

**LAND ACQUISITION AND PUBLIC PURPOSE**

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**JUNE 1998**



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## A. INTRODUCTION

The shift from colonialism to a parliamentary form of democracy should ordinarily reflect in the legislations that are followed in the post independence era. But the legislature and the executive of the largest democracy in the world have paid little attention to this aspect both in terms of enactment as well as implementation of laws. This is more so in the context of natural resource laws. One such law which is all pervading and which impact the people at large is the *Land Acquisition Act, 1894*. The issue of land acquisition for various “developmental projects” has resulted in numerous conflicts. These conflicts range from issues of compensation to the most debated issue of “public purpose” for which such acquisitions are justified. Acquisition for the purpose of expansion of urban areas without proper public consultation has resulted in several bonafide issues of public concern not being addressed.

This study attempts to look in some detail at the entire process of land acquisition, the genesis of the Land Acquisition Act 1894, which, in turn, would set out the historical premise on which the present Act is made, the process of public participation and the legality of the various plans which are put forward by the Government supposedly for public good. This study also makes an attempt to bring to the notice of the general public, NGOs, individuals and other professionals, the exact terms under which plans are made by the Government, which has a direct bearing on the common man. This is also to collate in one document the procedures that are carried out in Land Acquisition and the views of the apex court and the other Courts on issues of land use, acquisition and public hearing prior to approval of plans that affect the people, especially those plans that affect the weaker sections of society. The paper is divided into broadly four heads.

In the *first section* it traces the history of the Land Acquisition Act and sets out the original premise of the present Act.

The *second section* describes the Act in brief and also the procedure that is adopted in the process of acquisition.

The *third section* is the prime focus of this study, which deals in detail with the views of the apex court on the issue of public purpose. This is done by categorizing it under various heads such as the definition of public purpose, guidelines that have been formulated by the Court in dealing with public purpose, the procedure in the acquisition and decisions related thereto, the grounds of urgency etc. The *final section* brings out the discrepancy between the policy of land use and the Land Acquisition Act

### **1. Evolution of the Land Acquisition Act, 1894:**

The Land Acquisition Act, 1894 (hereinafter LAA) seeks to set out the circumstances and purposes for which private lands can be acquired by the state government. The examination of evolution of law is an interesting way to see how it represents a set of general principles through which political authority and the state attempt to legitimise social institutions and norms of conduct, which they find valuable.

The LAA thus is one way to understand how the state constituted itself through a varied application of “ public purpose”, ‘ compensation ’ and the amount of autonomy given to its delegated authority (the Collector etc.).

This section shall attempt to establish the antecedents of the LAA through the legislative debates as well as the bills that were passed that modified and amended the Act.

The earliest notion of acquisition of land for public works was in 1824 when a regulation was passed in the Presidency of Fort William <sup>1</sup>. The regulation had a two-fold objective:

1. It empowered agents of the state to obtain land at a fair value for roads, canals, and other public works.
2. It set out rules for temporary occupation of land for salt manufacture, which was under government monopoly and thus set the context for the regulation of public purpose.

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<sup>1</sup> Regulation I of the Bengal Code : Scope : Throughout the Province subject to the Presidency of Fort William ; Source : O.P Aggarwal, Land Acquisition Act

The regulation required the surrender of the property of individuals for the purpose of general convenience to the community in order that works of public utility may not be unduly impeded and “just” compensation may be secured to all persons. As Eric Stoke’s study of Utilitarians<sup>2</sup> indicates general environment was towards a codified regulatory system, rule of law and an environment of utilitarianism and free trade.

The Act of 1850 was the next landmark stage and it established further the acquisition of land within the town of Calcutta for which land could be acquired for *any* (emphasis supplied) purpose deemed public.

By this time the Building Act of XXVII of 1839 had been established in Bombay for the purpose of widening roads etc. It allowed compensation to be determined by the Surveyor. In case of dispute, a jury of men of the city could determine the value of land. Thus the origins of the LAA and indeed the notion of public purpose was inherently linked to civic expansion and acquisition for State manufacture. This notion then got widened in the mid-nineteenth century as provisions of public purpose came to include ‘public’ infrastructure and utilities like the railways and other works. This was established by Acts XVII of 1850, XLII of 1850.<sup>3</sup>

In the fifties however, the legislatures had extended debates and committee hearings as they found the existent Acts inadequate to deal with the everyday problems of erecting the (colonial) State. This mainly dealt with the issues of compensation and settlement. Thus in 1858, the Bill for Land Acquisition purposes was referred to a Select Committee which then presented a report on the project of a law for acquisition of land needed for public purposes in several Presidencies.

By the end of the eighteen fifties, the act on the acquisition of land for public purposes had been applied to Fort St. George (Act XX 1852 & I of 1854) giving considerable autonomy for the Collector to acquire land and enable arbitration. This however, was by

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<sup>2</sup> Stokes, Eric ( 1959) The English Utilitarians and India ( OUP)

<sup>3</sup> O.P Aggarwal, Land Acquisition Act

no means unique. For instance, since the second quarter of the nineteenth century the Land Settlement Policy particularly the Ryotwari had been left to the Collector to interpret and implement according to local circumstances on the ground.<sup>4</sup>

This was followed by the Act VI of 1857 which extended the scope of the land acquisition for the whole of British India to make “better” (emphasis supplied) the provision of land for public purpose and to fairly value compensation. The main features of the Act included the following- The Secretary to the local government issued a declaration that the designated piece of land was to be used for public purpose. After this, the plan of the land to be acquired was to be drawn up (it was marked and measured by the collector). The written nature of acquisition was affixed to the land to be acquired. The collector made the award for compensation. As soon as the award was made the land could be acquired. It was then ‘vested absolutely in the government free from all other estates, rights, titles and interests’. In case of dispute, an arbitrator decided the amount of compensation, the manner of its apportionment and the question of costs. The decisions of the arbitrator could only be questioned on grounds of corruption and misconduct. The law thus did not contain any statement of the principles to guide the arbitrator in the awards and imposed no obligation on the arbitrator to give any reasons for their proceedings. \_

Moreover, the Act quite clearly expanded the notion of an interventionist State and gradually paved the way for deeming most State activity as “public purpose” in a fairly undifferentiated way. This ambiguity gave the State, at least in the case of land acquisition, a fair amount of leverage.

However, it is also evident from the restraining laws of the 1860s that the State had faced some resistance from the populace. This can be seen for instance, in the laws that were implemented through Act II of 1861 allowing temporary occupancy of adjacent land for

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<sup>4</sup> The collector has always had a fair amount freedom in deciding the interpretation according to the situation on the ground

construction by the State, and the enforcement of surrender of land in case of resistance, in Presidency towns, by the Commissioner of Police.

By this time, stakeholders in State infrastructure- big businessmen, private companies' etc. also entered the field. The Act XXII of 1863 for instance, allowed land to be acquired for public utility by private persons or companies.<sup>5</sup> These could include roads, construction of mega projects etc. The most interesting feature was an agreement between promoters and local governments for conditions to be prescribed by the local government for regulation of the use of the works, for the convenience of the public.

Here again there are two discernable levels of power. One, that 'public purpose' was flexibly interpreted in the period, a trend that accommodated commercial interests of the private sector. This has been continued by the Post-colonial State. At the same time, it indicates (through the importance of the local government) that the State was trying to carve an autonomous niche for itself –'outside' as it were of big business interests. (The point is that state is aware of the big business lobby and tries to hold out against it though not necessarily in a pro- people manner). In fact it is evident that the State tries to pose as an objective, neutral arbitrator while actually subserving the interests of specific lobbies.

The interesting development of note is the extensive debate on the Land Acquisition Amendment in 1870 that led to the Act X of 1870<sup>6</sup>. The debates of the legislative council of the year on the subject points to two or three extremely crucial issues that constituted the land acquisition policy of the State in the last quarter of the nineteenth century.

These were:

(a) the district collector's autonomy in interpreting and implementing the Act, particularly in the habituating of the site,

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<sup>5</sup> Works of Public Utility by Private Persons or Companies , Proceedings of the Council for the Governor General, 25 February,1863

<sup>6</sup> Amendment of Land Acquisition Act, 1870, Proceedings of the Legislative Council, 1 February 1870.



(b) the valuation of compensation (this included the market value of the land to be acquired and the use of precedents set in Britain),

(c) the mode of payment of compensation (when the customary rights of the erstwhile users was restricted by the implementation of the Act),

(d) the technical procedures through which the Act was to be implemented, and finally,

(e) the issues surrounding the litigation by dissatisfied owners.

These debates culminated in the introduction of a system where total discretion was ascribed to the state in the arbitration of land value (Act X, 1870). It set out a detailed procedure for acquisition, established tribunals for decisions on demarcation and compensation was codified. Disagreement continued to be ruled on at the civil Court and the High court.

In 1893, it was realised that the chief problem of the Act was the unclear definition of the role of the collector in the arbitration process. In fact it was felt that the chief problem with the Act was that the collector did not have sufficient autonomy. The debate then went on to the role of the collector in the valuation and acquisition of land particularly as a landlord noted putting the burden of proof on the private owners of property whose rights and interests are assailed.

It was in this context that the landmark Act of 1894 was introduced. It defined key concepts of land, person interested; State owned enterprises, company and public purpose. The following section explores this Act in some detail. The rest of the document focuses on the notion of the clause of “public purpose” and how it endows the Land Acquisition Act 1894, Amended 1984, with unilateral power.

*Land Acquisition (Amendment) Act, 1984*

The Amendment of the Land Acquisition Act in 1984 had very laudable objectives. With the enormous expansion of the State's role in promotion of public welfare and economic development since Independence, acquisition of land for public purposes had become far more numerous than before. It was necessary to strike a balance between the need for acquisition of land for public purpose and the rights of the individual whose land was being acquired. It was assumed that since the State had taken up the role of prime initiator of industrialisation and modernisation it would be inevitable that land will continue to be acquired increasingly for various purposes which "subserve the interest of the community"<sup>7</sup>. The specific amendments are dealt with below but it seems that in the garb of ensuring the interests of the weak and the poor the Land Acquisition (Amendment) Act, 1984 proved to be more draconian than its earlier version. Illustrating the fallout of such a draconian measure the then Hon'ble Member of Parliament from Mathurapur pointed out " In Maharashtra in 1970 the Nhava Seva Project was taken up. At the time of acquisition the Maharashtra Government carried out inhuman atrocities to the farmers of this region. In fact, the State Police fired about 60 rounds on an assembly of farmers who had gone on a deputation to the land acquisition authorities"<sup>8</sup>. There were also several complaints regarding acquisition of prime agricultural land for setting up of factories. Among several suggestions that could mitigate the hardships faced by the people, especially who fall in the lower strata economically, it was suggested interalia that

" 1. At the time of acquisition of land, the cases of marginal farmers, small farmers, those who live below the poverty line, those who are handicapped etc. should be avoided.

2. If it becomes unavoidable, then the above categories should be given alternative pieces of land of equal area and equal productivity in the same village.

3. All the small and marginal farmers, whom it will not be possible to rehabilitate through alternative land of equal area and equal productivity, should have assured employment."

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<sup>7</sup> Land Acquisition Amendment Bill. August 24, 1984, Lok Sabha Debates.

<sup>8</sup> Ibid. Pg., 57-58

Despite such equitable and fair proposals there seem to be no consciousness with regard to the whole compensation process. Though the scope of this paper is not to look into the compensation issue it becomes imperative to examine the policy adopted so far by the State with regard to compensation as it is inextricably linked with the central purpose of acquisition viz. “public purpose”.

## **2. Position in England**

Upto the middle of the nineteenth century, the power to acquire land was usually given by local or private Act, identifying the particular land to be acquired and providing for the procedure for acquisition; for compensation and for conveyance. The Land Clauses Act 1845 was enacted to provide a uniform acquisition procedure, which would be incorporated in the special Act, which authorised the specific acquisition.

Later it became necessary for local authorities and other public bodies to have a continuous general power to acquire land in the discharge of their functions, so various public general Acts were passed giving general acquisition powers, some of which allowed the acquiring authority to purchase any land for its purposes without any authorisation, but most of which provided that the powers of compulsory acquisition could only be exercised with respect to specific land by a provisional order which usually had to be confirmed by the Parliament <sup>9</sup>.

Modern statutes authorising compulsory acquisition normally require a compulsory purchase order (as opposed to a provisional order), to be confirmed by a Government Dept.<sup>10</sup> and confirmation by Parliament is required only in case of the acquisition of special land. A uniform compulsory purchase order procedure was provided by the Acquisition of Land (Authorisation Procedure) Act, 1946, which incorporated many of the provisions of the Land Clauses Consolidation Act, 1845 now reenacted in the

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<sup>9</sup> This was known as Provisional Order Procedure

<sup>10</sup> The Public General Act confers power of compulsory purchase for particular purposes. The acquiring authority acting under the public general power submits a compulsory purchase order to the confirming authority for confirmation. The confirming authority can confirm, refuse or vary the order. Most compulsory acquisition now occur under the procedure which is, in most cases, governed by the

Compulsory Purchase Act, 1965. The Act of 1946 has been applied by a vast number of modern Acts authorising compulsory acquisition and now has been consolidated in the Acquisition of Land Act, 1981.

## **B. THE LAND ACQUISITION ACTS 1894 (AS AMENDED UPTO 1998)**

The Land Acquisition Act of 1894 was primarily enacted to make the role of the Collector decisive and his award as final except if altered by the decree in a regular suit by the Court. This Act also dispensed with assessors that helped in valuation of land along with the Judge in case of reference. The process of acquisition was made elaborate and the Collector's role made more powerful.

### **1. Process of Acquisition**

The Land Acquisition Act (hereinafter the Act), as its name suggests, is used to acquire land which is privately owned. The Act describes the circumstances and purposes for which the Central and the State Government acquire land.

The process of acquiring land under the Act may be categorised into four stages.<sup>11</sup>

#### **Stage I**

A preliminary notification is issued by the Government, which notifies that a particular land is needed or may be needed for a public purpose or for a company. [Section 4]. The notice, which is a public notice, is required to be published in three ways.

*Firstly* if the Central Government intends to acquire then it must be published in the Gazette of India and if the State intends to acquire then it must be published in the Gazette of that State.

*Secondly*, the notice must be published in at least two newspapers one of which must be in regional language.

*Thirdly*, the Collector is required to post the gist of the notice at convenient public places

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Acquisition of Land Act, 1981.

<sup>11</sup> This section is inspired by "The land Acquisition Act and you" by MARG

and other conspicuous places in the village or towns in which the land is situated. This notification is essentially to enable the Government to survey the land to find out whether it is suitable for the purpose in mind. Any officer who is authorised by the Government may carry out this process.

It is imperative to note that any ‘person interested’<sup>12</sup> who has an objection to the said intention under Section 4(1) may, within **thirty days** file his/her objections, in writing, to the Collector who is required to give the objector, an opportunity of being heard and record his reasons for his decision in this regard. The report of the Collector is filed to the ‘appropriate government’<sup>13</sup> whose decision is final in this regard.

## **Stage II**

The Government is required to make a formal declaration of the intended acquisition. The publication of this is to be done in the same manner as the intention notification i.e. in the official gazette, in the daily newspaper and posting in a public place where the land in question is located. [Section 6]

The declaration must state *inter alia* the district, the approximate area and the **public purpose** for which the land is needed. Also if a plan has been made of the land then the place where such plan can be inspected and if the land is being acquired for a company then the details of the company should also be stated.

Thereafter the Collector is to take the order from the Government for acquisition and the land is to be marked out, measured and planned. [Section 7, 8]

## **Stage III**

This stage involves a) giving a public notice at convenient places and individual notices to the persons interested in the land to be acquired to file claims for compensation.

[Section 9]

b) inquiry into the measurements, value and claims leading to an award by the Collector.

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<sup>12</sup> A person is deemed to be interested in land who would be entitled to claim an interest in compensation if the land is acquired under this Act.

<sup>13</sup> ‘appropriate government’ means in relation to acquisition of land for the purposes of the Union the Central Government, and, in relation to acquisition of land for any other purposes, the State Government.

In case of disagreement the person interested can make reference to the court.

#### **Stage IV**

This is the final stage of the proceedings relating to acquisition of land under which the Collector takes possession of land [Section 16] and compensation is made to the affected parties. [Section 31-34]. Thus the possession of land is only after the Collector makes the award. As a consequence of the Collector taking possession of the land the land vests absolutely with the Government and such vesting is free from all encumbrances.

## **2. Land Acquisition (Amendment) Act, 1984**

The Act was drastically amended in 1984 by the Central Government. Among other things the Act set down the time limit for the completion of all proceedings from the intention notification for acquisition of land to the issue of declaration of intended acquisition under Section 6. Under this section it is stipulated that no declaration shall be made after a period of *three years* for land covered under Section 4(1) in case of Land Acquisition (Amendment and Validation) Ordinance, 1967 but before the commencement of Land Acquisition (Amendment) Act, 1984. Also, no declaration shall be made after a period of *one year* for land covered under section 4(1) after the commencement of Land Acquisition (Amendment) Act, 1984.

The amended Act also sets the time limit of *two years* within which the Collector must make his award. [Section 11-A]. As regards compensation the amended Act fixed a price of 12% p.a. interest for the period commencing from the date of the intention notification and ending with the date of the Collector's award and also a payment of solatium at the rate of 30% of the market value of the acquired land (i.e. compensation for loss suffering or injured feelings.). The amended Act also provided for an opportunity to those who are dissatisfied with the Collector's award to apply to him for a re-determination of the compensation payable on the basis of an order for higher compensation from the Reference Court. Though the above mentioned changes by the amended Act may prove beneficial for the people for a more expedited compensation, the amendments have more

provisions which have made the State further powerful in terms of the discretionary powers that are now vested with the State under Section 17. Under the urgency clause for acquisition the State can dispense with Section 5-A under which the person interested can file objections to proposed acquisition.

### **3. Land Acquisition Amendment Bill of 1998**

The recently introduced Land Acquisition Amendment Bill of 1998 further strengthens the Collector's role. Despite some provisions such as bringing the R& R (Resettlement and Rehabilitation) on the statute book, a more transparent approach and curtailing the time period for officials to act faster, there are critical gaps which requires serious consideration. The attempt here is not to go into details but to present the trends that would emerge with the existing laws being modified by the above mentioned amendment bill. It is stipulated that the proposals must be complete in all respects before it is brought before the Collector. This will certainly prohibit the proposals, which are often rushed through mostly due to extraneous considerations. As regards the time limits, on the one hand the time between initial declaration and public purpose declaration has been reduced from three years to six months on the other hand the time for filing objections to any intended acquisition process has been reduced to twenty one days. This will certainly pose hardships to the affected persons who are often illiterate and marginalised. The Collector's role has been made far more powerful in deciding cases including appeals on objections. Another example is Section-12, which has been freshly introduced, and it takes away the Court's power regarding compensation, making it over to the Collector. The reference and revision concerning appeals on acquisition can only be done in the High Court. This certainly makes it more difficult for the common man to get a fair value of his land. Presently it is under the 'market value', which does not take into account several benefits that are associated with ownership of land, thus making the compensation unjust.

The present amendments are far from being ideal going by the current trends, in the wake of liberalisation, acquisition of land is going to be easier for multinationals through Government Corporations and further marginalise the underprivileged.

#### 4. **Public Purpose**

The issue of “ public purpose ” is perhaps the most contentious and probably the most debatable issue that has beset the court as well as the intelligentsia. This sub section will try as far as possible to develop a trend, if any, of the views of the court, that has emerged on the question of public purpose, public good and public interest as far as the Land Acquisition Act is concerned. Specifically this study will try to list out the guidelines and the criteria that are used in arriving at a conclusion of which purpose is of public interest or otherwise. There are various Acts such as the Indian Forest Act, 1927, Wildlife Protection Act, 1972 under which the acquisition of land for the purposes of the Act is deemed to be for public purpose.

##### A. **SUPREME COURT CASES ON PUBLIC PURPOSE**

###### ***Constitutional position on acquisition:***

It has always been recognised that the power of *eminent domain* is an essential attribute of sovereignty. The concept of *eminent domain* establishes the supremacy of the State over all natural resources and is based on the premise that, the State is sovereign and there can be compulsory acquisition of any land and property, including private property, by the due process of law. In other words this power connotes the legal capacity of the State to take private property of individuals for public purpose.

The essential ingredient is that the acquisition cannot be done save as authority by law.

Paralleled in American Constitution are three restrictions on “taking”.

I. There must be a law authorising the taking of property.



- II. The property must be taken for some public use
- III. Just compensation must be paid

Taking can be of two types:

- I. Acquisition
- II. Requisition

Acquisition of property is when the transferee acquires full ownership of property whereas in requisition temporary ownership or use of property is allowed. (V.N Shukla, 1990)

For the purposes of this paper taking will be construed as acquisition. In India acquisition is primarily for public purpose hence it is imperative to understand the meaning of public purpose with its cognate expressions that the court has evolved.

### 1. **What is Public Purpose?**

In *Srinivasa Cooperative Housing Building Society Ltd. Vs Madan Gurumurthy Sastry* [(1994) 4 SCC 675, 679] it was held that as per Section-3 (f) & 4 the meaning of 'public purpose' is to be decided by the executive who is the best judge but judicial review is open. "Public Purpose" is not capable of precise definition. Broadly speaking 'public purpose' would include the purpose in which the general interest of the society as opposed to particular interest of the individual is directly and vitally concerned. "Without any 'Public Purpose' compulsory acquisition would be illegal. The scope of public purpose is not defined but no useful purpose would be served to define it". [AIR 1959 Punj 544 (548) (DB)]

In another case it was held that the concept of public purpose is not static, it changes in accordance to the requirements of society. Broadly, its object is to promote public health and general welfare. This would include construction of Institution of technology [AIR 1959 Punj 538 (542)] or construction of individual residence. [AIR 1966 SC 1788

(1797)] or for irrigation [AIR 1966 Him Para 8 (9)].

The court has always preferred the will of the State in determining the issue of public purpose. For instance in one case it was held that “the court has to accept legislative decisions as public purpose unless it imposes to do so or violate Art. 31<sup>14</sup> of the Constitution”. [AIR 1959 Punj 544 (549) \*\* AIR 1925 Mad 837 (838)]

In *Ramnik Lal N. Bhutta V State of Maharashtra*, the court has also distinguished between public interest and interest of justice. It has been held that both can coalesce in certain situation, such as acquisition of land for public purpose. “The courts have to weigh the public interest vis-à-vis the private interest while exercising power under Act 226. Ultimately it is a matter of balancing two competing interests”. [(1997) 1 SCC 134]

## **2. Guidelines for Public Purpose**

The court has evolved two tests for Public Purpose, which consist of the following: Firstly whether the purpose benefits the community at large or a section thereof and secondly if the Government is satisfied about the need of the land acquired for declared purpose. The court also ruled that Public Purpose need not be explicitly stated. However, if objected to, the same Public Purpose has to be established by *evidence aliunde*.<sup>15</sup>

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<sup>14</sup> Article 31, before its repeal by the Constitution(Forty Fourth Amendment) Act, 1978, stipulated that no person shall be deprived of his property save by authority of law and such compulsory acquisition or requisition shall not be done save for public purpose. This provision has now been changed from fundamental right to a legal right under Section 300-A of the Constitution of India.

<sup>15</sup>

### *Evidence aliunde*

“evidence from outside or another source in certain case a written instrument may be explained by evidence aliunde i.e. by evidence drawn from sources exterior to the instrument itself”

- Black’s Law dictionary, 6<sup>th</sup> Edition, Minnesota, West Publishing Company, 1990 (9<sup>th</sup> reprint 1995)

[AIR 1963 Cal 565 (572): 67 Cal WN 460.]

In other words it means that to establish a purpose to be of public interest all evidences, and circumstances need to be considered before arriving at any particular decision regarding public purpose. This is only true if the public purpose is objected to.

It has been held that a purpose may be public purpose even if a fraction of community is benefited. AIR 1960 – Him Pra 8 (9). This fraction may be as low as twenty members of housing society, which can constitute the need of a section of the community. [AIR 1973 Guj 1076 (179)]

In *Gandhi Graha Nirman Sahkari Samiti Ltd. Vs State of Rajasthan* [(1993) 2 SCC 662, 671 672.] it was held that Court cannot go into comparative utility of ‘Public Purposes. Court has to be satisfied that land is being acquired for ‘Public Purpose’ and no fault can be found with the proceedings on the ground that the land is already being used for some beneficial purposes. In this case the acquisition of land for polo ground servicing as ‘Public Purpose’ was considered more useful and important than the purpose of ‘development plan and constitution of residential, commercial or administrative buildings.

In fact in one case it has been held that the acquisition that may benefit an individual may not affect the character of being Public Purpose. [ILR (1981) 3 Bom 360 (372) 1983 All LJ 101 6 (DB)]

The Court has shown sensitivity as far as civic atmosphere is concerned. A notification under S 4(1) of the LAA was published proposing to acquire land for house sites ended up disturbing harmony. The Court ruled that acquisition for such purpose would not

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promote Public Purpose. [(1984) 2 Andhra Pradesh LJ (HC) 60 (65).]

In determining what is public purpose the Court has normally relied on the judgment of the Government. For instance even if land already is already being used for Public purpose the court is reluctant to judge the comparative utility of Public Purposes to decide the validity of acquisition. [AIR 1994 SC 2329 (2336) (DB)]

In another case the court was faced with the question of acquisition for public purpose at the instance of a Private Entrepreneur or Private Interest. It was held that the consideration that state has undertaken the task is not germane. Even though the acquisition of land is for a private concern whose sole aim is to make profit if the intended acquisition of land could materially help the national economy or promotion of public health or furtherance of general welfare of the community, acquisition would be deemed public purpose [AIR 1978 Pat 136] Essentially the government is prima facie good judge of what is public purpose though not the absolute judge. [AIR 1914 PC 20 (21)] However it has been held that in such cases the Court has all the powers to intervene. [AIR 1982 Cal 300 (385): 1982 86 Cal WN 364.]

In *Madhya Pradesh Housing Board Vs Mohammad Shafi* [(1992) 2 SCC 16 8]

The guideline adopted for housing is that “merely stating ‘public purpose’ to be “residential” not enough. If notification under section 4 is defective and vague or the absence of details of land under acquisition or locality in which land is situated or absence of details of the ‘public purpose’ for intended acquisition. vitiates the notification as well as the acquisition proceedings”.

## **1. Eminent Domain and Public Purpose**

The concept of eminent domain has been all pervasive not only for the land acquisition Act but for several laws relating to natural resources. The sovereign right over natural resources has been more often than not misused

The court has always offered restraint in determining the issue of public purpose

especially in exercising the power of eminent domain.

Whether land to be acquired is necessary for public purpose the government is sole judge. It is not for the court to submit its view on basis of availability of other land, which perhaps is not quite sufficient for the purpose. [(1969) 17 Law Rep 862 (DB) Mys]

\*\* AIR 1965 AII 344 (344, 345) (Para 2,3,4) (DB)

\*\*1986 Jab LJ 367 (371, 372) (DB) (MP)]

Essentially it means that the court can not suggest to take plot B instead of plot A.

The government purpose overrides public purpose. For proceedings under the Act Government need only act on its subjective satisfaction. [(1978) 1 Mad LJ 223 (230) (DB)] It is often assumed that land acquisition by government for building is likely to be used for public purpose even if notification did not say so. [AIR 1976 Him Para (17): ILJ (1975) Him Para 389.]

Judicial review has been the strength of the judicial system, however, in case of Land Acquisition Act, even this extraordinary power has been sparingly used. For instance once the acquisition proceeding is complete and land vests in the State free from encumbrances the proceeding becomes final and not open to challenge under Art.226 on ground of non-compliance with any statutory requirement such as non-existence of “public purpose”

The above was held in *Municipal Corporation of Greater Bombay Vs I.D. I Company Pvt. Ltd.* [(1996) 11 SCC 501] Thus the aggrieved person must approach the court before completion of proceedings.

In another case it has been held that where land was acquired for a public purpose and compensation paid then landowner cannot claim reconveyance on ground that it was not used for the purpose for which it was acquired [AIR 1994 (NOC) 322 (Ker)]

Similarly it was held that where land of the petitioners was acquired for a public purpose they couldn't challenge it on the ground that they have been discriminated in as much as land of others in the locality is not acquired. [AIR 1988 SC 2181 (2187): (1988) 4 SCC 534]

Law also does not require that details of Public Purpose should be disclosed in notification. [1975 Punj L3 366 (DB), \*\* 1995 AIHC 2118 (2120) (AP)]

In *State of Rajasthan Vs. D.R. Laxmi* [(1996) 6 SCC 445] a notification under Section —4 of the LAA, and in accordance with Section 17(1) it need not specify nature of land i.e. whether it is arable or wasteland. This gives wide powers to the State and almost arbitrary power as far as the nature of land is concerned.

A notification of land need not expressly state public purpose. [1995 AIHC 2118 (2120) (AP)] and whether public purpose stated therein is vague is a question of fact. It is not proper to insist on specifying how each and every bit of land will be used in cases where acquisition of a large area has been done. [AIR 1996 SC 447]

As regards possession of acquired land in a mega project it has been held that the State could take possession of the acquired land going to be submerged by reasons of construction of dam for public purpose after keeping all the records of the dispossessed and giving seven days notice to social activists. The Judicial Magistrate must remain present at the time of taking of possession and it is his obligation to provide alternative employment and allotment of land to the dispossessed. [AIR 1987 SC 532 (532, 533): 1986 (Supp) SCC 350].

The almost unbridled power of State is evident in *State of Maharashtra V Mahades Deoman Rai* [(1990) 3 SCC 579] where it has been held that requirement for 'Public Purpose' may change from time to time. But the change will not vitiate the acquisition

proceedings. However the “concerned authority should review the requirement aspect periodically in the prevailing social context”.

#### 4. Malafide and Public Purpose

The question of malafide serves as restrictions on guidelines that have been evolved as far as acquisition is concerned. It has been held that once decision to acquire land for ‘public purpose’ is taken, Court cannot canvass in the purpose of acquisition unless *prima facie* there is strong ground for holding that acquisition was outside power of eminent domain. “Thus *malafide* existence of purpose cannot without any support be ground of attack against acquisition”. [(1966) 2 MLJ 438

\*\* AIR 1980 SC 319: (1980) 1 SCJ 399]

\*\* ILR (1971) 2 Delhi 311 (317), 320 (DB)]

Thus for a case to be adjudged as a case of malafide two tests have to be fulfilled.

(a) It is applicable only if the power exercised is outside the concept of eminent domain and;

(b) it requires proof that is to say that the onus to prove malafide is on the litigant.

In *Land Agricultural collector V Durga Pada Mukherji* [AIR, 1980 (SC) 1678.] too it has been held that the proof of “*malafide*” heavily lies upon the landowner and not the government. A token contribution by government itself is not ground to hold the exercise of power as mollified. The onus is on the person alleging fraud. [AIR 1970 Cal 90 (94)]

In *Bajirao T. Kote Vs State of Maharashtra* [(1995) 2 SCC 442: (1995) 1 and WR 13 (SC)] it has been held that the satisfaction of State Government regarding existence of ‘Public Purpose’ is not open to judicial scrutiny “unless there is *malafide* or colourable exercise of power”

It is one of the axioms that private persons are subservient to ‘public purpose’. But

where Tourist Development Corporation transferred land to third party on grounds of meeting cost of acquisition but the motive was really to secure land for third party it amounts to fraudulent exercise of power of eminent domain which is to be used for any 'public purpose' and not to satisfy private needs of an individual. [ILR (1991) 4 1 Kant 3556 (3572), 3574, 3580) (DB)]

## 5. **Public Purpose and Public**

Despite the reluctance of the Court as far as the issue of public purpose is concerned there have been cases where the Court has emerged more liberal and progressive. However this can at best be termed as exception rather than norm.

The Court is entitled to discern Public Purpose and if it can speak for itself, court is entitled to draw proper inferences. [1985 Punj LJ 518 (519)]

In one case it was held that mere notification of planned development of the area without the purpose being mentioned, is liable to be quashed". [1974 Rev LR 66 (Punj)]

The State amendment of the LAA has enunciated in the case of Andhra Pradesh that according to Section-3A Collector's powers are not arbitrary. [(1977) 2 A PLJ 289 (313) (DB)]

As regards the housing for marginal sections of the society the Courts have shown a very sympathetic view, for instance in case of dwelling houses for the poor, enquiry can be dispensed with under S-5 A of the LAA. [AIR 1982 Andhra Pradesh 445 (454): (1982) 2 Andh WR 291 (DB)]

In *Hukam Chand V Union of India* [1988 Supp SCC 464, 467, AIR 1988 SC 408 (1988) 1 Punjab LR 620:] where gaon sabha proposed to utilise its land in the vicinity of a city for housing homeless, underprivileged and economically backward class of people of the area, proceedings for acquisition of such land under the Act for urban purposes was



quashed.

It has been held that the government has to stick to same purpose till proceedings attain finality (therefore cannot change amidst the proceedings.) If that is done the acquisition proceedings under urgency powers and proceedings taken up which happens to be legal at the inception & up to date becomes bad *ab initio* because of the disappearance of urgency by diversion to a non-urgent use. Thus this case established the precedent that the litigant can take the state to court on the grounds that Public purpose has become diverted from urgent to non-urgent use.

[1981 Pun LJ 392 (395) (DB)]

In another case it was held that mere mentioning of 'public purpose' as residential is vague. [1992 AIR (SCW) 2988 (2993)]

## **6. Urgent Public Purpose**

The concept of urgent purpose is perhaps the most contentious in the post amendment phase of the LAA. These provisions can and have been used both positively and negatively. They have been used both for the purposes of serving people and depriving people of their land and thus their resources.

The court has evolved guidelines regarding urgent purpose. Some of these are illustrated below with help of case law.

In *Deepak Pahwa Vs Lt. Governor of Delhi* [(1984) 4 SCC 308, 315 316: AIR 1984 SC 1721] a combined notification under Section -17 and Section -4 was issued. It was held that urgency must exist on the date of issue of the notification. Mere pre-notification delay would not render the invocation of the urgency provision void.

A lapse of eight years in inter departmental discussions before issuing the notification was held as not being an indication of absence of urgency at the time of issue of the notification necessitating invocation of S-17 (4).

In *Karjarn Jalasay Yojana Assargrasth Sahkar and Sangarsh Samiti Vs State of Gujarat* 1986 Supp SCC 350: AIR 1987 SC 532

Section-17 of the LAA regarding acquisition for urgent purpose was challenged. It was held that court should also have regard to the human problem arising out of displacement of a large number of tribals. Consequently the possession of land acquired for important 'Public Purpose' for construction of dam was stayed by the Supreme Court.

In *Jai Narain Vs VOI (1996) 1 SCC 9* it was held that for determination of urgency under Section -17 (1) the expression used in Notification under Section S-4 is not decisive. The court can not interfere with the satisfaction of government unless versions given are wholly irrelevant.

#### 7. **Procedure and Public Purpose**

The procedure for acquisition has been severally disputed under the LAA. The court has made several observations concerning procedure and its impact on public purpose. Some illustrations below will clarify this.

In *Oxford English School V. Government of Tamil Nadu* [(1995) 5 SCC 206] the entire proceedings after stage of S-4 (1) notification was quashed by the High Court as period of limitation of three years prescribed under Proviso (1) to S-6 (1) expired.

The period of limitation under above section is to be computed from the last date of publication of declaration under Section 6 in the official gazette and not in the newspaper.

[*Krishi Utpadan Mandi Samiti V. Makrand Singh* [(1995) 2SCC 497]

In *Scindia Employees Union V State of Maharashtra* [(1996) 10 SCC 150.] it was held that declaration under Section 6 of the LAA is a conclusive evidence of 'public purpose'.

In *Syed Hasan Rasul Numa Vs Union Of India* [(1991) 1 SCC 401: AIR 1991 SC 711]

the intention to acquire land was issued under section 4 of the Delhi Development Act, 1957. Section 44 of the Act requires to give public notice inviting objections to the proposed modification in master Plan. The mode of issuing notice is to resort to any two of the three alternatives viz. affixing copies of the notice or publishing by beat of drum or advertisement in local newspapers. The mode by any two is mandatory. Notice given by adopting only one of the alternatives was held to be invalid.

With regard to housing it has been held in *State of Tamil Nadu Vs A. Mohammad Yousuf* [(1991) 4 SCC 224] that for acquisition for 'Public Purpose' of construction of houses by Housing Board Section -4 of the LAA has to be read with S-70 of Madras Housing Boards Act. The acquisition can be commenced only after framing of scheme under the Housing Board Act. Thus Section 4 notification prior to finalising of scheme of Board is vague and liable to be quashed

*In Harher Mahdev V State of Bihar* [AIR 1963 Pat 139]

A notification was issued under Section-4 of the LAA. After due inquiry objections were filed by another party. Subsequently the government ordered fresh inquiry as to 'Public Purpose'. It was held that such fresh inquiry does not mean cancellation of notification.

It has also been held that if no objection is filed on Section-4 (1) then the issue of public purpose can't be raised subsequently. [AIR 1994 Orissa 76 (81) (DB)]

Also if the accounting authority seeks to acquire a larger area in the same locality than that specified in S-4 (1) notification then the proceedings will not be vitiated or render it null that another notification under Sec. 4 (1) has to be issued [(1965) 1 MLJ 374.]

*In Shri Nrupati Ghoshal, 1<sup>st</sup> Land Acquisition Collector Vs. Premavati Kapoor* [(1996) 5 SCC 386: AIR 1996 SC 25 86] inordinate delay in filing appeals before High Court /Supreme Court while pursuing "public causes" by State Governments the apathy & indifference was deprecated.

## 8. Choice between Public Purposes

The Courts have shown a lot of self-restraint when it comes to choice between public purposes. The Court has traditionally avoided the comparative use of public purpose, as it is a policy issue. The State has been given almost unbridled powers regarding which public purpose is more suited for a particular situation.

For e.g. in *Jai Narayan Vs Union of India* [(1996) 1 SCC 9: AIR 1996 SC 697]

Land to be acquired was shown in Master Plan and Zonal Development Plan as agricultural greens. The State decided to set up a sewage treatment plant and it was held as 'Public Purpose' and hence allowed.

Similarly in *Welfare Association Sector 7, Urban Estate Vs Rajiv Kapoor*, [(1996) 8 SCC 109] Converting an area reserved for green belt area to one for petrol pump was held as public purpose.

Diversion of land acquired by State for one public purpose to another public purpose is permissible. No prohibition in the Act. This has been held in several cases.

(1975) 77 Bom LR 167 (DB)

(1995) AIHC 3211 (3216) (DB) (Pad)

(1994) 1 Cur CC 28 (29) (DB) (P&H)

(1992) 47 Delhi LT 515 (519) (DB)

\*\*AIR 1988 SC 1: 1987 AII LJ 1429 (1433)

\*\* ILR (1986) 1 Mad 368 (382)

Also it has been held in a few cases that acquisition for one Public Purpose can be acquired for another. [AIR 1968 SC 432 (438), AIR 1971 Punj 337 (339, 340): 71 Punj LR 972]

Similarly it has been held in another case that merely because a particular property is being used for serving a public purpose it cannot be said that the same cannot be acquired by the State under the Act for serving another public purpose [AIR 1990 PP 357]

#### **9. Company and Public Purpose:**

The courts have shown in their various decisions a very pro company approach on the question of public purpose. For instance if acquisition of land is for public purpose then consideration that state has undertaken the task at the instance of a Private Entrepreneur or Private Interest is not germane. Even though the acquisition of land is for a private concern, whose sole aim is to make profit of the intended acquisition of land, it could materially help the national economy or promote public health or further the general welfare of the community. Such acquisition would be deemed public purpose. [AIR 1979 Pat 136: 1978 Pat LJR 208 (DB) \*\* 1986 Jab LJ 367 (372) (DB) (MP)]

In *Bharat Singh Vs State of Haryana* [(1988) 4 SCC 534, 542: AIR 1988 SC 2181: 1988 BB CJ 184.] it was held that the allegation of profiteering can not stand when 'Public Purpose' of development and industrialisation for which acquisition made itself is not challenged

Similarly in another case it was held that mere fact that eventually planned development was to be affected through assistance of private entrepreneurs does not make acquisition any less for a public purpose. [1983 All LJ 1016-DB]

It was held that the purpose of integrated development of the area of providing commercial and residential accommodation in an industrial township is a Public Purpose. Entrustment of development to private company does not make it colourable exercise of power. [AIR 1979 Punj 122]

The above birds eye view on the Supreme Court rulings on ‘public purpose ’ obviously necessitates a more detailed study on the subject. The various judgments, as illustrated in preceding paragraphs, are a clear indicator to the vexations that even the apex court has gone through before embarking on the issue of ‘public purpose’. The courts more often than not relied on the judgment of the Government. In *Srinivasa Cooperative Housing Building Society Ltd. Vs Madan Gurumurthy Sastry* case Court has ruled that the Government is the sole judge on the issue of ‘public purpose’. The Government purpose normally over rides ‘public purpose’. For the proceedings under the Act Government need only act on its subjective satisfaction. In the case of *Municipal Corporation of Greater Bombay vs. I.D.I Company Pvt. Ltd.* the onus of proving a purpose as not being ‘public purpose’ was placed on the aggrieved party. The courts have granted enough flexibility as regards the various public purposes. Almost free will prevails with regard to choice of public purpose. A land acquired for one public purpose may be used for any other. The courts have also favoured private entrepreneurs in several acquisition processes. This is however, in the garb of ‘national interest’ and promotion of ‘national economy’ [AIR 1978 Pat 136] The issue of ‘public purpose’ has only been challenged in cases of *prima facie* case of *malafide* or colourable exercise of power as held in *Baji RaoT. Kote vs. State of Maharashtra*. Apart from the pro state approach of the Court one of the most contentious issues that has emerged in the post 1984 period is the concept of ‘urgent public purpose’. This provision is now a norm rather than an exception. Most of the acquisitions that are now being done are under the garb of urgent public purpose. This excludes the provision of preliminary objection that the common man could rely on in case of unjustified acquisition. This often results in prolonged legal battles with losses on both sides. On one hand the Government claims that there are cost overruns in projects due to delay in projects and hence against ‘national interest’ and on the other hand the immense suffering that a person goes through whose only means of livelihood has to be sacrificed in the name of ‘national interest’ and for the ‘general welfare of the community’. The court often washes its hands off from such controversies and relies on the wisdom of the Government in deciding such cases.

The arguments put forward in cases needs to be looked into greater detail to understand the minds of the court and need less to say that facts and circumstances are typical to

each case and any kind of generality must be avoided. What is presented here can at best be described as broad trends that have evolved in the various apex court decisions.

Let us now turn to the next section on policy on land use. This is primarily because there is no policy on land acquisition. Despite that it is relevant to understand the basic structure of the land use policy as it helps to identify the gaps of the land acquisition process in this country. As would be seen the land use policy almost seems like an independent effort on land use, totally oblivious of the aspect of land acquisition and the amendment in its process.

#### **D. THE LAND USE POLICY AND LAW**

The National Land Board and Commission for National Land Resources Conservation was set up in 1983 which was required to plan and monitor the management of land resources.

The Commission set up an Expert Committee to prepare the draft outline of the National Land Use Policy. The guidelines included the setting up of State Land Use Boards. The Recommendations of the Commission *inter alia* included a policy that would fulfill the socio economic objectives of the country. It seems ironical that on one hand the policy wants to look into the socio economic conditions of the masses whereas on the other hand, the legislature passes draconian amendments to the Land Acquisition Act, 1894 giving the State unbridled powers to acquire land in the garb of public purpose.

The Commission also suggested to look into various factors such as population pressure, laws of inheritance, increased irrigation facilities, industrialisation, communications, etc. The State Land Use Boards were required to play a major role in giving policy directions that have a bearing on land use, forests, soil and water conservation within States.

A time bound land use survey with the help of National agencies such as All India Soil & Land Use Survey, National Bureau of Soil Survey and National Land Use Planning,

National Remote Sensing Agency was required to be done in order to identify the culturable waste lands and old fallows for taking suitable action for more productive uses.

Ironically or perhaps by design none of these objectives is reflected in the Land Acquisition Act even after the amendment Act.

**G. CONCLUSION:**

It can be seen that the issue of public purpose has acquired various shades in the light of several judgements of the apex and other courts. The term has to be understood in light of these judgments. Though the Courts have shown restraint in questioning the State's intention as far as public purpose is concerned but there have been several instances where the State is required to exercise caution and self-restraint as discussed earlier in the last paragraph of the section. This would enable a more just and equitable use of the power that has been conferred on it by the concept of eminent domain. Though the State is sovereign there are linkages through the interpretation of law that helps the decision-makers to exercise their power in a more fair and pro people manner. The statutes such as the Forest Act, Wildlife Act or other similar Acts that stipulate that acquisition of land for the purposes of that Act is deemed public purpose. Even for areas acquired under the above mentioned statutes some of the precedents established under cases discussed in the subsections of "*malafide* and 'public purpose'" and "public purpose and public", would give enough grounds to challenge the very purpose of acquisition if there is *colourable exercise of power* or if there is *irregularity in the procedure* of law or if there is *prima facie* case of *arbitrariness* in the act of the State with regard to acquisition of land for public purpose.

The issues that are underlined above need further careful understanding and analysis. Especially the cases that have been described in brief needs to be developed on a more detailed analytical level. The cases on public purpose brings out the *ratio* of the judgment but what is perhaps required is a more detailed analysis of the arguments that were put



forward both for and against the issue of public purpose in deciding the case. The above suggestions require further research and in depth study. This eluded the present effort due to paucity of time. But we hope this effort will help the common man to find in one document the essentials of land acquisition, its origin, the procedures, case law, the views of the court on substantive issues and the grounds under which certain activities are carried out by the Government for public good.

## BIBLIOGRAPHY

## Appendix I

### Held as Urgent Purpose

- Housing Development is an urgent purpose  
[Meerut Development Authority Vs Satbir Singh (1996) 11 SCC 462]
- Acquisition of land for providing houses to Dalits, Tribes and poor is urgent purpose.  
[Chameli Singh Vs State of U.P (1996) 2 SCC 549: AIR 1996 SC 1051]  
[Kurra Subba Rao Vs Distt. Collector (1984) 3 APLJ 249]  
[Kaiserreddy Papaiah Vs Government of A.P AIR 1975 AP 269 (1975) 1 APLJ 70 - approved]  
[Narain Govind Gavate Vs State of Maharashtra (1977) 1 SCC 133 1977 SCC (Cri) 49- Explained]
- Requirement of land by Government for providing housing accommodation is of national urgency of which the courts should take judicial notice.  
[State of U.P Vs Pista Devi, (1986) 4 SCC 251: AIR 1986 SC 2025]  
[Narain Govind Gavate Vs State of Maharashtra (1977) 1 SCC 133 1977 SCC (Cri) 49 commented on and limited].  
[Kaiserreddy Papaiah Vs Government of A.P AIR 1975 AP 269 (1975) 1 APLJ 70 - approved]  
[Deepak Pahwa Vs Lt. Governor of Delhi (1984) 4 SCC 3081 relied on 1985 ALJ 961 revised].

### Held as Public Purpose

- Acquisition of land for an educational institution receiving aid out of State funds is a public purpose.  
[Ganpati National Middle School Vs M.Durai Kannan (1996) 6 SCC 464; AIR 1996 SC 2803]
- Acquisition for planned development is a public purpose.

Settled in [Aflatoon Vs Lt. Governor of Delhi (1975) 4 SCC 467]

[Ajay Krishan Shingal Vs Union of India

(1996) 10 SCC 721: AIR 1996 SC 2677]

- Acquisition for providing houses to the weaker section of society constitutes public purpose.

[Collector, Ongole Vs Narra Venkateswaralu (1996) 7 SCC 150]

- Acquisition of land for rehabilitation of hawkers is a public purpose.

[Naihathi Municipality Vs Chinmoijee Mukherjee (1996) 10 SCC 632]

- Acquisition of land for extensions of bus stand and bus depot, which is a public purpose, is not *per se* bad in law.

[(1996) 8 SCC 282]

- Acquisition of land for expansion of dock yard for defence purpose is a public purpose

[Scindia Employees' Union Vs State of Maharashtra (1996) 10 SCC 150]

- Setting up of a paper mill is covered under Public purpose.

[Sarmukh Singh Grewal Vs State of U.P (1995) Supp. (4) SCC 489]

- Providing housing accommodation to the economically poor is covered under public purpose.

[Chandravati Devi Vs State of Haryana (1995) Supp (2) SCC 54]

- Acquisition of land for development of land for the purpose of sale as house sites is public purpose and not colourable exercise of power.

[Laksmikutty Amma Vs Land Acquisition Officer, 1980 KLT 678 (SJ)]

- Land acquisition for establishing factory for manufacturing fatty acids is a public purpose.

[Hari Ram Vs State of Punjab (1983) 1 LLR 529 (Punj) (SJ)]

- Industry saving foreign exchange held to serve public purpose.

[State of West Bengal & another Surendra Nath Bhattacharya & another AIR 1980 SC]

- Government closing one burial ground and acquiring land for another is public purpose.

[AIR 1967 Mad 332 (334); (1996) 79 Mad LW 702]

- Planned development of a city is public purpose.  
[AIR 1963 All 426 (429, 431)]
- Temple land can be acquired for public purpose.  
[AIR 1989 P& H 198 (201) (DB); (1988) 95 Pun LR 47 \*\*  
[AIR 1989 Bom 339 (346) (DB); 1989 2 Bom CR 445]  
[AIR 1989 P&H 159 (161) (DB); (1988) 94 Pun LR 186]  
[AIR 1990 A.P 357 (364) (DB)]  
[AIR 1983 Kant 94 (97); (1983) 1 Kant LJ 332]
- Notification excluding wake property.  
Property impressed with character of charitable trust amongst Hindus held not excluded from acquisition.
- Acquisition for planned development of the cantonment area is ordered even if incidentally touched upon but not planned for  
[1979 Rajdhani LR 497 9 511) (DB) (Delhi)]
- Public Purpose could include construction of buildings  
[AIR 1959 A.P 444 (445) (DB)]
- Second five-year plan development is public purpose.  
[AIR 1958 All 872 (873) (DB)]
- Acquisition for Public Library is public purpose.  
[AIR 1953 All 182 (183) (DB)]
- To rehabilitate thousands of persons who have been displaced is public purpose  
[AIR 1956 Punj 83 (84) (DB)]  
AIR 1977 Bom 355 (359): 1977 Mah LJ 16 (DB)
- Acquisition for flood victims is public purpose.  
[AIR 1956 Orissa 114 (118) (DB)]
- Acquisition for railway is public purpose.  
[AIR 1934 Bom 231 (233) (SB)]
- Acquisition for Industrial areas is public purpose.  
[AIR 1977 SC 183: 1977 SCWR 62]
- Acquisition for textiles is public purpose.

[AIR 1964 SC 1230 (1240)]

- Acquisition for planned development of Delhi is public purpose

[AIR 1972 Punj LR (0) 332 (336)]

- Housing for poor

[AIR 1952 Mad 756(761) (DB)]

- Resettlement for project affected persons

[AIR 1977 Bom 355 (359) 1977 Mah LJ 16 (DB)]

- Rehabilitation of land less agricultural labourers of SC/ST

[AIR 1977 (NOC) 10: 1977 All LJ 202 (208) DB]

- Class IV employee housing is public purpose.

[AIR 1989 AP 342 (346) (DB): (1988) 2 Andh LT 425]

- Water for cultivation is public purpose)

[AIR 1953 Mad 537 (540) (DB)]

- Land acquisition for any scheme of development sponsored by government or with prior approval of government. [ 1989(2) Andh LT 461 (467)]

- Establishment of industrial area by corporation is Public Purpose

[AIR SC1188].

- Housing for poor is public purpose.[ AIR 1952 Mad 756(761) (DB)]

- Resettlement for project affected areas is public purpose [AIR 1977 Bom 355 (359) 1977 Mah LJ 16 (DB)]

- Rehabilitation of land less agricultural labourers of SC/ST

[AIR 1977 (NOC) 10: 1977 All LJ 202 (208) DB]

- State of U.P. Vs Keshav Prashad Singh [CHECK]

[(1995) 5 SCC 587]

Industrialisation = Public Interest [AIR1971 SC1033 [check]