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C.A.No. 5509 OF 1999  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5509 OF 1999

OM PRAKASH SHARMA & ORS. APPELLANTS  
VERSUS

M.P. AUDYOGIK KENDRA VIKAS NIGAM & ORS. RESPONDENTS

WITH C.A.NOS.6705, 6706 & 7269 OF 1999

O R D E R

Certain extent of land in three villages were sought to be acquired pursuant to a notification issued under Section 4 read with Section 17 of the Land Acquisition Act, 1894 ('the Act', for short). The said notification reads thus :

" Part-1 M.P. Gazette dated 12th October 1984 1189  
Bhind dated 26 September, 1984

S.No. Court Land - Sampadan - 1984-20472-75-Because the State Government feel that Land described in Column 1 to 6 of the attached Schedule are needed for the public purpose mentioned in Column 6 of the Schedule or likely to be needed.  
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Therefore in compliance of Sec.4 Sub section (1) of Land Acquisition Act, 1894 (S.No.1 San 1894) all the connected person are hereby notified. The State Government authorised the officer mentioned in Column 55 of the Schedule for using the power in this regard mentioned under Section 4(2). The State Government also directed that provision of Section 5A will not be applicable to this land, because in his opinion the provision of Section 17 Sub Section (1) is applicable to this land.

SCHEDULE

Description of Land	District	Tehsil	City/Village	Approximate area(hectare)	Authorised officer u/s 4(2)	Authorised public purpose	D
ment	Bhind	Gohad	Singhwari Industries	35.828 establish-	Director of	Industries	
						M.P. Bhind	
						or his representative	
	Bhind	Gohad	Gurikha	39.708	-do-	-do-	
	Bhind	Gohad	Malanpur	39.708	-do-	-do-	

The map of the land (Plan) can be seen in the office of the Land Acquisition Officer, Bhind.  
Sd/-

By the name of Governor of M.P.

and by his order

H. Singh, Collector Mandal Bind  
and Padem Dy Secy M.P.  
Government Revenue Department "

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The appellants filed writ petitions in the High Court questioning the validity of this notification alleging that it suffered from number of infirmities, principal infirmity being that the said notification was totally vague in respect of the lands sought to be acquired. In that, neither the description of the lands, i.e., survey number or khasra number, were given nor the names of the land owners, whose lands were sought to be acquired in three villages, were given. The learned Single Judge of the High Court allowed the writ petitions and quashed the 4(1) notification afore-mentioned. The respondents herein took up the matters in appeals before the Division Bench of the High Court. The Division Bench of the High Court agreed with the order of the learned single Judge to the extent that the notification issued under Section 4(1) was bad. However, to balance the equities, the Division Bench held that the appellants could be compensated by giving enhanced compensation in respect of the lands of some of the appellants. Hence, these appeals.

The learned counsel for the appellants contended that the Division Bench of the High Court in the impugned judgment having agreed with the learned Single Judge that the notification issued under Section 4(1) of the Act was bad, ought not to have sustained the acquisition proceedings by

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only awarding enhanced compensation in respect of few of the appellants. The learned counsel submitted that in the light of the judgment of this Court in Madhya Pradesh Housing Board Etc. vs. Mohd. Shafi and Ors. Etc. [ (1992) 1 SCR 657 ], the notification issued under Section 4(1) was vitiated and the learned Single Judge was right in quashing the said notification. Per contra, the learned counsel for the respondents made submissions to support the impugned judgment. They contended that having regard to the developments that have taken place in that area, this Court may not disturb the impugned judgment. They added that even the enhanced compensation amount can be given to the appellants.

A Bench of three learned Judges of this Court in the afore-mentioned judgment, referring to earlier judgments, have held that notification issued under Section 4(1) of the Act, if it suffers from vagueness in regard to public purpose, such a notification cannot be sustained. In this judgment, reference is made to the judgment in Narendrajit Singh and Anr. vs. State of U.P. & Anr. [ (1970) 3 SCR 278 ], wherein it is stated that the defect of non-mention of the locality where the proposed land was situate in the notification, was a serious defect vitiating the

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notification. The notification in that case also did not specify the survey number or khasra number of the land. In other words, the notification in the present case is as vague, if not more as in that case. In the said judgment, it is observed thus :

"In Narendrajit Singh and Anr. v. State of U.P. & Anr. [1970] 3 SCR 278, while dealing with the requirements of a valid notification under Section 4 of the Act, this Court observed that the

e defect of non-mention of the locality where the proposed land was situate in the notification was a very serious defect vitiating the notification. In that case, the schedule attached to the notification issued under Sections 4(1) and 17(1) of the Act read as follows :

Distt.  
Pargana  
Mauza  
Approximate area

For what purpose required

Remarks  
Rampur  
Bilaspur  
Gokal Nagari  
125 acres  
For the rehabilitation of East Pakistan displaced families, under the Ministry of Rehabilitation, Government of India

This Court opined that though Section 4(1) does not require the identity of the land which may ultimately be acquired to be specified with too many details but it undoubtedly casts upon the government a duty to "specify the locality in which the land is needed". In Narendrajit Singh's case (supra), this Court also repelled the argument identical to the one raised by Mr. Thakur that since detailed particulars of

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the land had been given in the notification issued under Section 6(1) of the Act, the absence of those particulars in Section 4(1) notification was of no consequence.

The Court said :

In our view the defect in a notification under s.4(1) cannot be cured by giving full particulars in the notification under s.6(1)."

No judgment was shown by the learned counsel for respondents either to distinguish or taking contrary view. The learned Single Judge has rightly held that the notification issued under Section 4(1) of the Act could not be sustained. The Division Bench of the High Court was not right in upholding the notification by merely enhancing the compensation.

Under the circumstances, the appeals are allowed. The impugned judgments are set aside so far they relate to the appellants.

We make it clear that this order of ours does not prevent the respondents from initiating the acquisition proceedings afresh in regard to the very lands in question in accordance with law.

If the authorities decide to proceed with the acquisition proceedings afresh, they may commence

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the acquisition proceedings within a period of three months. We further direct that the parties shall maintain the status quo existing on the lands in question covered by these appeals for

r a period of three months or till the date the acquisition proceedings commence, whichever is earlier.

No costs.

.....J.  
[ SHIVARAJ V. PATIL ]

New Delhi, [ B.N. SRIKRISHNA ]  
October 6, 2004.  
ITEM NO.103 COURT NO.6 SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5509 OF 1999

OM PRAKASH SHARMA & ORS. Appellant (s)

VERSUS

M.P. AUDYOGIK KENDRA VIKAS NIGAM & ORS. Respondent(s)

WITH Civil Appeal Nos. 6705 of 1999 - (With prayer for interim relief)

Civil Appeal No. 6706 of 1999 - (With exemption from filing O.T. and with prayer for interim relief)

Civil Appeal No. 7269 of 1999 - (With office report)

Date: 06/10/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s) Mr. Sakesh Kumar, Adv.  
Ms. Suman Bala Rastogi, Adv.

Mr. N.R. Choudhury, Adv.  
for Mr. Somnath Mukherjee, Adv.

Mr. Rajendra Singhvi, Adv.  
Mr. Sapam Biswajit Meitie, Adv.  
Mr. Ashok Kumar Singh, Adv.

Mr. V.S. Chauhan, Adv.  
Mr. N. Chaudhry, Adv.  
Mr. T. Raja, Adv.

For Respondent(s) Mr. Shiv Sagar Tiwari, Adv.  
Mr. Umesh Babu Chourasiya, Adv.  
Mr. Manendra Pratap Singh, Adv.  
Ms. Jaishree Tandon, Adv.

State Mr. Ragvesh Singh, Adv.

for Mr. Satish K. Agnihotri, Adv.

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UPON hearing counsel the Court made the following  
O R D E R

Mr. Sakesh Kumar, learned counsel for the appellants started his arguments at 12.40 p.m. and concluded at 2.15 p.m. Then, Mr. Shiv Sagar Tiwari, learned counsel for the respondents made his submissions till 2.45 p.m. After that, Mr. Ragvesh Singh, learned counsel for the respondent-State made his submissions for 10 minutes.

The appeals are allowed with no costs in terms of the signed order.

Sarita (Shelly Sengupta)  
Court Master

(Signed order is placed on the file)