disallows the setting aside of the sale on the said objections. As indicated above in the preceding para, the appellant was well aware of the date and time of sale at least twenty days before the holding of the sale and, as such, she had ample opportunity to raise the aforesaid objections. She did not raise the same and now after the sale, the second proviso, referred to above of Rule 90 of Order XXI, Code of Civil Procedure does not permit her to challenge the sale on the said ground.

(11) The ground, taken by the appellant that she being a co-sharer in the land sold was entitled to be preferred in the matter of bid, was neither pressed before the executing Court nor before me. The matter that the decretal amount due to respondent No. 1 was not more than Rs. 15,000 and, as such, a portion of the land could be sold for realisation of his decretal amount, is extraneous for the reason that the said objection could be raised by respondent No. 2 or at any rate before the holding of the sale.

(12) For the foregoing reasons, I find no merit in the contentions advanced by Shri G. C. Mital, and I am satisfied that the findings recorded by the executing Court on the issues are correct, and I see no reason to differ from the conclusions arrived at by it. So, the impugned order is unassailable and this appeal is bereft of any merit.

(13) Consequently, I maintaining the impugned order, dismiss this appeal. In the peculiar circumstances of the case, I, however, leave the parties to bear their own costs of this appeal.

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*N.K.S.*

CIVIL MISCELLANEOUS

*Before S. S. Sandhawalia and Pritam Singh Pattar, JJ.*

SWARN SINGH AND ANOTHER,—*Petitioners*

*versus*

STATE OF PUNJAB, ETC.,—*Respondents.*

Civil Writ Petition No. 77 of 1975.

August 8, 1975.

*Land Acquisition Act (I of 1894)—Section 4—Allotment of house-sites to landless workers in rural areas—Whether a 'public purpose' within the ambit of section 4.*

*Held,* that section 3 of the Land Acquisition Act, 1894, does not contain any comprehensive definition of the term 'public purpose'. The Legislature in its wisdom has deliberately not chosen to limit the term within the narrow confines of a strict legal definition. Indeed this expression is not capable of a precise definition and has no rigid meaning. It can only be defined by a process of judicial inclusion and exclusion. The definition of this expression is elastic and takes its colour from the statute in which it occurs, the concept varying with the times and state of society and its needs. The expression 'public purpose' in the Act has been used in its generic sense of including any purpose in which even a fraction of the community may be interested or by which it may be benefited. Therefore, laudable schemes for housing the houseless weaker sections of the community in the present times would certainly fall within so broad a term as 'public purpose'. With the concept of the welfare State now well enshrined the responsibility of the community to provide something so elementary as shelter in the shape of housing to its relatively unfortunate members must now be necessarily classed as a public purpose which is obviously conducive to the larger well being of the society as a whole. Hence, acquisition of land by the State for the allotment of house-sites to the landless workers in the rural areas is a 'public purpose' within the ambit of section 4 of the Act.

*Case referred by Hon'ble Mr. Justice S. S. Sandhawalia on 21st March, 1975, to a Division Bench for decision of an important question of law. The Division Bench consisting of Hon'ble Mr. Justice S. S. Sandhawalia, and Hon'ble Mr. Justice Pritam Singh Pattar, finally decided the case on 8th August,* 1975.

*Petition under Articles* 226 *and* 227 *of the Constitution of India praying that a writ in the nature of Certiorari or any other appropriate writ, order or direction be issued quashing the impugned Notification No.* 7815-4-*HG*-74/26855 *dated 26th August,* 1974 (*Annexure P*-1) *and orders of Respondent No.* 2 *dated* 23*rd November,* 1974 (*Annexures P*-3 *and P*-4) *and further praying that service of notices of Motion on the respondents be dispensed with and also praying that the dispossession of the petitioners be stayed till the decision of the Writ Petition.*

M. S. Rakkar, Advocate, *for the Petitioners.*

I. S. Tiwana, Deputy Advocate-General, *for the Respondents Nos.* 1 *and* 2.

B. S. Khoji, Advocate, *for Respondent No.* 3.

JUDGMENT

Sandhawalia, J.—(1) Whether the acquisition of land by the State for the specific purpose of the allotment of house sites to the landless workers in the rural areas is within the ambit of a "public purpose" under section 4 of the Land Acquisition Act is the significant issue which calls for determination in this set of writ petitions.

(2) The acquisition proceedings commenced by the State of Punjab all over the State in its rural areas with the object of housing landless workers therein has been the subject-matter of challenge in innumberable writ petitions filed in this Court. Three representative writ petitions Nos. 77, 299 and 786 of 1975 came up before me sitting singly and in view of the important issues involved therein these were referred to a larger Bench on March 21, 1975. The primary questions arising in these three writ petitions being common, this judgment would govern all of them.

(3) It suffices to advert to the facts in Civil Writ No. 77 of 1975 (*Swaran Singh* v. *State of Punjab*). The petitioners herein aver that they are small landowners in village Moela, Tehsil Garhshankar, District Hoshiarpur, and jointly own and cultivate 122 Kanals of land in the said estate. Respondent No. 3, Gurdial Singh, is alleged to own 99 Kanals in the adjoining village estate of Wahidpur, the whole of which is stated to be under cultivation through his tenants. The State of Punjab is averred to have approved a scheme for providing house sites to landless workers in the rural areas and the salient features of the scheme are that after the purchase of the land by the State, the same will be carved out into house sites which would be allotted to landless workers free of cost (the expenses to be borne by the Central Government). The construction of houses on these sites would be made by the landless workers themselves. Apart from enacting legislation to confer homestead rights on landless workers in respect of the sites, upon which their houses already exist, the State would utilise the land owned by it or the Gram Panchayats for carving out the house sites and in case these sources are insufficient then further land may be acquired for the purpose of the scheme.

(4) It is the petitioners' case that 7 Kanals 2 Marlas of land in all is required in the petitioners' village Moela for the purpose abovesaid

and similarly about 15 Kanals 16 Marlas is required in the adjoining village of Wahidpur. The petitioners allege that the area of 7 Kanals 2 Marlas sought to be acquired is an integral part of their agricultural plot measuring 4 acres for the development of which they have laid out considerable investment in the shape of a tube-well etc. It is alleged that in this very village, considerable area of common land is lying unutilised and available for acquisition and an identical situation prevails in the nearby *abadi* of village Wahidpur. The particular grievance of the petitioners is directed against Annexure 'P-1', a notification dated August 26, 1974 under section 4 of the Land Acquisition Act whereby the land is sought to be acquired for providing house sites to landless workers of the village. Aggrieved by the abovesaid acquisition, the petitioners filed objections before the Collector raising various grounds therein and it is alleged that these were illegally rejected by him on November 23, 1974 *vide* order Annexure P-3. It is further the case of the petitioners that respondent No. 3 had filed objections against the notification and acquisition in the village of Wahidpur which have been wrongly accepted by the Collector Land Acquisition *vide* order Annexure P-4 of the same date. Lastly, a grievance has been made that many ineligible persons have been included in the list of landless workers of the village. The acquisition proceedings have been challenged on a number of grounds specified in paragraphs 11 to 14 of the writ petition.

(5) The return has been filed by Shri Manohar Singh Nigah, P.C.S., Sub-Divisional Officer (Civil), Garhshankar, exercising the powers of the Collector Land Acquisition in District Hoshiarpur. He states that the petitioners in fact own 136 Kanals 6 Marlas of land in village Moela. The petitioners' allegations, about large investments on the land under acquisition, are denied for want of knowledge, but it is stated that the acquisition of 7 Kanals 2 Marlas of land will not cause an under utilisation of the tubewell installed by the petitioners because they would still retain sufficient agricultural area thereon. It is factually clarified that the villages of Moela and Wahidpur, though separate estates in revenue papers, actually adjoin each other and the village *abadi* thereof is at one and the same site. It is the case that the area sought to be acquired in both the villages is the most suitable one for being carved into residential sites, and has been selected and earmarked with due care after considering all the sites. It is averred that virtually all the land suitable for the purpose belonging

to the State of Punjab, has already been taken over for the provision of house sites and it is only after all other sources have been exhausted that resort has been made for the acquisition of the petitioners' land. It is averred that the authorities below, viz., Tehsildar, Block Development & Panchayat Officer, Sub-Divisional Officer (Civil) and Chief Agricultural Officer, Hoshiarpur, had processed the matter of acquisition and certified that no other suitable land was available before the acquisition proceedings were commenced. It is in terms stated that the authorities had no other alternative but to acquire the land of the petitioners for this purpose. The lists of landless workers are averred to have been properly prepared and finalised and the legal objections to the acquisition have been strenuously controverted.

(6) Respondent No. 3, Gurdial Singh, has filed a separate return raising preliminary objections and controverting the petitioners' allegations about the exercise of any influence or pressure for securing the exclusion of his land from acquisition.

(7) The very core of the argument on behalf of the petitioners is that the primary purpose of the acquisition under challenge is a private one and it cannot fall within the ambit of the term "public purpose". It was submitted that under the aforementioned scheme, the acquired land was to be parceled out into housing sites not exceeding 100 square yards each in area which were then to be allotted and passed on to the ownership of individual landless workers. Ultimately the acquired land is not to vest in the State or some local authority or association, but on the contrary the title therein is to be transferred to private individuals. On these premises, it was submitted that the acquisition was for the benefit of private persons and, therefore, could not be brought within the scope of "public purpose" under section 4 of the Land Acquisition Act. Indeed, learned counsel for the petitioners went to the length of contending that unless the benefit of acquisition was to go to the community as a whole, the purpose thereof cannot be deemed to be a 'public purpose'.

(8) To appreciate the abovesaid contention it is obviously necessary to set down the relevant part of the impugned notification:—

> "Whereas it appears to the Governor of Punjab that land is needed by Government, at public expense, for a public

purpose, *namely, for the allotment of house-sites to the landless workers in the rural areas,* it is hereby notified that the land in the locality described below, is needed for the above purpose."

Clause (1) of Section 4 of the Land Acquisition Act under which the above-said notification was issued is in the following terms :—

"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, 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."

Now a reference to the Land Acquisition Act 1894 would show that section 3 thereof which is the defining section does not contain any comprehensive definition of the term 'public purpose'. It appears that the legislature in its wisdom has deliberately not chosen to limit the term within the narrow confines of a strict legal definition. This apart, judicial precedent has been equally reluctant to put the term 'public purpose' in a strait—jacket and it has been repeatedly affirmed that it was indeed desirable that this term should retain its elasticity. However, some attempt to describe the broad connotation to be attached to this phrase was made by Batchelor J., in the following words :—

"* * *, and I make no attempt to define precisely the extent of the phrase 'public purpose' in the lease; it is enough to say that, in my opinion, the phrase, whatever else it may mean, must include a purpose, that is, an object or aim, in which the general interest of the community, as opposed to the particular interest of individuals, is directly and vitally concerned."

The above-said enunciation has the merit of approval by their Lordships in *Hamabai Framjee Petti* v. *Secretary of State for India* (1), Mahajan, J. in *The State of Bihar* v. *Sir Kameshwar Singh* (2)

(1) A.I.R. 1914 P.C. 20.
(2) A.I.R. 1952 S.C. 252.

whilst referring particularly to the term as used in an Indian statute again reiterated the desirability of not putting this term in a Procrustean bed with the following observations :—

> "* * * The expression 'public purpose' is not capable of a precise definition and has not a rigid meaning. It can only be defined by a process of judicial inclusion and exclusion. In other words, the definition of the expression is elastic and takes its colour from the statute in which it occurs, the concept varying with the time and state of society and its needs."

It is manifest from the above that as a term of art the phrase 'public purpose' is one of a wide amplitude.

(9) With the background of the above-said premises and in particular the dictum that the concept of a 'public purpose' is not a static but a dynamic one it appears to me too late in the day to contend that laudable schemes for housing the houseless weaker sections of the community would in the present times not fall within so broad a term as 'public purpose'. With the concept of the welfare State now well enshrined, the responsibility of the community to provide something so elementary as shelter in the shape of housing to its relatively unfortunate members must now be necessarily classed as a 'public purpose' which is obviously conducive to the larger well-being of the society as a whole. The issue appears so plain to me that it does not require any great elaboration. On principle, therefore, I find nothing which could possibly bar the laudable object of housing the rural poor from coming within the scope and ambit of the phrase 'public purpose' as employed in the statute.

(10) I am not impressed by the contention that the benefit of a segment or a section of the community only cannot be possibly classed as one for a public purpose. Apart from a bald assertion of the proposition, learned counsel for the petitioners have been unable to invoke either principle or a cogent line of reasoning to show that 'public purpose' means necessarily the purpose of the whole of the public and the whole of the community and not any part thereof. I find myself unable to subscribe to any such doctrinaire proposition. The contention does not commend itself on any adequate basis of logic but I

deem it unnecessary to refute the same in any great detail with elaborate reasoning because it is evident that the matter stands concluded against the petitioners by authoritative and binding precedents. Chief Justice Sinha speaking for the Court in *Babu Barkya Thakur* v. *The State of Bombay and others* (3), whilst specifically considering a case of acquisition under the relevant provisions of the Act observed as follows :—

> "* * *. It will thus be noticed that the expression 'public purpose' has been used in its generic sense of including any purpose in which even a fraction of the community may be interested or by which it may be benefited."

Again in *Ratilal Shankarabhai and others* v. *The State of Gujrat and others* (4), the issue before the Court was the acquisition proceedings of land for a Co-operative Housing Society. Justice Hegde delivering judgment for the Court forthrightly held—

> "We are unable to accede to the contention of the appellant that a housing scheme for limited number of persons cannot be considered as a public purpose. It was said that there were hardly about 20 members in the Co-operative Society in question and therefore the housing scheme for their benefit cannot be considered as a public purpose.
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> We are also unable to concede to the proposition that the need of a section of the public cannot be considered as a public purpose."

A strong Bench composed of Chief Justice Rajamannar and Venkatarama Ayyar J., in *P. Thambiran Padayachi and others* v. *The*

(3) 1961 (1) S.C.R. 128.

(4) A.I.R. 1970 S.C. 984.

*State of Madras* (5), after an elaborate discussion of precedents has concluded in these terms :—

> " * * *. The result of the authorities may be thus summed up : Acquisition of property for public purpose under Article 31(2) includes whatever results in advantage to the public. It is not necessary that it should be available to the public as such. It might be in favour of individuals provided they are benefited not as individuals but in furtherance of a scheme of public utility. Schemes for construction of houses for clearing slum areas, relieving congestion and housing poor people are for a public purpose as they tend to promote social welfare and prosperity."

It is manifest from the above that there is high and abundant authority for the proposition that ministering to the needs of even a segment of a community can well fall within the ambit of 'public purpose'.

(11) In fairness to Mr. Lakhanpal I must refer to his reliance on the Division Bench judgment in *Musamiyan Imam Haidarbux Razvi and others* v. *The State of Gujrat and others* (6). Therein Chief Justice Bhagwati presiding over the Bench had held that the acquisition of land for the purposes of a Co-operative Housing Society in the circumstances of that case was not an acquisition for a public purpose. A close perusal of this judgment, however, would make it manifest that the judgment is clearly distinguishable. A reference to the observations of Chief Justice Bhagwati would show that it was held in the clearest terms that where the acquisition was an *ad hoc* one in favour of an isolated Co-operative Building Housing Society, it may not fall within the ambit of a 'public purpose', but where such an acquisition was in pursuance of an overall scheme sanctioned by the approval of the Government then the same would well be covered by the phrase. In terms it was laid as follows :—

> "* * * *. So also if there is a scheme for acquisition of land for Co-operative Societies and in implementation of the

(5) A.I.R. 1952 Madras 756.

(6) A.I.R. 1971 Gujrat 158.

scheme, acquisition is made for a particular Co-operative Society, the acquisition would be for public purpose intended to be served by the scheme and the particular Co-operative Society would come in only incidentally as a part of the implementation of the scheme. But where the acquisition for a particular Co-operative Society is not made as a part of the Scheme for acquisition of land for Co-operative Societies but on an *ad hoc* basis on its own merits, it cannot be said to be an acquisition for a public purpose, merely because it is the policy or scheme of the Government with a view to relieving acute shortage of housing accommodation to encourage formation of Co-operative Societies and to provide financial assistance to them."

Here indeed it is the case of the petitioners themselves that the State Government has framed an elaborate scheme covering not merely an isolated set of persons from a particular village but for housing landless workers of the rural areas in the whole of the State of Punjab. Indeed it is stated that this scheme is a part of an integral whole which is to cover the whole of the country and the financial implications of the scheme are to be borne by the Central Government itself. It is thus evident that the acquisition under challenge here is in pursuance of and in the specific implementation of a scheme which is not merely for the benefit of a limited number of individuals but for tens of thousands persons spread all over the State in its rural areas. Each notification for acquisition including the three impugned ones here does not stand in isolation but it is a link in the long chain of similar acquisitions throughout the length and breadth of the State for housing houseless sections of the rural society. The Gujarat authority, therefore, is of no great aid to the case of the petitioners and indeed in view of the fact that there is a concrete and specific scheme in the present case, it would rather lend support to the case of the respondent.

(12) Before parting with this aspect I must notice that Mr. Tiwana on behalf of the respondent State had forthrightly assailed the correctness of the view in *Musamiyan Imam Haiderbux Razvi's case*. Learned counsel plausibly contended that the ratio of this case was directly in conflict with the decision of their Lordships

of the Supreme Court in *Ratilal's case* (supra), wherein the acquisition for a single Co-operative Society was upheld. A reference to the relevant reports would show that though reported later the Gujarat case was in fact decided earlier on the 24th of November, 1969, whilst their Lordships of the Supreme Court had pronounced judgment in *Ratilal's case* on the 11th of March, 1970. I find that the challenge on behalf of the respondent-State to the ratio in *Musamiyan Imam Haidarbux Razvi's case* is not devoid of content but in view of the fact that I have clearly distinguished the Gujarat authority above-said I do not propose to pronounce on this contention or to carry my doubts to the length of a dissent therefrom.

(13) Apart from principle and the authorities laying down that the welfare of a segment of the community is also well within the concept of a 'public purpose' there now extends a string of decisions over the span of half a century which in particular has taken the view that the provision of housing-sites to depressed sections of the Society are clearly within the scope of section 4 of the Land Acquisition Act. In particular I may refer to the decision of the Madras High Court in which jurisdiction it appears that an attempt was made at the earliest on behalf of the State to alleviate the ills of the houseless and poor sections of the community. In *Veeraraghavachariar and others* v. *Secretary of State for India* (7), the issue before the Court was whether an acquisition of house-sites for a depressed class called the 'Panchamas' was authorised by the Land Acquisition Act of 1870. An identical argument now raised before us was advanced before the Bench of Devadoss J., who categorically repelled the same and concluded with the following observations:—

> "It is further contended that granting that the Government have power to acquire lands for village sites it is not competent for the Government to acquire particular sites of houses for the benefit of individuals. The Government instructed the Land Acquisition Officer to acquire the sites on which the houses of the Panchamas stand. It is not to benefit any particular individual that the Government have chosen to acquire sites and therefore the contention that the sites were acquired only for the benefit of individuals is not tenable."

(7) A.I.R. 1925 Madras 837.

The above-said enunciation has been consistently followed in the subsequent Madras cases. In *Secretary of State and others* v. *N. Gopala Aiyar and others* (8), similarly it was observed—

> "The question then is : Is this a public purpose or not ? The Government in order to remove the disabilities under which the depressed classes labour has undertaken to provide them with house sites. The condition of the Panchamas calls for its intervention. The measures adopted, while directly benefiting the panchamas, indirectly benefit the public at large. Even if only a section of the public is benefited, still the purpose is a public one."

The above quoted two decisions have then been followed in *Ramaswami Ayyar* v. *Secretary of State* (9). In this very context a Division Bench consisting of the Chief Justice Rajamannar and Venkatarama Ayyar J., in *Chenna Satyavathi and another* v. *The State of Madras* (10), before whom it was urged that the provision of house-sites for the houseless section of the community (Adi Andhras) would not be an acquisition for a public purpose within the meaning of Article 31 of the Constitution, considered the matter to be so plain that they summarily rejected the same with a cryptic conclusion—

> "It follows that making provision for house sites for the houseless section of the community would be a public purpose within the meaning of Article 31 of the Constitution."

In this context the observations of their Lordships of the Supreme Court also may be instructively referred to. In *Babu Barkya Thakur's case* (*supra*) it was observed in the context of providing housing for the industrial labour as follows :—

> "It has been recognised by this Court in the case of *The State of Bombay* v. *Bhanji Munji and another* (11), that providing housing accommodation to the homeless is a

(8) A.I.R. 1930 Madras 798.
(9) A.I.R. 1931 Madras 361.
(10) A.I.R. 1952 Madras 252.
(11) (1955) 1 S.C.R. 777.

> public purpose. In an industrial concern employing a large number of workmen away from their homes it is a social necessity that there should be proper housing accommodation available for such workmen, where a large section of the community is concerned, its welfare is a matter of public concern."

Indeed there is such a plethora of precedents on the point that I deem it unnecessary to multiply them because none to the contrary has been cited on behalf of the petitioners.

(14) It is thus evident from the above-said conspectus of authorities that the provision of housing to the depressed, poor, or the weaker section, of the Society has always been judicially construed to be within the concept of a 'public purpose'.

(15) When repelled on their primary contention, learned counsel for the petitioners had also contended that the acquisition of land in the present case was a colourable exercise of power and was indeed intended to be a fraud on the statute.

(16) Though pressed with some vehemence the above-said contention appears to be wholly devoid of content and plausibility. A reference in this context is inevitable to sub-section (3) of section 6 of the Act, which provides—

> "6(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company as the case may be, and, after making such declaration, the appropriate Government may acquire the land in manner hereinafter appearing."

It is now well-settled by a string of binding precedent that the Government is the best, though not an absolute, judge as to the particular need as also the public purpose for the acquisition. Once a declaration under section 6(3) of the Act has been made then finality attaches to the same and the challenge thereto can only be on the limited ground of the declaration being a colourable and fraudulent exercise of power. This has been authoritatively laid in *Smt. Somawanti and others* v. *The State of Punjab and others* (12)

(12) A.I.R. 1963 S.C. 151.

which was reiterated in the following terms by Hegde J. in *Jage Ram and others* v. *The State of Haryana and others* (13).

> "So long as it is not established that the acquisition is sought to be made for some collateral purpose, the declaration of the Government that it is made for a public purpose is not open to challenge. Section 6(3) says that the declaration of the Government that the acquisition made is for public purpose shall be conclusive evidence that the land is needed for a public purpose. Unless it is shown that there was a colourable exercise of power, it is not open to this Court to go behind that declaration and find out whether in a particular case the purpose for which the land was needed was a public purpose or not."

Viewed in the light of the above-said enunciation of the law, the untenable nature of the petitioners' argument in this context is manifest. Apart from using the high sounding phraseology of a colourable exercise of power and fraud on the statute, learned counsel for the petitioners have singularly been unable to point out as to why it is so. It is significant to note that in the relevant writ petitions, there is not even an express averment to the effect that the exercise of power by the State for the acquisition was in any way *mala fide* or tainted with any other ulterior motives. It is elementary that in order to succeed, the petitioners have not merely to allege but to prove that the real underlying purpose of acquisition was a different or a collateral one which had been cloaked or marked in the impugned acquisition. I find not even a hint of any such suggestion in the pleadings. Indeed even in the course of arguments also learned counsel for the petitioners was unable to elaborate as to what other collateral purpose, the State had in mind which was sought to be camouflaged by this acquisition. There is thus no option but to hold that the petitioners have not remotely been able to lay even a foundation for their untenable contention that the exercise of power herein was either colourable or fraudulent.

(13) A.I.R. 1971 S.C. 1033.

(17) An equally tenuous argument on behalf of the petitioners in Civil Writ No. 77 of 1975 was that other suitable land was available for the acquisition and the petitioners' valuable area has been rather unfairly chosen for the purpose. The contention is hardly of any relevance within the writ jurisdiction. In any case, in return it has been convincingly and conclusively pleaded that only after all other avenues of suitable land have been exhausted that a resort was made to the acquisition of the petitioners' land. The petitioners preferred objections under section 5(A) of the Land Acquisition Act and after a hearing and even a spot inspection, the Collector did not find any merit in them. A considered order Annexure P-3 was recorded in their case and an equally cogent one in regard to respondent No. 3, *vide* Annexure P-4. The allegations of undue influence etc. have been denied on behalf of respondent No. 3 in specific terms. On merits also, therefore, the petitioners have hardly any case. It is, however, otherwise well-settled that the Government is the best judge (though not an absolute or arbitrary one) of its particular need and it is not the province of the Court to determine the specific area or the Khasra numbers of the land which is to be acquired for a 'public purpose'. It is worthy of notice that the petitioners under the provisions of the Land Acquisition Act are entitled not only to get compensation at the full market value of the land, but further a solatium for its compulsory acquisition at 15 per cent thereon. One, therefore, fails to see the particular grievance under which they seem to labour without adequate cause.

(18) Almost as a matter of desperation a curious argument was then raised on behalf of the petitioners that the impugned notifications were defective because they did not incorporate within them the general scheme regarding the Government's programme of providing house sites to the landless workers. I am unaware of any principle or authority which requires that each and every detail regarding the 'public purpose' must find a place in the notification itself under section 4 of the Act. Learned counsel for the petitioners have been wholly unable to support this contention on any rationale and it must be rejected out of hand.

(19) Before parting with the judgment, I must also notice some finical objections regarding an alleged defect in the mode and manner of the verification of pleadings on behalf of the respondents. I am unable to find much substance in these and the matter is concluded against the petitioners in view of the observations of their

Lordships in *Bhikaji Kesho Joshi and another* v. *Brijlal Nandlal Biyani and others* (14) on which reliance was rightly placed by Mr. Tiwana.

(20) For the foregoing reasons, Civil Writs Nos. 77 and 786 of 1975 are held to be devoid of merit and are hereby dismissed with costs.

(21) Civil Writ No. 299 of 1975 (*Sawan Singh* v. *Punjab State*), however, must succeed on the ancillary point of late publication of the impugned notification in the locality. This has indeed been fairly conceded on behalf of the respondent-State. In paragraphs 3 and 4 of the petition, it was categorically averred that the notification Annexure P-1 was published in the Official Gazette on April 17, 1974, but no publication thereof within the locality was done. It was only after nearly nine months that on January 11, 1975, a copy of the notification was pasted within the locality where the acquisition was being made. In the return of the State, it is admitted that the notification was publishtd in the locality only on January 9, 1975. There is thus a time-lag of nearly nine months between the issuance of the notification under section 4 and its publication in the locality.. Section 5(A) of the Act provides for a period of 30 days within which objections to the acquisition may be filed by any person aggrieved thereby. It is thus obvious that publication of the notification within the locality far beyond a period of 30 days would deprive the owners of the land of their vested right to make objections under section 5(A). In view of the authoritative pronouncements in *Narinderjit Singh* v. *The State of U.P. and others* (15) and *State of Mysore* v. *Abdul Razak Sahib* (16), which have been followed in *Devi Singh and others* v. *Haryana State and others* (17), the whole of the acquisition proceedings would be vitiated by such a lapse. Accordingly, this petition must succeed on this limited point and is hereby allowed with costs. The impugned notification is hence quashed.

Pritam Singh Pattar, J.—I agree.

*B.S.G.*

(14) A.I.R. 1955 S.C. 610.
(15) A.I.R. 1973 S.C. 552.
(16) A.I.R. 1973 S.C. 2361.
(17) A.I.R. 1975 Pb. & Haryana 125.