A

STATE OF UTTAR PRADESH & ORS.

v.

RADHEY SHYAM NIGAM & ORS. ETC. ETC.

JANUARY 11, 1989

B [SABYASACHI MUKHARJI AND S. RANGANATHAN, JJ.]

Land Acquisition Act, 1894. Sections 4, 6 and 17—'After the date of the publication of the notification'—Effect of—Introduction of by the Land Acquisition (Amendment) Act 1984—Whether section 6 declaration can be issued simultaneously with section 4 notification—To be issued on a subsequent date.

C

Statutory Interpretation: Job of the Court—Interpret the intention of legislature by the words used—Explore intentions at time the law was made.

D **The U.P. Legislature enacted in 1973 the Uttar Pradesh Urban Planning and Development Act. On or about 11th September, 1974 Lucknow had been declared to be a development area by a notification. The Land Acquisition (Amendment) Act 1984 was made effective from 24th September, 1984. Notifications under section 4(1) and a declaration under section 6 of the Land Acquisition Act, 1894 were issued on**
E **8th December, 1984 in respect of the Housing Scheme (Gomti Nagar) Phase II on the 28th December, 1984 in respect of Dalibagh Housing Scheme, and on the 21st February, 1980 in respect of the Housing Scheme (Gomti Nagar) Phase III.**

The owners of the land which were sought to be acquired by the
F **aforesaid notifications filed writ petitions in the High Court and obtained stay orders in respect of taking over of possession of the diverse lands on the ground that the notifications under section 4(1) and section 6 of the Act have been passed simultaneously.**

A Notification under the Land Acquisition Act, 1894 was issued
G **on the 6th May, 1985 declaring that the lands of the respondents were needed for a public purpose viz., construction of market yard for the Krishi Utpadan Samiti. The Notification further contained a declaration that since there was urgency for the acquisition the provisions of action 17(1A) and section 17(4) of the Act shall apply and the provisions of section 5A shall not apply. On the same day i.e. on 6th May, 1985**
H **another Notification was issued under section 6 making a declaration**

that the land was required for the public purpose viz., construction of a market yard. That Notification also contained direction as contemplated in section 17(1) and (1A) authorising the Collector to take possession of the land even before the declaration of the award under section 11. A

Aggrieved by the acquisition the respondents filed two writ petitions and contended before the Division Bench of the High Court that in view of the amendments introduced by the Land Acquisition (Amendment) Act, 1984, the declaration as contemplated under section 6 could not have been made on the same day on which the Notification under section 4 was published, and that after the amendment, the Notification under section 6 of the Act can only be issued after the Notification under section 4 was published. B C

The High Court was of the view that prior to the amendment, a declaration under section 6 could be made simultaneously with the publication of the Notification under section 4(1), but after the amendment, a declaration can only be made "after the date of publication of the Notification under section 4(1)" and came to the conclusion that there must be difference of dates between the date of the publication of the Notification under section 4 and section 6. The High Court held that the notification under section 6 was therefore rendered illegal and as such the appellants were not entitled to take possession of the respondents' land. It accordingly quashed the Notification dated 6th May, 1985 issued under section 6 of the Act. D E

In the appeals to this Court it was contended on behalf of the State-appellants that the amendment of section 17(4) by the words "after the date of the publication of the notification" was necessitated because of the change of the expressions in sub-section (1) of section 4 which for the first time gave a definition of the date of the publication of the notification. Similarly, in section 6(2) the last date of the publication as enjoined in section 6 had been defined as the date of publication. For this purpose, it was necessary to introduce the expression "after the date of the publication of the notification" under sub-section (4) of section 17. F G

On the question whether the declaration under section 6 of the Act would be issued simultaneously along with a notification under section 4 of the Act in view of the amendment made by section 17(4) of the Act;

Dismissing the Appeals, H

A **HELD: 1(a) The words "after the date of the publication of the notification" in sub-section (4) of section 17 read simpliciter clearly indicate that declaration under section 6 had to be made** *after the publication of the notification meaning thereby subsequent to the date of the publication of the notification.* **There is nothing in the the scheme of the Act which militates against such a construction. [106F-G]**

B

1.(b) No alteration in meaning by alteration of language can result unless the requirement of the English language demand it or those requirements permit it and the sense of the section demands it. [107A-B]

C **2. At times where emergency provisions are invoked emergent action may be taken but in such a situation in view of the state of law that was before it, the legislature has made a conscious change which cannot be explained away merely because this is as a consequence of the changes in sections 4 and 6 of the Act. [106G-H]**

D *Smt. Somawanti & Ors.* **v.** *State of Punjab*, **[1963] 2 SCR 775:** *Babu Singh & Ors.* **v.** *Union of India & Ors.*, **AIR (1979) SC 1713;** *Collector (District Magistrate) Allahabad & Anr.* **v.** *Raja Ram Jaiswal*, **[1985] 3 SCC 1 referred to.**

3. The basic principle of construction of every statute is to find E **out what is clearly stated and not to speculate upon latent imponderables. The scheme of the Act also must be looked into. In interpreting the statutes it is safer to rely on the obvious meaning rather than to investigate the imponderables. [106D]**

Shri Balaganesan Metals **v.** *M.R. Shanmugham Chetty & Ors.*, F **[1987] 2 SCC 707;** *Raja Satyendra Narayan Singh & Anr.* **v.** *State of Bihar & Ors.*, **[1987] 3 SCC 319 referred to.**

4. It is the job of the Court to interpret the intention of the legislature by the words used. The fairest and the most rational method to interpret the will of the legislature is by exploring intentions at G **the time when the law was made by signs, the most natural and probable. These signs are either the words, the context, the subject matter, the effects and the consequence or the spirit and reason of the law. The words have to be understood in their usual and most known signification. [107C-D]**

H *Lord Howard de Walden* **v.** *IRC*, **[1948] 2 AER 825;** *Hopes* **v.** *Hopes*, **[1948] 2 AER 920; referred to.**

Blackstone Commentaries in the Laws of England, **Vol. 1 p. 59 referred to.** A

5. It will be open to the appellants to issue a fresh declaration under section 6, if so advised, within the period contemplated in the proviso to section 6(1) of the Act read with its first Explanation. [107F] B

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 1843 of 1986 etc.

From the Judgment and Order dated 2.4.1986 of the Allahabad High Court in C.M.A. No. 3909(W) of 1986 in W.P.No. 2042 of 1986. C

Anil Dev Singh, S.N. Kacker, Mrs. Shobha Dikshit, Umesh Chandra, Krishan Chandra and C.P. Lal for the Appellants.

R.K. Jain, Pradeep K. Aggarwal, Rakesh Khanna, R.P. Singh and R.D. Upadhyay for the Respondents. D

The Judgment of the Court was delivered by

SABYASACHI MUKHARJI, J: These appeals by special leave arise from the decision of the High Court of Allahabad. These involve common question. It would, however, be appropriate to deal with the E facts of Civil Appeal No. 1845 of 1986 which is an appeal from the decision of the High Court of Allahabad in Writ Petition Nos. 8145 and 8146 of 1985 decided on 20th November, 1985. The other two Civil Appeals deal with identical questions. In order to appreciate the controversy involved it would be necessary to refer to certain facts of the case. F

Uttar Pradesh Urban Planning and Development Act was enacted by the U.P. Legislature in 1973. On or about 11th of September, 1974, Lucknow had been declared to be a development area by a notification. On or about 24th of September, 1984 Land Acquisition (Amendment) Act, 1984 was made effective subsequent to the 24th of G September, 1984. On the 8th of December, 1984 a Notification under section 4(1) and a declaration under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') in respect of Ujariyaon Housing Scheme (Gomti Nagar) Phase-II was published. On the 28th December, 1984 Notification under Section 4(1) and declaration under Section 6 of the Act in respect of L.D.A. Office/Nagar Maha Palika H

A Office and other offices on B.N. Road was published. On the 2nd January, 1985 Notification under Section 4(1) and declaration under Section 6 of the Act in respect of Dalibagh Housing Scheme was published. On the 4th of February, 1985 Notification under Section 4(1) and declaration under Section 6 of the Act in respect of Extension of Kursi Road upto Mahanagar through Vishnupuri was published. On B 21st February, 1985 Notification under Section 4(1) and declaration under Section 6 of the Act in respect of Ujariyaon Housing Scheme (Somti Nagar), Phase-III was published. In respect of the several of these matters on diverse dates several writ petitions had been moved and orders were passed by the High Court staying taking over of possession of the diverse lands, if not already taken over, in case C notifications under section 4(1) and section 6 of the Act have been passed simultaneously.

As mentioned hereinbefore, we are concerned in these appeals with the judgment and order of the High Court of Allahabad dated 20th November, 1985 in Writ Petitions Nos. 8145 and 8146 of 1985. D The petitioners before the High Court and the respondents herein are owners of plots situated in village Sonera, Tehsil Kichha, District Nainital. Their land was being acquired under the provisions of the Act. A Notification under the said Act was issued on 6th of May, 1985 declaring that the land in question including the respondents' land was needed for a public purpose, namely, for construction of market yard E for the Krishi Utpadan Mandi Samiti, Kichha. The Notification further contained a declaration that since there was urgency for the acquisition, the provisions of Section 17(1-A) and Section 17(4) of the Act shall apply and the provisions of Section 5-A of the Act shall not apply. On the same day, that is to say, on 6th of May, 1985 another Notification was issued by the State Government under Section 6 of F the Act making declaration that the land in dispute was required for a public purpose, namely, for the construction of market yard for the Krishi Utpadan Mandi Samiti, Kichha. That Notification also contained a direction as contemplated by Section 17(1) and (1-A) of the Act authorising the Collector to take possession of the land even before the declaration of the award under Section 11 of the Act. Both G the aforesaid notifications were published on the same day, namely, the 22nd of May, 1985. Aggrieved thereby, the respondents filed two writ petitions challenging the validity of the said notifications.

It was urged on behalf of the respondents before the Division Bench of the High Court of Allahabad that in view of the amendments H introduced by the Land Acquisition (Amendment) Act, 1984 (Act No.

68 of 1984) the declaration as contemplated under Section 6 of the Act could not have been made on the same day on which the notification under section 4 of the Act was published, it submitted that now after the amendment, the Notification under Section 6 of the Act can only be issued *after* the Notification under Section 4 was published. The High Court found substance in the said submission. According to the High Court, prior to the amendment of the Act by the Amending Act No. 58 of 1984 it was permissible for the Government to issue Notification under Section 4 of the Act and to make declaration as contemplated under Section 6 of the Act simultaneously and it was further permissible to publish both the notification simultaneously as held by this Court in *Smt Somawanti & Ors.* v. *State of Punjab*, [1963] 2 SCR 775. The High Court noted that normally after the issue of the Notification under Section 4 of the Act objections are invited as contemplated by Section 5-A of the Act and after holding enquiry the Collector submits report to the Government and on consideration of the same, the Government makes declaration as contemplated by Section 6 of the Act. Possession of the land is taken after the award is declared. But in case of urgency where the Government considers it necessary to acquire the land immediately and to make it possible even prior to the making of the award, it has the power to dispense with the provisions of Section 5-A of the Act. Section 17 of the Act confers special power on the Government and the Collector in case of urgency for immediate taking of possession after the issue of the Notification under Section 6 of the Act and without complying with the provisions of Section 5-A of the Act. Section 17(4) of the Act prior to this amendment conferred power on the Government to direct that the provisions of Section 5-A shall not apply, if in its opinion the provisions of sub-sections (1), (1-A) and (2) of Section 17 were applicable. The High Court was of the view that on the issue of such a direction by the Government, a declaration could be made as contemplated by Section 6 of the Act in respect of the land at any time after the publication of the Notification under Section 4 of the Act. According to the High Court, prior to the amendment of Section 17(4) of the Amending Act No. 68 of 1984, a declaration as contemplated under Section 6 of the Act could be made at any time along with the publication of the Notification under Section 4 of the Act but after the amendment of Section 17(4), a declaration as contemplated by Section 6 of the Act can be made only "after the date of publication of the notification under Section 4(1)". In view of this amendment Notification under Section 6 of the Act had to be made after the Notification under Section 4(1) of the Act was published. The expression "after the date of publication of the notification" as added to sub-section (4) of Section 17 of the Act contemp-

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A lated the issue of Notification under Section 6 of the Act only after the publication of Notification and under Section 4(1) of the Act. The High Court was of the view that prior to the amendment, a declaration under Section 6 of the Act could be made simultaneously with the publication of the Notification under Section 4(1) of the Act. But after the amendment, a declaration can only be made "after the date of B publication of the Notification" under Section 4. The High Court came to the conclusion that there must be difference of dates between the date of the publication of the Notification under Section 4 and Section 6. After the Amendment, according to the High Court, both the notifications cannot be published on the same date. The publication of the Notification under Sections 4 and 6 of the Act on the same date would C be contrary to Section 17(4) of the Act as amended by Act 68 of 1984 and would render the Notification under Section 6 of the Act invalid. The High Court found that the Notification under Section 6 of the Act containing declaration that the land in dispute was needed for a public purpose was issued on 6th of May, 1985 and published simultaneously along with the Notification under Section 4(1) of the Act on the same D date, namely, May 22, 1985. This, according to the High Court, was in clear violation of Section 17(4) of the Act. In this view, the impugned Notification under Section 6 was rendered illegal and as such the appellants were not entitled to take possession of the respondents' land. The High Court accordingly quashed the notification dated 6th May, 1985 issued under Section 6 of the Act.

E

The short question with which these appeals are concerned is, whether the declaration under Section 6 of the Act could be issued simultaneously along with the notification under Section 4 of the Act in view of the amendment made to Section 17(4) of the Act. To decide the question it is necessary to appreciate the scheme of the Act after F amendment. Section 4 of the Act envisages publication of preliminary notification where 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, it enjoins in such a situation that a notification to that effect shall be published in the Official Gazette and in certain other daily newspapers and the substance of the notification is G to be given at a convenient places in that locality. It is not necessary to dilate on the subsequent procedure as contemplated by Section 4 of the Act. Section 5 of the Act enjoins payment of damages on the acquisition. Section 5-A of the Act provides for hearing of objection which has been notified under Section 4 of the Act and the procedure thereto. Thereafter comes declaration under Section 6 of the Act. The H sections provide that after consideration of the report, if any, made

under Section 5A that a particular land is needed for a public purpose or for a company, a declaration in the manner enjoined in section 6 of the Act shall be made. The provisions of procedure to be followed on declaration under Section 6 of the Act, are not directly relevant for the purpose of these appeals. Section 17 of the Act with which we are directly concerned here provides with cases of urgency where the Government can dispense with some of the provisions of the Act especially regarding intiviting objections and hearing of these.

As mentioned hereinbefore, several objections challenging the acquisition had been admitted by the High Court of Allahabad and some of these are the subject matter of appeal in this Court and stay orders preventing the taking of the possession of the land pursuant to the acquisition had been granted on the basis that in view of the Division Bench judgment under appeal herein of the Allahabad High Court there could not be any simultaneous notification under Section 4 and declaration under Section 6 of the Act even in a case where by virtue by invocation of the emergency provisions Section 5-A of the Act need not be complied with. The Government contends that even after the amendment of sub-section (4) of Section 17 of the Act it is possible to have such simultaneous notification under Section 4 and declaration under Section 6 of the Act in cases where the emergency provisins had been invoked. According to the State, a large number of cases have been filed and stay orders obtained from the Court particulars whereof have been mentioned in the grounds of appeal herein. It was submitted on behalf of the appellant that the substitution of the words "after the publication of the notification" by the words "after the date of the notification" in sub-section (4) of Section 17 of the Act has not made any change in law and as such simultaneous publication on one and the same date of the notification under Section 4 and declaration under section 6 of the Act in case of urgency where Section 5-A had been made inapplicable prior to the amendment by Amending Act No. 68 of 1984 have been upheld in a number of decisions of this Court and this position, it was submitted, continues to be valid even after the amendment by Amendment Act No. 68 of 1984. In order to appreciate the contentions urged in support of this submission, it is necessary to note the significant changes that have been made by the Amending Act No. 68 of 1984 in Sections 4 and 6 as well as Section 17 of the Act. The relevant sub-sections of sections prior and subsequent to the amendment are as follows:

"*Unamended Section 4(1)*

A Whenever it appears to the appropriate government that land in any locality is needed or is likely to be needed for any public purpose a notification to that effect shall be published in the official gazette and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality."

B "*Amended Section 4(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 C daily newspapers circulating 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 D notice, being hereinafter referred to as to the date of publication of the notification."

"*Unamended Section 6(2)*

Every declaration shall be published in the official gazette E and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected."

F "*Amended Section 6(2)*

Every declaration shall be published in the official Gazette and in two daily newspapers circulating in the locality in which the land is situate of which at least one shall be in the regional language, and the Collector shall cause public G notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and giving of such public notice, being hereinafter referred to as the date of the publication of the declaration) and such declaration shall state the district or other territorial division in which the land is situate, the H purpose for which it is needed, its approximate area, and,

where a plan shall have been made of the land, the place where such plan may be inspected." A

"*Unamended Section 17(4)*

In the case of any land to which, in the opinion of the appropriate Government, the provisions of sub-section (1) B of sub-section (2) are applicable the appropriate Government may direct that the provisions of Section 5-A shall not apply, and, if it does so direct, a declaration may be made under Section 6 in respect of the land at any time after the publication of the notification under Section 4(1)."

C

"*Amended Section 17(4)*

In the case of any land to which in the opinion of the appropriate Government the provisions of sub-section (1) or sub-section (2) are applicable, the appropriate Government may direct that the provisions of Section 5-A shall not D apply and, if it does so direct, a declaration may be made under Section 6 in respect of the land at any time (after the date of the publication of the notification under section 4, sub-section (1)."

It was contended that the amendment of Section 17(4) by he E words "after the date of the publication of the notification" was necessitated because of the change of the expression in sub-section 1 of the Section (4) which for the first time gave a definition of the date of the publication of the notification. Similarly, in Section 6(2), the last date of the publication as enjoined in Section 6 and as set out hereinbefore had been defined as the date of publication. For this purpose, it was F necessary to introduce the expression "after the date of the publication of the notification" under sub-section (4) of Section 17 of the Act. It was submitted that the proceedings for acquisition of land commenced from the publication of the notification under Section 4(1) of the Act and under the provisions of Section 5-A of the Act any person interested in any land which has been notified under Section 4(1) as G being needed or likely to be needed for a public purpose or for a company may within 30 days from the date of the publication of the notification, object to the acquisition of the land or of any land in the locality, as the case may be. In ordinary cases after hearing objections, the State Government makes a decision regarding the acquisition of land and in case it is decided by the State Government that the land is H

A needed for a public purpose or for a company, a declaration to that effect is enjoined to be made by the State Government under Section 6(1) of the Act. Since in normal course declaration is made after objections under Section 5-A of the Act have been considered and disposed of, the date of the declaration under Section 6(2) of the Act has to be subsequent to the date of the notification under Section 4(1) of the B Act, but in a case where objections under Section 5-A have been dispensed with, simultaneous publication on one and the same date of the notification under Section 4(1) and the declaration under Section 6(1) and (2) of the Act can be made simultaneously, was the position before the amendment of the Act before 1984. That this was the position in law, cannot be disputed in view of the decision of this Court in C *Smt. Somavanti & Ors.* v. *The State of Punjab & Ors.*, (supra) which conclusively held that in a case where Section 5-A was out of the way, publication of both notifications under Section 4 and declaration under Section 6 in the same issue of the Gazette is not irregular. It may be mentioned that in that case it was found that in the official Gazette of 25th August, 1961 a notification as published under Section 4 of the D Act to the effect that land belonging to the petitioners was likely to be needed by the Government at public expenses for a public purpose, namely, for setting up of a factory for manufacturing various ranges of refrigeration compressors and ancillary equipments. The Government had directed that action under Section 17 of the Act shall be taken because there was urgency and that the provisions of Section 5-A shall E not apply to the acquisition. In the same gazette, another notification under Section 6 of the Act dated August 19, 1961 was published to the effect that the Governor of Punjab was satisfied that the land was required by the Government at public expenses for public purpose. The notification provided for immediate taking of the possession of the land under Section 17(2)(c) of the Act. A Bench of five Judges of F this Court *inter alia* held that simultaneous publication of the notification under Section 4 and declaration under Section 6 of the Act in a situation where section 5-A was out of the way was not bad.

This view was reiterated by this Court in *Babu Singh & Ors.* v. *Union of India & Ors.*, AIR 1979 SC 1713. A Bench of two Judges G in that decision held that there is nothing in the provisions of the Act which would come in the way of the Government issuing a notification under Section 6 immediately after notification under Section 4 if on applying urgency clause, enquiry under Section 5-A is dispensed with and both could be issued on the same day.

H The question is, has the position changed with the changes noted

in law hereinbefore. Mr. S.N. Kacker, learned counsel who argued this case before us had submitted that the use of the words "the date of the publication" under Section 4 as well as Section 6 of the Act has the sequel to the amendment made in Sections 4 and 6 of the Act. It was submitted that after enquiry under Section 5-A was dispensed with by application of emergency provisions, there could not be any reason or justification for not allowing publication simultaneously of the notification under Section 4 and declaration under Section 6 of the Act especially so where in urgent cases it was vitally necessary for the Government to do so. It was submitted that where under sub-section (2) of Section 17 of the Act there is urgency for acquisition owing to sudden change in various circumstances, immediate possession may have to be taken for the purpose of maintaining either the structure or system or irrigation or water drainage, road communication or electricity, and any delay in taking immediate possession by not publishing the declaration under Section 6 and notification under Section 4 simultaneously on one and the same date may result in great catastrophe. It was further submitted that the expression "after the date of the publication of notification" have no bearing on the exercise of power or urgency necessitating simultaneous publication of the notification under Section 4(1) and declaration under Section 6 of the Act. It was further submitted on behalf of the appellant that the acquisition proceedings commence with the publication of the notification under Section 4 of the Act, besides publication of notice of substance of such notification at convenient places in the locality. This was required to be done under Section 4(1) of the Act prior to the amendment of Section 4(1) of the Act by Act No. 68 of 1984. As a result of amendment of Section 4(1) by Act No. 68 of 1984, it is now laid down that notification under Section 4(1) of the Act that land in a locality is needed or likely to be needed for any public purpose or for a company shall be published in the official gazette and in two daily newspapers circulating in that locality of which at least one shall be in a regional language and the Collector shall also cause public notice of the substance of such notification, the last of the dates of such publication being hereinafter referred to as the date of the publication of the notification. Similarly, under Section 6(2) of the Act it has been provided that as a result of amendment by Act No. 68 of 1984 every declaration shall be published in the official gazette and two daily newspapers circulating in the locality in which the land is situated of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the locality in which the land is situated, the last of the dates of such publication and the giving of such public

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notice, being hereinafter referred to as the date of the publication of the declaration. Under both Sections 6(2) and 4(1) the date of publication having been specified, amendment had to be made under sub-section (4) of Section 17 of the Act and it was laid down that in case of urgency the appropriate Government may direct that the provisions of Section 5-A of the Act shall not apply and it so directs that the declaration be made under Section 6 in respect of the land at any time after the date of the publication of the notification under sub-sections (1) of Section 4 and the addition of the words "the date of" have not brought about any change in law at all. It was a verbal change necessitated by the amendment in Section 4 and Section 6 as noted above and the position in law continues as it was before. Mr. Anil Dev Singh also supported Mr. Kacker appearing in other appeals being Civil Appeal Nos. 1843 and 1844 of 1986.

On the other hand, Mr. R.K. Jain canvassed the view that if the words have changed adherence must be given to the change of the expression used. Our attention was drawn by Mr. Jain to a decision of this Court in *Collector (District Magistrate) Allahabad & Anr.* v. *Raja Ram Jaiswal*, [1985] 3 SCC 1. There, the facts were, however, slightly different. In that case the Hindi Sahitaya Sammelan, Prayag had obtained a large open land from Municipal Board in 1953 for constructing Hindi Sangrahalaya, but the land was lying vacant and unutilised. In the vicinity of the Sammelan's campus was the land of the respondent who with a view to construct a sound-proof air-conditioned cinema theatre thereon sought certificate of approval from the D.M. under Rule 3 read with Rule 7(2) of the U.P. Cinematograph Rules, 1951. The Sammelan vehemently opposed to that proposal on the ground that a cinema theatre in the vicinity would be destructive of culture and academic environment of the institute. Overruling the objection, the D.M. granted the certificate to the respondent. Thereupon, the Sammelan made an application to the Government for acquiring the respondent's land as, according to it, the land was needed by it for the purpose of extension of Hindi Sangrahalaya, though later it shifted its stand to need for construction of Natyashala and Rangmanch and ultimately maintained that it would devise schemes for proper utilisation as and when the land is made available. Although the Collector on whom the statute confers power to initiate proceeding for acquisition himself was satisfied that Sammelan sought acquisition not because it required the land but it wanted to stop or do away with the cinema theatre, but ultimately a notification was issued under Section 4(1) of the Act stating that the land was needed for a public purpose, namely, for extension of Hindi Sangrahalaya of the

Sammelan. The notification was issued in the official gazette and the substance of the notification was also published in the locality. But since the plot number of the land was wrongly mentioned in the notification, a corrigendum was published cancelling and superseding the earlier notification and correcting the plot number. The notice of the substance of the second notification was not published in the locality. As the earlier notification had no relevance to the plot of the respondent, there was admittedly no notice of the substance of the notifications in the locality. Questions for determination were:

1. Whether the requirement under the second part of Section 4(1) regarding giving public notice of the substance of the notification in the locality is mandatory and its non-compliance is fatal to the acquisition proceedings:

2. Whether the acquisition proceeding was vitiated by legal *mala fides;*

3. Whether the notification under Section 4 was invalid as it had been issued without first complying with Rule 4 of the Land Acquisition (Companies) Rules, 1963?

This Court answered the first two questions in the affirmative and left the third question open. This Court held that the publication of the notice in the locality as required in the second part of Section 4(1) of the Act was mandatory and unless that notice was given in accordance with the provisions contained therein, the entire acquisition proceedings would be vitiated. The Court further held that the assumption that the sole purpose behind publication of a notice in the locality under Section 4(1) was to give an opportunity to the person interested in land to object to the acquisition under Section 5-A of the Act was not well-founded. Therefore, it could not be said that where such person files his objections the purpose was achieved and that the failure to give public notice in the locality needed not to be treated as fatal to the proceedings. We have examined the observations of this Court at page 13 of judgment upon which reliance has been placed on behalf of the respondent. We are, however, of the opinion that in view of the significant difference in the set of facts with which this Court was dealing with in that case, the observations therein are not relevant for our present purpose.

Reliance was also placed on certain observations of this Court in *Shri Balaganesan Metals* v. *M.R. Shanmugham Chetty & Ors.*, [1987] 2

A SCC 707 where this Court, dealing with the provisions of Section 10(3)(c) of T.N. Buildings (Lease and Control) Act, 1960 observed that it was a settled rule of the interpretation of statutes that provisions of an Act should be interpreted in such manner as not to render any of its provisions *otiose* unless there were compelling reasons for the Court to resort to that extreme contigency. It was submitted that the use of B the expression "after the date of the publication of the notification" in sub-section (4) of Section 17 would become *otiose* if it is not construed as holding that simultaneous publication of notification under Section 4 and declaration under Section 6 are not permissible.

In *Raja Satyendra Narayan Singh & Anr.* v. *State of Bihar & C Ors.*, [1987] 3 SCC 319 this Court had to deal with Bihar Land Reforms Act, 1950 and it was observed that while interpreting statutes plain meaning has to be ascertained and the statute has to be read as a whole and in the context and that statutory rules should be harmoniously read with the statute. The basic principle, it was reiterated at page 325 of the report, of construction of every statute was to find out what D is clearly stated and not to speculate upon latent imponderables. The scheme of the Act also must be looked into. In interpreting the statutes it is safer to rely on the obvious meaning rather than to investigate the imponderables.

It is true that the expression "after the date of the publication of E the notification" introduced in Section 17(4) can be explained away as making no change from the provisions of law by reading it along with the amendment made in Section 4 whereby in different situation in section 4, the last date of publication of the notice has been determined as the date of the publication of the notification and similarly in Section 6 a date of the publication of the notice has been provided for. F But the words "after the date of the publication of the notification" in sub-section (4) of Section 17 read simpliciter clearly indicate that declaration under Section 6 had to be made *after the publication of the notification meaning thereby subsequent to the date of the publication of the notification.* It appears to us that there is nothing in the scheme of the Act which militates against such a construction. At times where G emergency provisions are invoked emergent action may be taken but in such a situation in view of the state of law that was before it, the legislature has made a conscious change which cannot be explained away merely because this is as a consequence of the changes in Sections 4 and 6 of the Act.

H Reliance was placed on behalf of the appellant on *Lord Howard*

de Walden v. *IRC*, [1948] 2 AER 825 for the proposition that no alteration in meaning by alteration of language can result unless the requirement of the English language demand it or those requirements permit it and the sense of the section demands it. In our opinion, in this case in view of the alteration of the language and meaning and the meaning of the language used and the sense will be in consonance with the interpretation that the change was intended. Similarly, in *Hopes* v. *Hopes*, [1948] 2 AER 920, it was the proposition that changes in the word may be because the draftsman wanted to improve the style. But in this case the style is not improved and the expression 'after the date' as indicated above, becomes *otiose*. It is job of the Court to interpret the intention of the legislature by the words used. The fairest and the most rational method to interpret the will of the legislature is by exploring his intentions at the time when the law was made by signs, the most natural and probable, says Blackstone in his 'Commentaries on the Laws of England' (fascimile of 1st edition of 1765, University of Chicago Press, 1979) Volume, I, p 59. And these signs are either the words, the context, the subject matter, the effects and consequence, or the spirit and reason of the law. The words have to be understood in their usual and most known signification. If that be so, then the legislature must have had some intention in chosing the expression 'after' before "date of publication of the notification" in sub-section (4) of Section 17 of the Act while making amendment by Amending Act No. 68 of 1984. It is true that there were some changes giving the meaning of the date of the publication in Section 4(1) and (2) as well as Section 6(2) of the Act. But for that, there was no need for the use of the expression 'after the date'. If that be the position, then we must accept the interpretation put upon the amended clause by the High Court in the judgment under appeal. It will, however, be upon to the appellants to issue a fresh declaration under section 6, if so advised, within the period contemplated in the proviso to section 6(1) of the Act read with its first explanation.

In that view of the matter the apppeal must fail and is accordingly dismissed. There will be no order as to costs.

In the view that we have taken, Civil Appeals Nos. 1843 and 1844 of 1986 are also dismissed without costs.

N.V.K. Appeals dismissed.