the Lady Irwin College which admittedly is an educational institution. The argument of the learned counsel was that the Lady Irwin College is a private institution and not one owned by the Government, and, Therefore, requisitioning for its purpose could not be regarded as a "public purpose". But, the definitions of "public purpose" in the Ordinance as well as in clause (v) of Rule 2 of the Rules made under the Act of 1947 do not contain any requirement that the institution should be one owned by the Government. They refer to "any premises" and "any institution of public utility such as a school" respectively. Further, the expression "any institution of public utility" "is sufficiently wide to include a private educational institution. An educational institution, like the Lady Irwin College, is clearly an institution of Public utility as it imparts education to students who are members of the public, and cannot be said to cease to be such an institution merely because it is owned by private owners and not by the Government. In view of the specific and express definitions in the Ordinance and in the rule made under the Act, it cannot but be held that the requisitioning of the property in question for the purpose of placing it at the disposal of the Irwill College was for a "public purpose" within the meaning of the Ordinance No. Xii of 1947 and the Act No. Xlix of 1947". The contention of the learned counsel cannot, Therefore, be accepted as correct.

(12) Mr. Brij Bans Kishore sought to argue that the Act No. Xltx of 1947 was repealed by Section 24(1) of the Requisitioning and Acquisition of Immovable Property Act No. 30 of 1952, that Section 3(1) of the latter Act empowered the Competent Authority to requisition immovable property for "any public purpose being a purpose of the Union", that by Section 24(2) thereof it was declared that any property which immediately before such repeal was subject to requisition under the repealed Act shall on the commencement of this Act No. 30 of 1952, be deemed to be property requisitioned u/s 3 of this Act No. 30 of 1952, and all the provisions of this Act shall apply accordingly, and, Therefore, properties

requisitioned under the repealed Act No. Xlix of 1947 would service and can be regarded as saved only if the purpose for the requisition is a purpose of the Union. The argument is not at all tenable as it ignores the provision in "clause (b) of the proviso to Section 24(2) that anything done in exercise of the powers conferred by or under the repealed Act shall, so far as it is not inconsistent with the provisions of the Act No. 30 of 1952, be deemed to have been done in the exercise of the powers conferred by or under the Act No. 30 of 1952 as if the said Act was in force on the day on which such thing was done".

(13) The Delhi Premises (Requisition and Eviction) Ordinance No. Xii of 1947 was promulgated on August 13, 1947, u/s 72 read with the Ninth Schedule to the Government of India Act, 1935, and was to remain in operation for six months. The order requisitioning the property in question was passed on August 21, 1947, u/s 3(1) of the said Ordinance. But, before the expiry of the said period of six months, the Delhi Premises (Requisition and Eviction) Act No. Xlix of 1947, was enacted and it came into force on December 31, 1947. By Section 16(2) of the said Act, the Ordinance was repealed and it was provided that "anything done or any action taken in exercise of any power conferred by or under the Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the Act as if the Act had commenced on August 13, 1947". As already stated) the words used in Section 3(1) of Act No. Xlix of 1947 were merely "any public purpose", and not "any public purpose being a purpose of the Union". Then, the Requisitioning and Acquisition of Immovable Property Act No. 30 of 1952 was enacted, and it came into force on March 15, 1952. Section 24(1) of this Act repealed the Act No. Xlix of 1947, and Section 24(2) provided that any property which immediately before such repeal was subject to requisition under the provisions of the repealed Act shall on the commencement of the Act No. 30 of 1952 be deemed to be the property requisitioned u/s 3 of the Act No. 30 of 1952, and all the provisions of the said Act No. 30 of 1952 shall apply accordingly. There is a proviso to Section 24(2), and clause (b) thereof provided that anything done or any action taken including any orders, notifications or rules made or issued in exercise of the powers conferred by or under the repealed Act shall, in so far as it is not inconsistent with the provisions of the Act No. 30 of 1952, be deemed to have been done or taken in the exercise of the powers by or under the Act No. 30 of 1952 as if the said Act No. 30 of 1952 was in force on the day such thing was done or action taken. It has to be noted that the provision in clause (b) of proviso to Section 24(1) is a deeming provision. The legislature was aware that the requisitioning of any property under the Ordinance No. Xii of 1947 and the Act No. X of 1947 could be done only for "any public purpose", while u/s 24(2) such requisitioning has to be deemed to be requisitioning u/s 3 of the Act of 1952 and all the provisions of the Act have to apply. If clause (b) of the proviso had not been added, the position sought to be contended for by Mr. Brij Bans Kishore would have been the result, because by virtue of Section 24(2) the requirement in Section 3 of the Act No. 30 of 1952 that the public purpose should be a purpose of the Union would apply to the

earlier orders of requisitioning under the Ordinance or the Act of 1947, and the said earlier orders of requisition, not being for a purpose of the Union, would cease to be valid under the Act No. 30 of 1952. Obviously, it was to avoid that result that the legislature added clause (b) of the proviso making it clear that the requisitioning under the Ordinance or the Act of 1947 shall be "deemed" to have been made under the Act of 1952 as if this latter Act was in force on the day on which the requisitioning order was made. "In other words, even though the requisitioning order was only for "a public purpose" and not for "a purpose of the Union", it has to be deemed to be an order "for a purpose of the Union" under the Act of 1952. The effect of the deeming provision is thus a creation of a fiction, and it has provided that although the original purpose was not a purpose of the Union, it has to be treated as being such a purpose of the Union by virtue of the provision in clause (b) of the proviso to Section 24(2) of the Act of 1952". This view of the effect of the proviso to Section 24(2) is supported by the observations of the Supreme Court in the *The Union of India (UOI) Vs. Ram Kanwar and Others*, . Referring to Section 24(2), "the Supreme Court observed at pages 325 and 326 that if the requisition originally made in that case was for purposes mentioned in Rule 75A of the defense of India Rules and continued u/s 3 of the Act of 1947 only for the said purposes, u/s 3 of the Act of 1952 the requisition of the property made for the said purposes would be deemed to be a requisition for a public purpose being a purpose of the Union. However, as in that case before the Supreme Court, the purpose for which the original requisition was made ceased to exist and the building was being used for an entirely different purpose, the Supreme Court held that the building was liable to be de-requisitioned. In the present case before us, the original purpose was for placing the premises as the disposal of the Lady Irwin College which we have held to be a public purpose, and the alleged subsequent user for providing housing accommodation to some of the teachers of the College is also, as we shall presently show, a part of the same public purpose within the meaning of the Ordinance and the Act of 1947. Therefore, the final decision in the aforesaid case before the Supreme Court, based on the facts of that case, does not apply to the facts of the present case. But, the observations at pages 325 and 326 of the decision regarding the effect of the proviso to Section 24(2) apply, and they support the view expressed by us. The argument of the learned counsel cannot, Therefore, be accepted.

(14) We may point out that the learned single Judge held that in the executive power of the Central Government extends to all subjects on which Parliament can legislate, and education is one of them, and that the Union of India being in charge of education in Delhi, the requisitioning of the property in question for the purpose of the Lady Irwin College was for a public purpose of the Union. Mr. Datta questioned the correctness of the said view of the learned single Judge. We consider that it is not necessary to express any view on this aspect, as we have held that the purpose for which the property in question was requisitioned was to be deemed to be for the purpose of the Union in view of the definition of the

term "public purpose" in Rule 2(c)(v) of the Rules framed under the Act No. Xlix of 1947 and clause (b) of the proviso to Section 24(2) of the Act No. 30 of 1952.

(15) The learned single Judge also held that even if the property in question was originally requisitioned for providing housing accommodation for some of the teachers of the College, it would also be for a public purpose of the Union as it was a purpose connected with education. We have already pointed out above in dealing with the first contention, that the contention urged before the learned single Judge was that the College was actually using the premises for housing some of its teachers, and not that the original requisitioning itself was for the purpose of providing housing accommodation to the teachers of the College. Even otherwise, i.e. even if the original requisition of the property in question was for the purpose of providing housing accommodation to the teachers of the College, it seems to us that it was still turn a public purpose within the meaning of the Section 3(1) of the Ordinance as well as Section 3(1) of Act No. Xux of 1947, and, as such, has to be deemed to be for a public purpose of the Union within the meaning of Section 3(1) of the Act No. 30 of 1952. So far as the Ordinance is concerned, such purpose was clearly publi purpose in view of the definition of "public purpose" in Section 2(c) of the Ordinance as meaning "any purpose connected with the shortage of accommodation in the Province of Delhi". As regards the Ac tof 1947, teachers of the College from part of the personnel of the staff of She College, and are absolutely necessary and inseparably connected with the functioning of the College. Providing housing accommodation to the teachers would greatly contribute to the efficient functioning of the College. Rule 2(c)(v) clearly provided that any purpose connected with the functioning of a school was a public purpose for the purposes of the Act. thereforec, the purpose of providing housing accommodation to the teachers of the College was a public purpose within the meaning of Section 3(1) of the Ordinance and Section 3(1) of the Act No. Xlix of 1947, and as such has to be deemed to be a public purpose of the Union in view of clause (b) of the proviso to Section 24(2) of the Act No. 30 of 1952. The argument of Mr. Brij Bans Kishore has, Therefore, to be held to be untenable.

(16) During the course of the arguments, it was sought to be suggested that each of the aforesaid enactments was enacted to be operative during certain periods stated specifically, and that as those periods have expired, it is doubtful whether there is any enactment in operation now to support the continuation of the requisitioning of the property in question. On verification, however, it was found by Mr. Datta, learned counsel for the respondents I to 3, that there is such an enactment in operation. The original Ordinance No. Xii of 1947 was promulgated on August 13, 1947. It was repealed by Section 16 of the Delhi Premises (Requisition and Eviction) Act No. Xlix of 1947, which came into force on December 31, 1947. and Section 16(2) provided that anything done under the Ordinance shall be deemed to have been done in exercise of the powers conferred by or under this Act as if this Act had commenced on August 13, 1947. Section 1(4) of the Act laid down that the Act shall remain in force till December

31, 1952. Then on March 15, 1952, the Requisitioning and Acquisition of Immovable Property Act No. 30 of 1952 was enacted, and by Section 24, the Act No. Xlix of 1947 was repealed and the requisitioning made under the Act of 1947 was declared as deemed to have been made under the Act of 1952 as if the Act of 1952 was in force on the day on which- the order of requisitioning was passed. Section 1(3) of the Act of 1952 provided that the Act shall remain in force for a period of six years from the date of the commencement of the Act, i.e. till March 14, 1958. Then, by the Requisitioning and Acquisition (Amendment) Act No. 1 of 1958 which came into force on February 28, 1958, Section 1(3) of the Act of 1952 was amended and the provisions of the Act of 1952 were extended for another six years, i.e. till March 13, 1964. Again, the Requisitioning and Acquisition of Immovable Property (Amendment) Act No. 48 of 1963 was passed on December 16, 1963, extending the life of the Act of 1952 up to March 13, 1970. Again, by the Requisitioning and Acquisition of Immovable Property (Amendment) Act No. 1 of 1970, passed on March 11, 1970, Section 1(3) of the Act of 1952, was omitted and Section 6(IA) was added providing that any property requisitioned before the commencement of the Requisitioning and Acquisition of Immovable Property (Amendment) Act No. 1 of 1970, i.e. on or before March 11, 1970, shall be released by the Central Government from acquisition on or before the expiry of a period of three years from March 11, 1970. Thus, the order requisitioning the property in question in the present case could be kept in force till March 10, 1973, and had to be released after the said date. But, on March 9, 1973, the Requisitioning and Acquisition (Amendment) Act No. 1 of 1973 was passed, and Section 6(IA) of the Act of 1952 was amended by substituting a period of five years for "the period of three years. In other words, the order requisitioning the property in question could continue to be effective till March 10, 1975, and was to be released after that date. However, on March 7, 1975, the Requisitioning and Acquisition (Amendment) Act No. 2 of 1975 was passed substituting a period of ten years for the period of five years in Section 6(IA) of the Act of 1952. Thus, the order requisitioning the property in question in the present case would continue to be effective till March 10, 1985.

(17) Thus, none of the contentions urged before us by the learned counsel can be accepted. The Letters Patent Appeals, Nos. 172 and 247 of 1972, are, Therefore, dismissed, but, in the circumstances, without costs.