

The Uttar Pradesh Samaj Co-operative Housebuilding Society Ltd., New Delhi Vs. Union of India and ors.

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Court : Delhi

Decided On : Apr-15-1969

Reported in : 6(1970)DLT554

Judge : H.R. Khanna and; T.V.R. Tatachari, JJ.

Acts : [Land Acquisition Act, 1894](#) - Sections 3

Appeal No. : Civil Writ Appeal No. 846 of 1968

Appellant : The Uttar Pradesh Samaj Co-operative Housebuilding Society Ltd., New Delhi

Respondent : Union of India and ors.

Advocate for Pet/Ap. : V.K. Sanghi,; K.P. Gupta and; S.S. Chadha, Advs

Judgement :

Khanna and Tatachari, JJ.

(1) Uttar Pradesh Samaj Co-operative House Building Society Ltd., New Delhi, by means of this petition under Articles 226 and 227 of the Constitution of India has prayed for the issuance of a writ for quashing notifications dated November 13, 1959 and March 7, 1963 under section 4 of the Land Acquisition Act, and those dated September 15, 1962. November 15, 1965, August 29, 1966 October 22, 1982 and September 12, 1962 under section 6 of the said Act with respect to the petitioner's land in villages Tughlakabad and Tekhand. Prayer has also been made for quashing the awards made by the Land Acquisition Collector with respect to the said land and for restraining the respondents from interfering with the possession and enjoyment of the said land by the petitioner-society.- The respondents named in the petition are (1) Union of India through the Secretary, Ministry of Home Affairs, (2) the Lieut. Governor, State of Delhi, (3) The Land Acquisition collector, (4) The Deputy Housing Commissioner, Delhi Administration, (5) Collector, Delhi and (6) the Municipal Corporation, Delhi.

(2) According to the allegations of the petitioners, it is a Co-operative House Building Society consisting of persons belonging to the State of Uttar Pradesh. The object of the Society is to establish a housing colony for its members in Delhi and to solve the housing problem for them by allotting plots of land in the colony to enable them to construct their houses. The society was registered on January 31, 1957 under the Bombay Co-operative Societies Act as extended to Delhi. The petitioner- society owns land measuring 425 Bighas 16 Biswas. Out of that, land measuring 420 Bighas 7 bids was situated in village Tughlakabad and land measuring 5 Bighas and 9 bids was situated in village Tekhand. The above land was purchased by the petitioner-society from various landowners for establishing a house building society for its members. The impugned notifications under sections 4 and 6 of the Land Acquisition Act were issued by the Delhi Administration in connection with the acquisition of vast areas of land including the land of the petitioner. In notification dated November 13, 1959 issued under section 4 of the Land Acquisition Act, the Government and evacuee land along with some other lands were excluded from acquisition.

(3) The petitioner-society claims that the land measuring 289 Bighas 15 bids was out of 425 Bighas 16 bids was was evacuee land and as such was exempted from acquisition by notification dated November 13, 1959 Notification under section 4 of the Land Acquisition Act ix further stated to be vague and indefinite and nto in accordance with law. It is also averred that the notification under section 6 of the Act without prior notification under section 4 of the Act in respect of the land in question is illegal. Ground has also been taken that as the land in dispute had been purchased by the petitioner society for the purpose of constructing a housing colony, no public purpose would be served by acquiring the said land from the petitioner-society. The petitioner-society is also stated to have been discriminated against, because lands belonging to housing societies similarly situated have been exempted from acquisition

(4) The petition has been resisted by the respondents and the affidavit of Shri D.P Bahuguna, Deputy Secretary (Land and Building), Delhi Administration, has been filed in opposition to the petition

(5) The relevant part of the notification.dated November 13, 1959 issued under section 4 .of the Land Acquisition Act reads as under. 'DELHI Administration, Delhi, Notification Delhi, the 13th November, 1959. No. F. 15(111)/59-LGD.- Where as it appears to the Chief Commissioner, Delhi, that the land is required by the Government at the expense for a public purpose, namely, the planned Development of Delhi. '2. It is hereby notified that the land, measuring 34070 acres and marked with blocks Nos. A to T and X in the enclosed map (annexure D) and the description of which has been given in Annexure Ii, excepting the following land in the blocks referred herein :- (a) Government land and evacuee land :- (b)* * (e) * * * (d) * * * is likely to be acquired for the above purpose. \$(3.)\$ This notification is made under the provisions of section 4 of the [Land Acquisition Act, 1894](#), to all whom it may concern. \$(4.)\$ * * * \$(5.)\$ Any person interested, who has any objection to the acquisition of any land in the locality may within thirty days of the publication of the notification file an objection in writing before tie Collector of Delhi. \$(6.)\$ The map referred to in para 2 above as Annexure I may also be inspected at the following places. (i) * * * (ii) * * * (iii) * * * (iv) * * * (v) * * Annexure Ii contains the description of the different blocks. Annexure Iii contains list of Co-operative House Building Societies for which notification under section 4 had already been issued In the other impugned notification dated March 7, 1963 issued under section 4 also the purpose for acquisition of the land is stated to be 'public purpose, namely, for the planned development of Delhi'.

(6) The first contention, which has been advanced by Mr. Sanghi on behalf of the petitioner-society is that as the petitioner-society has purchased the land in dispute for the purpose of constructing the housing colony in accordance with the plans to be prepared by the authorities concerned for the development of Delhi, no public purpose can deserved by acquiring the land from the petitioner-society for the very same- object, namely, the planned development of Delhi. The acquisition of the petitioner's land is, accordingly, stated to be nto in accordance with law. In this respect we find that the affidavit of Shri Bahuguna shows that in the last two decades, the population of Delhi urban area has quadrupled itself and has beer. increasing at a phenomena I rate The population was 7 lakhs in 1941 and 23.5 lakhs in 1961. After the partition of the country in 1917, there was a heavy influx of displaced persons from West Pakistan into the city and suburbs of Delhi, which created serious housing and allied problems throughout Delhi. The planned Development of the town became a vital necessity of civic life in the Capital. The enormous potential ef Delhi M a centre of employment, together with other factors. such as the expansion of industrial and commercial activities and the setting up of the foreign embassies and arrival of foreign missions, have all contributed to the unprecedented growth of the population in Delhi and its suburbs. The rapid expansion of Delhi was, however, nto accompanied by an adequate programme to housing. The deficit in housing was of the order of about 66,000 dwelling units in 1951 which arosetol,04,000 dwelling units in 1956 and about 1,45,000 dwelling units as at present. This in addition. to the structures which have outlived their lives. On account of the overcrowding and lack of proper civic amenities a large '2. It is hereby notified that the land, measuring 34070 acres and marked with blocks Nos. A to T and X in the enclosed map (annexure D) and the description of which has been given in Annexure Ii, excepting the following land in the blocks referred herein :- (a) Government land and evacuee land :- (b) * * (e) * * * . W * is likely to be acquired for the above purpose. 3. This notification is made under the provisions

of section 4 of the [Land Acquisition Act, 1894](#), to all whom it may concern. 4. * * * 5. Any person interested, who has any objection to the acquisition of any land in the locality may within thirty days of the publication of the notification file an objection in writing before the Collector Delhi. The map referred to in para 2 above as Annexure I may also be inspected at the following places. (i) * * * (ii) - * * * (iii) * (r) * * * (iv) * * * (y) * Annexure II contains the description of the different blocks. Annexure III contains list of Co-operative House Building Societies for which notification under section 4 had already been issued. In the other impugned notification dated March 7, 1961 issued under section 4 also the purpose for acquisition of the land is stated to be 'public purpose, namely, for the planned development of Delhi'.

(7) The first contention, which has been advanced by Mr. Sanghi on behalf of the petitioner-society is that as the petitioner-society has purchased the land in dispute for the purpose of constructing the housing colony in accordance with the plans to be prepared by the authorities concerned for the development of Delhi, no public purpose can be served by acquiring the land from the petitioner-society for the very same object, namely, the planned development of Delhi. The acquisition of the petitioner's land is, accordingly, stated to be not in accordance with law. In this respect we find that the affidavit of Shri Bahuguna shows that in the last two decades, the population of Delhi urban area has quadrupled itself and has been increasing at a phenomenal rate. The population was 7 lakhs in 1941 and 23.5 lakhs in 1961. After the partition of the country in 1947, there was a heavy influx of displaced persons from West Pakistan into the city and suburbs of Delhi, which created serious housing and allied problems throughout Delhi. The planned development of the town became a vital necessity of civic life in the Capital. The enormous potential of Delhi as a centre of employment, together with other factors such as the expansion of industrial and commercial activities and the setting up of the foreign embassies and arrival of foreign missions, have all contributed to the unprecedented growth of the population in Delhi and its suburbs. The rapid expansion of Delhi was however not accompanied by an adequate programme of housing. The deficit in housing was of the order of about 66,000 dwelling units in 1951 which rose to 1,04,000 dwelling units in 1956 and about 1,45,000 dwelling units as at present. This in addition to the structures which have outlived their lives. On account of the overcrowding and lack of proper civic amenities a large number of slums grew up in different parts of the city. The problem of land and housing became acute and its solution depended upon the successful handling of the problems of overcrowding, in sanitation, traffic hazards and sub standard construction. The affidavit of Shri Bahuguna further shows that the citizens of Delhi who wished to construct houses for bona fide residential purposes were not able to get sites at reasonable prices, as substantial part of the available land, suitable for development, had passed into the hands of private parties, many of whom lacked financial resources for development and construction of buildings, and whose main motive was making business profits by dealing in land. There was also wide spread disappointment and dissatisfaction with the manner in which the problems of providing residential accommodation was handled by so-called colonizers whose performance fell short of their promises. The Government, in the circumstances, considered it necessary to take effective measures to check the haphazard growth of dwellings and houses of various kinds in different parts of the city to ensure the orderly and Planned Development of the city. A town planning organization was set up by the Government in 1955. That organization prepared an Interim General Plan in 1956 and started working on the bigger project of preparing a Master Plan. According to the studies made by the town planning experts, the population projection was such that a very large area of land was required for residential and commercial use in the city. To meet the bona fide requirements of the public and to ensure the healthy and properly Planned Development of Delhi, Government decided that it was necessary to acquire 34,070 acres of land in and around the city and develop it properly. Even before 1959, the broad pattern of development had become clear and the Government came to the conclusion that vast areas of land should be acquired to bring about the planned and orderly development of the city and to meet the bona fide needs of the public for residential, industrial and commercial purposes. The Draft Master Plan was published in 1960 but the general pattern of development was decided before the notification of November 13, 1959. After the publication of the Draft Master Plan in 1960, the Government, in order to meet the requirements of the plan, had to issue another notification for a further acquisition of 16,000 acres of land in October, 1961. According to the affidavit of Shri Bahuguna, after the impugned notification was published objections were filed

by persons, including those who had made purchases of land with a view to resell the same in small plots at profitable prices, Those objections were enquired into and declaration under section 6 of the Act was thereafter issued Till now, it is stated, land acquisition proceedings in respect of 25,000 acres of land have been completed and possession has been taken by the Government A sum of Rs. 3. Crores has been awarded by the Collector as compensation Declarations under section 6 have been issued in respect of another 28000 acres of land. Besides construction of roads. Government have sanctioned 21 residential, 16 industrial, 3 Commercial and 14 other miscellaneous schemes. Some of these schemes have been completed while other schemes are under examination

(8) The above affidavit of Shri Bahugana, in our opinion, clearly indicates that the acquisition of the land as per impugned notifications is for a public purpose, namely, the Planned Development of Delhi. According to section 3(f) of the Land Acquisition Act the expression 'public purpose' includes the provisions of village-sites in districts in which the appropriate Government shall have declared by notification in the official Gazette that it is customary for the Government to make such provision The above definition is only of an inclusive character and being not compendious is not of much help in ascertaining the ambit and scope of the words 'public purpose'. Broadly speaking the expression 'public purpose' would include a purpose in which the general interest of the community, as opposed to the particular interest of individuals, is directly and vitally concerned. See *Shrimati Somawanti v. State of Punjab* It was further held in that case by the majority that the declaration under section 6 of the Land Acquisition Act as mentioned in sub-section 3 of that section shall be "conclusive evidence that the land is needed for a public purpose or for a company The conclusiveness or finality attached to the declaration of Government is not only as regards the fact that the land is 'needed' but also as regards the question that the purpose for which the land is needed is in fact a public purpose or what is said to be a company is really a company. It was further observed:

'NOW whether in a particular case the purpose for which land, is needed is a public purpose or not is for the State Government to be satisfied about. . If the purpose for which the land is being acquired by the State is within the legislative competence of the State the declaration of the Government will be final subject, however, to one exception. That exception is that if there is a colourable exercise of power the declaration will be open to challenge at the instance of the aggrieved party. The power committed to the Government by the Act is a limited power in the sense that it can be exercised only where there, is public purpose, leaving aside for a moment the purpose of a company. If it appears that what the Government is satisfied about is not a public purpose but a private purpose or no purpose at all the action of the Government would be colourable as not being relatable to the power conferred upon it by the Act and its declaration will be nullity. Subject to this exception the declaration of the Government will be final.'

The fact brought on the record go to show that the impugned notifications for the acquisition of the land have been issued for the Planned Development of Delhi which is clearly a public purpose. It also cannot be said that the action of the Government in issuing the aforesaid notification is colourable exercise of power, and is not related to the objects specified in the Act. the fact that as a result of the impugned notifications lands purchased by some societies for being divided into plots and for sale of those plots to their members have been acquired, would not affect the validity of the notifications if the requirements of law are otherwise complied with. In *Pandit Lila Ram and others v. The Union of India**, Civil Writ No 7JS-Dof 1961, decided by a Division Bench (Falshaw C.J. and Mehar Singh 1. as he then was) on May 8, 1964, the validity of the impugned notification dated November 13, 1959 was challenged by the petitioner. The learned Judges repelled the contention advanced on behalf of the petitioner in this behalf, and dismissed the petition.

(9) We also find no force in the contention advanced on behalf of the petitioner that the notification dated November 13, 1959 under section 4 of the Land Acquisition Act is invalid because it does not give full particulars of the land sought to be acquired. Perusal of the notification goes to show that the full description of the land has been given and it has also been demarcated in the maps which constitute an annexure of the notification.

(10) The learned 'coounsel for the petitioner also sought to argue that the notification under section 6 of the Land Acquisition Act was not in conformity with law because the full particulars of the land, mentioned in the notification, had not been given. No such ground was taken in the petition and we consequently did not allow the counsel for the petitioner to agitate this point at the time of arguments.

(11) The petitioner-society also took a ground in the petition that it had been discriminated against because lands, belonging to housing societies similarly situated had been exempted from acquisition. No material has been placed on record by the petitioner in support of the above contention. Reference was, however, made to letters dated August 22, 1962 and February 13, 1967 issued by the Deputy Housing Commissioner to the D. M. C. Staff Co-operative House Building Society Ltd., and the Delhi School Teachers Co-operative House Building Society Ltd., respectively. In respect of these letters, the affidavit of Shri Bahaguna shows that they are routine letters issued to societies to whom land is allotted on lease-hold basis in accordance with the scheme of 'Large Scale Acquisition Development and Disposal of land in Delhi', as envisaged in the Master Plan for Delhi. Those letters have nothing to do with the acquisition of the land and as such it is not clear as to how the petitioner-society can set up a case of discrimination in the matter of acquisition on the basis of those letters.

(12) So far as the different parts of the land in dispute are concerned, the main stress of Mr. Sanghi on behalf of the petitioner is on the validity of acquisition proceedings in respect of land measuring 76 Bighas 01 Biswa. The details of this land are given in Annexure R-1 to the affidavit of Shri Bahaguna. Notification under section 6 in respect of this land was issued on September 15, 1962. According to the respondents, notification dated November 3, 1959 under section 4 of the Act covers this land. The case of the petitioner, however, is that this land was evacuee land on the date of the notification dated November 13, 1959 and as that notification expressly excluded evacuee land from its operation the said notification cannot cover the land in question measuring 76 Bighas 01 Biswa. '

(13) It is not disputed on behalf of the respondent that the land measuring 76 Bighas 01 Biswa was initially evacuee land. According to the respondents, it was allotted by the Ministry of Rehabilitation on August 24, and its possession was given to the allottees in 1953. The petitioner, however, asserts that the sanads in respect of the above land were issued in favor of Gulab Singh, Harnam Singh and Bishan Singh on January 7, 1954. The petitioner-society purchased the said land from those three persons. Mr Chadha, on behalf of the respondents, has not disputed that the sanads in respect of the land in question were issued subsequently i.e. after November 13, 1959, but, according to him, the title in the land in dispute passed to the various allottees on the possession of the land being delivered in pursuance of the allotment. The passing of the title in the land, it is urged, was not kept in abeyance till the issue of sanads. In this respect we find that the Displaced Persons (Compensation and Rehabilitation) Rules have been made by the Central Government in exercise of the powers conferred by section 40 of the Displaced Persons (Compensation and Rehabilitation) Act of 1954. According to rule 49 of the Rules, except as otherwise provided, a displaced person having a verified claim in respect of agricultural land shall as far as possible, be paid compensation by allotment of agricultural land. Evacuee lands were acquired by the Central Government for rehabilitation of displaced persons under section 12 of the Displaced Persons (Compensation and Rehabilitation) Act. The lands were thereafter transferred and sanads about the transfer of those lands were issued. The question as to whether an allottee obtains permanent property in the land before the issue of sanad was considered by their Lordships of the Supreme Court in case of Amar Singh v. Custodian, Evacuee Property, Punjab; and it was observed :-

'A scrutiny of sanad which is printed at page 70, Appendix VII of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, issued by the Government of India, Ministry of Rehabilitation, shows that it is only under this sanad that an allottee obtains permanent property in the land which originally belonged to the evacuee and which was allotted to him under the quasi-permanent allotment scheme. This sanad is the culmination of the hopes and expectations of allottees held out under the Press Communique dated February 7, 1946, and confirms, if any, the view that until such stage has been reached the allottee has no such interest

in the evacuee lands which can by itself constitute property within the meaning of the protected fundamental rights.'

It was further observed :-

'THE above detailed consideration of the various incidents of a quasi-permanent allotment show clearly that the sum total thereof does not in any sense constitute even qualified ownership of the land allotted. At best it is analogous to what is called *jus in re* according to the concept of Roman Law and may be some kind of interest in land. The basic features of that interest are that the ultimate ownership of the land is still recognised to be that of the evacuee and the allotment itself is liable to resumption or cancellation with reference to the exigencies of the administration of evacuee law. The interest so recognised, is in its essential concept, provisional, though with a view to stabilisation and ultimate permanence. The provisional characteristic of this interest emerges from the fact that there have had to be a series of inter-Dominion conferences to deal on governmental level the problems arising out of evacuee property in either country. The stabilisation had to await the results of such conferences. Thus both with reference to the internal necessities of the administrative problems inherent in the process of settling the displaced persons on the evacuee lands with reference to various considerations and policies and the external problem of arriving at understandings between the two governments, these rights had to be so regulated from time to time and had an element of instability, though they were being progressively invested with the characteristic of stability. An interest in land owned by another in such a situation cannot be fitted into any concept of 'property' in itself.'

Mr. Chadha has, however, sought to distinguish the above authority on the ground that the sanad in the cited case was issued under rule 72 of the Displaced Persons (Compensation and Rehabilitation) Rules while the sanads in the present case were issued under rule 68. In our opinion the distinction sought to be drawn by the learned counsel would not make any essential difference because the material operative part of the sanads in both cases is identical. Sanads under rule 68 are issued in the form specified in Appendix K to the Displaced Persons (Compensation and Rehabilitation) Rules, while sanads under rule 72 are issued in the form specified in Appendix L to the Displaced Persons (Compensation and Rehabilitation) Rules. The material operative part of the sanad in the cited case is as follows: 'This is to certify that the property in that plain it makes sanads The -? conditions: terms following to subject transferee as referred(hereinafter said in Government Central by acquired interest right, transfer To Pleas Hereby Is President ?THE under: is cases these each part operative material be may case xviii or XVII Appendices specified form issued are 72 rule

(14) Reference has also been made by Mr. Chadha to the case of *Bishan Paul appellant v Mothu Ram*, wherein it has been held that the title to the property of which an auction sale takes place under Rule 90 of the Displaced Persons (Compensation and Rehabilitation) Rules passes to the highest bidder when the full price is realised. The respondents, in our opinion, can derive no assistance from that authority. The form of certificate issued to the auction purchaser in the cited case stated: 'This is to certify that Mothu Ram is the purchaser at a sale by public auction held on the 19th day of May, 1956.....'. *Hidayat Ullah J.* (as he then was), who spoke for the Court, observed that the intention behind the rules seemed to be that title should pass when the full price was realised and this was clear from the form of the certificate requiring a mention that the purchaser had been declared the purchaser with effect from the specified date. The forms of sanads issued under rules 68 and 72, as stated above, are in a materially different language.

(15) We, therefore, are of the view that it cannot be said that the title in the property in dispute had passed to the allottees before November 13, 1959 on which date the notification under section 4 was issued. As land in question measuring 70 Bighas 01 Biswa was still evacuee land on the date of the above notification and as the above notification expressly excluded evacuee land from its operation it would follow that no notification under section 4 of the Land Acquisition Act can be held to have been issued in respect of the land in question.

(16) There is another aspect of the matter. The land in question measuring 76 Bighas 01 Biswa was acquired by the Central Government under section 1 of the Displaced Persons (Compensation and Rehabilitation) Act in 1955. Assuming that the said land had ceased to be evacuee land because the title in it had vested in the

Central Government, it would still be not covered by the notification dated November 13, 1959 as the said notification excluded not merely evacuee land but also excluded Government land. In either view of the matter it is manifest that there is no notification under section 4 of the Land Acquisition Act in respect of land in question measuring 76 Bighas 01 Biswa.

(17) Notification under section 6 in respect of this land was no doubt issued on September 15, 1962 but this notification can be of no avail to the respondents. The scheme of Land Acquisition Act is -that before a notification is issued under section 6 there has to be a notification under section 4 issued, there cannot be a notification under section 6 of the Act. The Act contemplates that after a notification is issued under section 4 objections may be made by interested persons to the acquisition of land under section 5A of the Act. The Collector then makes an inquiry with regard to those objections and thereafter he submits a report to the appropriate Government under section 5A of the Act- It is only after the appropriate Government is satisfied on considering the report, if any, made under section 5A of the Act that any particular land needed for a public purpose that a declaration can be issued under section 6 of the Land Acquisition Act. The requirement of section 5A have to be complied with except) cases where the appropriate Government issues a direction under section 174) of the Act dispensing compliance with notification under section 4 of the Act. Such a notification is a condition precedent and sine qua non of all valid acquisition proceedings. The legal requirement in this respect is of mandatory nature and cannot be dispensed with. As observed in Somawanti's case (supra) a notification under sub-section (1) of section 4 is a condition precedent to the making of a notification under sub-section (1) of section 6 of the Act. As there was no notification under section 4 of the Act in respect of the land measuring 76 Bighas 01 Biswa the proceedings for the acquisition of the said land must be held to be contrary to law and as such liable to be quashed.

(18) The second part of the land in dispute in respect of which the acquisition proceedings have been challenged measures 97 Bighas 10 Biswas. According to the petitioner the field number of this land is 281 mm. It is submitted that the land mentioned in notification under sections 4 and 6 is 281/2 and not 281 min. Notification under section 4 in respect of this land is dated March 7, 1963, while notification under section 6 is dated August 29, 1966. In this connection we find that the affidavit of Shri Bahuguna shows that the Khasra number mentioned by the petitioner as No. 281 min. is the same as 281/2. In order to dispel any doubt in the matter, we took on record the copy of jamabandi relating to Khasra No. 281. The aforesaid copy makes it clear that the land in respect of which mutation has been sanctioned in favor of the petitioner is 281/2. No other infirmity has been brought to our notice regarding the acquisition of this land.

(19) The third piece of land belonging to the petitioner measures 116 Bighas 4 biswas was shown in Schedule 'D' to the petition. Notifications under section 4 in respect of this land were issued on September 11, 1962 and March 7, 1963, while those under section 6 were issued on October 22, 1962 and August 29, 1966. No particular infirmity in the acquisition of this land has been brought to our notice.

(20) The fourth piece of petitioner's land measures 136 Bighas 1 Biswa shown in Schedule 'E' to the petition. This was admittedly non-evacuee land. Notification under section 4 in respect of this land was issued on November 13, 1959, while those under section 6 were issued on September 12, 1962 and September 15, 1962. Nothing has been submitted on behalf of the petitioner at the time of arguments to show any illegality in the acquisition of this land.

(21) As a result to the above we quash the acquisition proceedings in so far as they relate to the petitioner's land measuring 76 Bighas 1 Biswa detailed in Annexure R-1 to the reply filed by the respondent. The notifications and award, in respect of that land too are quashed. As regards the remaining land in dispute the petition of the petitioner- society is dismissed. In the circumstances, we leave the parties to bear their own costs.