

Mahadeo

Vs

Sub Divisional Officer and Others

Civil Appeal No. 3054 of 1980

(Dr. A.S. Anand, K. Venkataswami JJ)

31.07.1997

ORDER

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. This question is no longer res integra. This Court in *Bat' Malimabu v. State of Gujarat* [(1978) 2 SCC 373] and in *State of Gujarat v. Panch of Nani Hamam's Pole* [(1986) 1 SCC 566] 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.