

Supreme Court of India

Mahadeo vs Sub Divisional Officer And Ors. on 31 July, 1997

Equivalent citations: JT 1998 (4) SC 437 a, (1997) 8 SCC 487

Author: . A Anand

Bench: A Anand, K Venkataswami

ORDER Dr. A.S. Anand, J.

1. In this appeal, the only question raised and canvassed is:

Is the notification under Section 4 of the Land Acquisition Act rendered ineffective, if an individual notice contemplated by Section 4(1) of the said Act read with the Rules framed by the State of Maharashtra is not served upon a person interested?

2. The question is no longer res integra. The Court in Bai Malimabu v. State of Gujarat and in State of Gujarat v. Panch of Nani Hamam's Pole while considering the requirement of a special notice under Section 4(1) of the Land Acquisition Act read with the Gujarat Rules, which are in pari materia to the Maharashtra Rules, came to the conclusion that no such notice was necessary to be given and, therefore, the grievance of the appellant does not survive for any further consideration. The appeal, consequently, fails and is dismissed but without any order as to costs.