the Court set aside 60% enhancement of compensation given by the High Court on the basis of price index.

14. Hence, in our view, there was no reason for the High Court not to follow the decision rendered by this Court in *Gurcharan Singh case*[1] and determine the compensation payable to the respondents on the basis of the yield from the trees by applying 8 years' multiplier. In this view of the matter, in our view, the High Court committed error apparent in awarding compensation adopting the multiplier of 18.

15. However, it is true that this Court in *State of Madras* v. *Rev. Brother Joseph*[2] refused to interfere with the award on the ground that the compensation awarded was meagre. Similarly, in *Special Land Acquisition Officer, Malaprabha Dam Project* v. *Madivalappa Basalingappa Melavanki*[5] this Court refused to interfere where compensation was determined on the basis of annual yield of agricultural land by application of 15 years' multiplier on the ground that the small area of land was acquired and approved the order of the High Court in which it was observed that "it is hardly appropriate to interfere with the award notwithstanding the discernible blemish pointed out by the learned Government Pleader", and also held thus: (SCC p. 672, para 4)

> "However, it would not operate as a precedent to any future case or other cases arising from the same notification. All cases need to be decided applying only 10 years' multiplier."

16. In the present case also, considering the small amount of compensation awarded to the claimants, we do not think that this would be a fit case for interference in this appeal. Hence, the appeal is dismissed with no order as to costs.

(2002) 3 Supreme Court Cases 533

(BEFORE S.P. BHARUCHA, C.J. AND R.C. LAHOTI, N. SANTOSH HEGDE, RUMA PAL AND ARIJIT PASAYAT, JJ.)

PADMA SUNDARA RAO (DEAD) AND OTHERS . . Appellants;

Versus

STATE OF T.N. AND OTHERS . . Respondents.

Civil Appeals No. 2226 of 1997† with No. 2058 of 2002, decided on March 13, 2002

A. **Land Acquisition and Requisition — Land Acquisition Act, 1894 — S. 6(1) first proviso — Declaration — Prescription of time-limit under first proviso — Peremptory in nature — Where declaration under S. 6 is quashed by court, fresh declaration must be issued within the same limitation period prescribed under the first proviso — That period cannot**

5 (1995) 5 SCC 670

† From the Judgment and Order dated 12-3-1996 of the Chennai High Court in WA No. 106 of 1996

be construed to commence from the date of receipt of the order of the court quashing the declaration in view of clear language of the proviso — This decision shall operate prospectively — Maxim — Actus curiae neminem gravabit not applicable — Prospective overruling, applied

B. **Interpretation of Statutes — Subsidiary rules — Casus omissus — When cannot be supplied by court — Provision has to be read as a whole and in its context — When language of the provision is plain and unambiguous question of supplying casus omissus does not arise — Court can interpret the law but cannot legislate**

C. **Precedents — Stare Decisis — Applicability of the principle of — Provision of a statute interpreted by High Court — Provision subsequently amended without taking into account the interpretation rendered by High Court — Held, principle of stare decisis not applicable**

D. **Precedents — Generally — Decision of court — Should be understood in the facts situation of the case**

A notification under Section 4(1) of the Land Acquisition Act was issued and a declaration under Section 6(1) of the Act was made prior to the substitution of the existing proviso to Section 6(1) by Act 68 of 1984 w.e.f. 24-8-1984. Thus the notification under Section 4(1) was issued before the commencement of the Land Acquisition (Amendment) Act, 1984, but after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 [replaced by the Land Acquisition (Amendment and Validation) Act, 1967 (Act 13 of 1967)]. But the substituted proviso was in operation on the date of the impugned judgment. Therefore, the period of 3 years from the date of publication of the notification under Section 4(1) contemplated under clause (1) of the first proviso to Section 6(1) applied. There is no dispute that the notification under Section 6(1) was made and published in the Official Gazette within the period of three years prescribed under the proviso thereto, and the same had been quashed by the High Court in an earlier proceeding. The question for consideration in this case was whether after quashing of the notification under Section 6 fresh period of limitation was available to the State Government to issue another notification under Section 6. In this case such a subsequent notification issued under Section 6 was questioned before the Madras High Court as being barred by limitation. The High Court relying on the decision of a three-Judge Bench in *N. Narasimhaiah* v. *State of Karnataka*, (1996) 3 SCC 88 held that the same was validly issued. In appeal, a two-Judge Bench of the Supreme Court, noticing cleavage in views expressed in several decisions rendered by Benches of three Judges, referred the matter to a Bench of three Judges, and by order dated 30-10-2001 the matter was directed to be placed before a Constitution Bench, and that is how the matter came before the present Bench. It was contended on behalf of the appellant that the declaration under Section 6 has to be issued within the specified time and merely because the court has quashed the declaration concerned an extended time period is not to be provided. Accepting the contention and disposing of the appeal, the Supreme Court

Held :

The purpose for providing the period of limitation under the first proviso to Section 6(1) seems to be the avoidance of inconvenience to a person whose land is sought to be acquired. Compensation gets pegged from the date of notification under Section 4(1). Section 11 provides that the valuation of the land has to be

done on the date of publication of notification under Section 4(1). Section 23 provides that the market value of the land is to be fixed with reference to the date of publication of the notification under Section 4(1) of the Act. The prescription of time-limit in that background is, therefore, peremptory in nature. The stipulation regarding the urgency in terms of Section 5-A of the Act has no role to play when the period of limitation under Section 6 is reckoned. (Para 11)

Language of Section 6(1) is plain and unambiguous. There is no scope for reading something into it, as was done in *Narasimhaiah case*. In *Nanjudaiah case* the period was further stretched to have the time period run from date of service of the High Court's order. Such a view cannot be reconciled with the language of Section 6(1). If the view is accepted it would mean that a case can be covered by not only clause (*i*) and/or clause (*ii*) of the proviso to Section 6(1), but also by a non-prescribed period. Same can never be the legislative intent. If the legislature intended to give a new lease of life in those cases where the declaration under Section 6 is quashed, there is no reason why it could not have done so by specifically providing for it. The fact that the legislature specifically provided for periods covered by orders of stay or injunction clearly shows that no other period was intended to be excluded and that there is no scope for providing any other period of limitation. (Paras 14 and 16)

N. Narasimhaiah v. *State of Karnataka*, (1996) 3 SCC 88; *State of Karnataka* v. *D.C. Nanjudaiah*, (1996) 10 SCC 619, *overruled*

A.S. Naidu v. *State of T.N.*, SLPs (C) Nos. 11353-55 of 1988; *Oxford English School* v. *Govt. of T.N.*, (1995) 5 SCC 206, *approved*

CIT v. *National Taj Traders*, (1980) 1 SCC 370 : 1980 SCC (Tax) 124; *Grindlays Bank Ltd.* v. *ITO*, (1980) 2 SCC 191 : 1980 SCC (Tax) 230, *distinguished*

Ram Chand v. *Union of India*, (1994) 1 SCC 44, *relied on*

Two principles of construction — one relating to casus omissus and the other in regard to reading the statute as a whole — appear to be well settled. Under the first principle a casus omissus cannot be supplied by the court by judicial interpretative process, except in the case of clear necessity and when reason for it is found in the four corners of the statute itself, but at the same time a casus omissus should not be readily inferred and for that purpose all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context and other clauses thereof so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so if literal construction of a particular clause leads to manifestly absurd or anomalous results which could not have been intended by the legislature. (Para 15)

Artemiou v. *Procopiou*, (1966) 1 QB 878 : (1965) 3 All ER 539 : (1965) 3 WLR 1011 (CA); *Luke* v. *IRC*, 1963 AC 557 : (1963) 1 All ER 655 : (1963) 2 WLR 559 (HL), *referred to*

The court cannot read anything into a statutory provision which is plain and unambiguous. A statute is an edict of the legislature. The language employed in a statute is the determinative factor of legislative intent. The first and primary rule of construction is that the intention of the legislation must be found in the words used by the legislature itself. The question is not what may be supposed and has been intended but what has been said. While interpreting a provision the court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of process of law, it is for the legislature to amend, modify or repeal it, if deemed necessary. (Paras 12 and 14)

Lenigh Valley Coal Co. v. *Yensavage*, 218 FR 547; *Union of India* v. *Filip Tiago De Gama of Vedem Vasco De Gama*, (1990) 1 SCC 277 : AIR 1990 SC 981; *D.R. Venkatchalam* v. *Dy. Transport Commr.*, (1977) 2 SCC 273 : AIR 1977 SC 842; *Rishabh Agro Industries Ltd.* v. *P.N.B. Capital Services Ltd.*, (2000) 5 SCC 515, *relied on* a

The plea that the view taken by the Full Bench of the Madras High Court in *Chinnathambi Gounder case* has held the field since long and the principles of stare decisis are applicable cannot be accepted. The maxim *actus curiae neminem gravabit* highlighted by the Full Bench of the Madras High Court has also no application to the fact situation of this case. The decision in *K. Chinnathambi Gounder* was rendered on 22-6-1979 i.e. much prior to the amendment by the 1984 Act. (Paras 5 and 16) b

K. Chinnathambi Gounder v. *Govt. of T.N.*, AIR 1980 Mad 251 : (1980) 2 MLJ 269 (FB), *not approved*

Though some observations in *Pooran Mal case* had been referred to on behalf of the respondents but that case was decided on entirely different factual and legal backgrounds and the ratio of the decision in that case has no application to the present case. (Para 8) c

Director of Inspection of Income Tax (Investigation) v. *Pooran Mal and Sons*, (1975) 4 SCC 568 : 1975 SCC (Tax) 346 : (1975) 2 SCR 104, *distinguished*

Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. (Para 9) d

Herrington v. *British Railways Board*, (1972) 2 WLR 537 : 1972 AC 877 : (1972) 1 All ER 749 (HL), *relied on*

However, those matters which have obtained finality should not be reopened. The present judgment shall operate prospectively to the extent that cases where awards have been made and the compensations have been paid, shall not be reopened, by applying the ratio of the present judgment. (Para 18) e

R-M/25453/C

Advocates who appeared in this case :

V. Balachandran, S. Aravindh, Senthil Jagadeesan and V. Ramasubramaniam, Advocates, for the Appellant in CA No. 2226 of 1997; f

K.V. Viswanathan, K.V. Venkataraman, Atul Kr. Sinha, B. Raghunath, Kunwar Ajit Mohan Singh, Advocates, for the Appellant in CA No. 2058 of 2002;

T.V. Viswanatha Iyer and R. Mohan, Senior Advocates (V. Balaji, P.N. Ramalingam and V.G. Pragasam, Advocates, with them) for the Respondents.

Chronological list of cases cited ***on page(s)***

7. SLPs (C) Nos. 11353-55 of 1988, *A.S. Naidu* v. *State of T.N.* 537*f-g*, 537*g-h*, 543*e*
8. (1980) 2 SCC 191 : 1980 SCC (Tax) 230, *Grindlays Bank Ltd.* v. *ITO* 538*d-e*
9. (1980) 1 SCC 370 : 1980 SCC (Tax) 124, *CIT* v. *National Taj Traders* 538*d-e*
10. AIR 1980 Mad 251 : (1980) 2 MLJ 269 (FB), *K. Chinnathambi Gounder* v. *Govt. of T.N.* 538*e-f*, 543*c-d*
11. (1977) 2 SCC 273 : AIR 1977 SC 842, *D.R. Venkatchalam* v. *Dy. Transport Commr.* 542*c-d*
12. (1975) 4 SCC 568 : 1975 SCC (Tax) 346 : (1975) 2 SCR 104, *Director of Inspection of Income Tax (Investigation)* v. *Pooran Mal and Sons* 538*c-d*, 540*b*, 540*e*
13. (1972) 2 WLR 537 : 1972 AC 877 : (1972) 1 All ER 749 (HL), *Herrington* v. *British Railways Board* 540*f-g*
14. (1966) 1 QB 878 : (1965) 3 All ER 539 : (1965) 3 WLR 1011 (CA), *Artemiou* v. *Procopiou* 543*b*
15. 1963 AC 557 : (1963) 1 All ER 655 : (1963) 2 WLR 559 (HL), *Luke* v. *IRC* 543*b-c*
16. 218 FR 547, *Lenigh Valley Coal Co.* v. *Yensavage* 542*c*

The Judgment of the Court was delivered by

ARIJIT PASAYAT, J.— Noticing cleavage in views expressed in several decisions rendered by Benches of three learned Judges, two learned Judges referred the matter to a Bench of three Judges, and by order dated 30-10-2001 the matter was directed to be placed before a Constitution Bench, and that is how the matter is before us in CA No. 2226 of 1997. Special Leave Petition (C) No. 12806 of 2000 was directed to be heard along with civil appeal.

2. Leave granted in SLP (C) No. 12806 of 2000.

3. The controversy involved lies within a very narrow compass, that is, whether after quashing of notification under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") fresh period of one year is available to the State Government to issue another notification under Section 6. In the case at hand such a notification issued under Section 6 was questioned before the Madras High Court which relied on the decision of a three-Judge Bench in *N. Narasimhaiah* v. *State of Karnataka*[1] and held that the same was validly issued.

4. Learned counsel for the appellants placed reliance on an unreported decision of this Court in *A.S. Naidu* v. *State of T.N.*[2] wherein a Bench of three Judges held that once a declaration under Section 6 of the Act has been quashed, fresh declaration under Section 6 cannot be issued beyond the prescribed period of the notification under sub-section (1) of Section 4 of the Act. It has to be noted that there is another judgment of two learned Judges in *Oxford English School* v. *Govt. of T.N.*[3] which takes a view similar to that expressed in *A.S. Naidu case*[2]. However, in *State of Karnataka* v. *D.C. Nanjudaiah*[4] view in *Narasimhaiah case*[1] was followed and it was held that

1 (1996) 3 SCC 88
2 SLPs (C) Nos. 11353-55 of 1988
3 (1995) 5 SCC 206
4 (1996) 10 SCC 619

the limitation of 3 years for publication of declaration would start running from the date of receipt of the order of the High Court and not from the date on which the original publication under Section 4(1) came to be made.

5. Learned counsel for the appellant submitted that a bare reading of Section 6 of the Act as amended by Act 68 of 1984, leaves no manner of doubt that the declaration under Section 6 has to be issued within the specified time and merely because the court has quashed the declaration concerned an extended time period is not to be provided. Explanation 1 (appended to the section) specifically deals with exclusion of periods in certain specified cases. If the view expressed in *Narasimhaiah case*[1] is accepted, it would mean reading something into the statute which is not there, and in effect would mean legislation by the court whereas it is within the absolute domain of the legislature. Per contra, learned counsel appearing for the State of Tamil Nadu submitted that the logic indicated in *Narasimhaiah case*[1] is in line with the statutory intent. Placing reliance on the decision in *Director of Inspection of Income Tax (Investigation)* v. *Pooran Mal and Sons*[5] it was submitted that extension of the time-limit is permissible. Apart from *Pooran Mal case*[5] reliance was placed on two decisions rendered in relation to proceedings under the Income Tax Act, 1961 (in short "the IT Act"), to contend that there is scope for extension of time though there was fixed statutory time prescription. The decisions relied on are *CIT* v. *National Taj Traders*[6] and *Grindlays Bank Ltd.* v. *ITO*[7]. It was, however, frankly conceded that in *Grindlays case*[7] question of limitation was not necessary to be gone into as the impugned action was taken within the prescribed time-limit. It was contended that at the most, this can be considered to be a case of casus omissus, and the deficiency, if any, can be filled up by purposive interpretation, by reading the statute as a whole, and finding out the true legislative intent. Strong reliance was placed on a Full Bench decision of the Madras High Court in *K. Chinnathambi Gounder* v. *Govt. of T.N.*[8] to contend that the view in the said case has held the field since long and the principles of stare decisis are applicable. Residually, it was submitted that many acquisitions have become final and if the matters are directed to be reopened, in case a different view is taken, it would cause hardship.

6. Section 6(1) of the Act so far as relevant reads as follows:

> "6. *Declaration that land is required for a public purpose.*—(1) Subject to the provisions of Part VII of this Act, when the appropriate government is satisfied, after considering the report, if any, made under Section 5-A sub-section (2), that any particular land is needed for a public purpose, or for a company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify

5 (1975) 4 SCC 568 : 1975 SCC (Tax) 346 : (1975) 2 SCR 104
6 (1980) 1 SCC 370 : 1980 SCC (Tax) 124
7 (1980) 2 SCC 191 : 1980 SCC (Tax) 230
8 AIR 1980 Mad 251 : (1980) 2 MLJ 269 (FB)

its orders, and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under Section 4 sub-section (1), irrespective of whether one report or different reports has or have been made (wherever required) under Section 5-A sub-section (2):

Provided that no declaration in respect of any particular land covered by a notification under Section 4 sub-section (1)—

(*i*) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, but before the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of three years from the date of the publication of the notification; or

(*ii*) published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of one year from the date of the publication of the notification:

Provided further that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

Explanation.—In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under Section 4 sub-section (1), is stayed by an order of a court shall be excluded."

7. As the factual scenario shows, in the case at hand the notification under Section 4(1) of the Act was issued and the declaration was made prior to the substitution of the existing proviso to Section 6(1) by Act 68 of 1984 with effect from 24-8-1984. In other words, the notification under Section 4(1) was issued before the commencement of the Land Acquisition (Amendment) Act, 1984, but after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 [replaced by the Land Acquisition (Amendment and Validation) Act, 1967 (Act 13 of 1967)]. But the substituted proviso was in operation on the date of the impugned judgment. In terms of the proviso, the declaration cannot be made under Section 6 in respect of any land covered by the notification under Section 4(1) of the Act after the expiry of three years or one year from the date of its publication, as the case may be. The proviso deals with two types of situations. It provides for different periods of limitation depending upon the question whether: (*i*) the notification under Section 4(1) was published after commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, but before commencement of the Land Acquisition (Amendment) Act, 1984, or (*ii*) such notification was issued after the Land Acquisition (Amendment) Act, 1984. In the former case, the period is three years whereas in the latter case it is one year. Undoubtedly, the notification under Section 6(1) was made and published in the Official Gazette within the period of three years prescribed under the proviso thereto, and undisputedly, the same had been quashed by the High Court in an earlier proceeding. It has to be noted that Explanation 1 appended to Section 6(1) provides that in

computing the period of three years, the period during which any action or proceeding to be taken in pursuance of the notification under Section 4(1), is stayed by an order of the court, shall be excluded. Under Tamil Nadu Act 41 of 1980, w.e.f. 20-1-1967, the expression used is "action or proceeding … is held up on account of stay or injunction", which is contextually similar.

8. Learned counsel for the respondents referred to some observations in *Pooran Mal case*[5] which form the foundation for decisions relied upon by him. It has to be noted that *Pooran Mal case*[5] was decided on entirely different factual and legal backgrounds. The Court noticed that the assessee who wanted the Court to strike down the action of the Revenue Authorities on the ground of limitation had himself conceded to the passing of an order by the Authorities. The Court, therefore, held that the assessee cannot take undue advantage of his own action. Additionally, it was noticed that the time-limit was to be reckoned with reference to the period prescribed in respect of Section 132(5) of the IT Act. It was noticed that once the order has been made under Section 132(5) within ninety days, the aggrieved person has got the right to approach the notified authority under Section 132(11) within thirty days and that authority can direct the Income Tax Officer to pass a fresh order. That is the distinctive feature vis-à-vis Section 6 of the Act. The Court applied the principle of waiver and inter alia held that the period of limitation prescribed therein was one intended for the benefit of the person whose property has been seized and it was open to that person to waive that benefit. It was further observed that if the specified period is held to be mandatory, it would cause more injury to the citizens than to the Revenue. A distinction was made with statutes providing periods of limitation for assessment. It was noticed that Section 132 does not deal with taxation of income. Considered in that background, ratio of the decision in *Pooran Mal case*[5] has no application to the case at hand.

9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in *Herrington* v. *British Railways Board*[9]. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.

10. What appears to have weighed with the three-Judge Bench in *Narasimhaiah case*[1] is set out in paragraph 12 of the judgment, which reads as under: (SCC p. 94, para 12)

> "*12.* Having considered the respective contentions, we are of the considered view that if the construction as put up by the learned counsel for the appellants is given acceptance i.e. it should be within one year from the last of the dates of publication under Section 4(1), the public

9 (1972) 2 WLR 537 : 1972 AC 877 (HL) [Sub nom *British Railways Board* v. *Herrington,* (1972) 1 All ER 749 (HL)]

purpose would always be frustrated. It may be illustrated thus: In a given case where the notification under Section 4(1) was published, dispensing with the enquiry under Section 5-A and declaration was published within one month and as the urgency in the opinion of the Government was such that it did not brook the delay of 30 days and immediate possession was necessary, but possession was not taken due to dilatory tactics of the interested person and the court ultimately finds after two years that the exercise of urgency power was not warranted and so it was neither valid nor proper and directed the Government to give an opportunity to the interested person and the State to conduct an enquiry under Section 5-A, then the exercise of the power pursuant to the direction of the court will be fruitless as it would take time to conduct the enquiry. If the enquiry is dragged for obvious reasons, declaration under Section 6(1) cannot be published within the limitation from the original date of the publication of the notification under Section 4(1). A valid notification under Section 4(1) becomes invalid. On the other hand, after conducting enquiry as per court order and, if the declaration under Section 6 is published within one year from the date of the receipt of the order passed by the High Court, the notification under Section 4(1) becomes valid since the action was done pursuant to the orders of the court and compliance with the limitation prescribed in clauses (*i*) and (*ii*) of the first proviso to sub-section (1) of the Act would be made."

11. It may be pointed out that the stipulation regarding the urgency in terms of Section 5-A of the Act has no role to play when the period of limitation under Section 6 is reckoned. The purpose for providing the period of limitation seems to be the avoidance of inconvenience to a person whose land is sought to be acquired. Compensation gets pegged from the date of notification under Section 4(1). Section 11 provides that the valuation of the land has to be done on the date of publication of notification under Section 4(1). Section 23 deals with matters to be considered in determining the compensation. It provides that the market value of the land is to be fixed with reference to the date of publication of the notification under Section 4(1) of the Act. The prescription of time-limit in that background is, therefore, peremptory in nature. In *Ram Chand* v. *Union of India*[10] it was held by this Court that though no period was prescribed, action within a reasonable time was warranted. The said case related to a dispute which arose before prescription of specific periods. After the quashing of declaration, the same became non est and was effaced. It is fairly conceded by learned counsel for the respondents that there is no bar on issuing a fresh declaration after following the due procedure. It is, however, contended that in case a fresh notification is to be issued, the market value has to be determined on the basis of the fresh notification under Section 4(1) of the Act and it may be a costly affair for the State. Even if it is so, the interest of the person whose land is sought to be acquired, cannot be lost sight of. He is to be compensated

10 (1994) 1 SCC 44

for acquisition of his land. If the acquisition sought to be made is done in an illogical, illegal or irregular manner, he cannot be made to suffer on that count.

12. The rival pleas regarding rewriting of statute and casus omissus need careful consideration. It is well-settled principle in law that the court cannot read anything into a statutory provision which is plain and unambiguous. A statute is an edict of the legislature. The language employed in a statute is the determinative factor of legislative intent. The first and primary rule of construction is that the intention of the legislation must be found in the words used by the legislature itself. The question is not what may be supposed and has been intended but what has been said. "Statutes should be construed, not as theorems of Euclid", Judge Learned Hand said, "but words must be construed with some imagination of the purposes which lie behind them". (See *Lenigh Valley Coal Co.* v. *Yensavage*[11].) The view was reiterated in *Union of India* v. *Filip Tiago De Gama of Vedem Vasco De Gama*[12].

13. In *D.R. Venkatchalam* v. *Dy. Transport Commr.*[13] it was observed that courts must avoid the danger of a priori determination of the meaning of a provision based on their own preconceived notions of ideological structure or scheme into which the provision to be interpreted is somewhat fitted. They are not entitled to usurp legislative function under the disguise of interpretation.

14. While interpreting a provision the court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of process of law, it is for the legislature to amend, modify or repeal it, if deemed necessary. (See *Rishabh Agro Industries Ltd.* v. *P.N.B. Capital Services Ltd.*[14]) The legislative casus omissus cannot be supplied by judicial interpretative process. Language of Section 6(1) is plain and unambiguous. There is no scope for reading something into it, as was done in *Narasimhaiah case*[1]. In *Nanjudaiah case*[4] the period was further stretched to have the time period run from date of service of the High Court's order. Such a view cannot be reconciled with the language of Section 6(1). If the view is accepted it would mean that a case can be covered by not only clause (*i*) and/or clause (*ii*) of the proviso to Section 6(1), but also by a non-prescribed period. Same can never be the legislative intent.

15. Two principles of construction — one relating to casus omissus and the other in regard to reading the statute as a whole — appear to be well settled. Under the first principle a casus omissus cannot be supplied by the court except in the case of clear necessity and when reason for it is found in the four corners of the statute itself but at the same time a casus omissus should not be readily inferred and for that purpose all the parts of a statute or

11 218 FR 547
12 (1990) 1 SCC 277 : AIR 1990 SC 981
13 (1977) 2 SCC 273 : AIR 1977 SC 842
14 (2000) 5 SCC 515

section must be construed together and every clause of a section should be construed with reference to the context and other clauses thereof so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so if literal construction of a particular clause leads to manifestly absurd or anomalous results which could not have been intended by the legislature. "An intention to produce an unreasonable result", said Danckwerts, L.J., in *Artemiou* v. *Procopiou*[15] (at All ER p. 544-I), "is not to be imputed to a statute if there is some other construction available". Where to apply words literally would "defeat the obvious intention of the legislation and produce a wholly unreasonable result", we must "do some violence to the words" and so achieve that obvious intention and produce a rational construction. [Per Lord Reid in *Luke* v. *IRC*[16] where at AC p. 577 he also observed: (All ER p. 664-I) "This is not a new problem, though our standard of drafting is such that it rarely emerges."]

16. The plea relating to applicability of the stare decisis principles is clearly unacceptable. The decision in *K. Chinnathambi Gounder*[8] was rendered on 22-6-1979 i.e. much prior to the amendment by the 1984 Act. If the legislature intended to give a new lease of life in those cases where the declaration under Section 6 is quashed, there is no reason why it could not have done so by specifically providing for it. The fact that the legislature specifically provided for periods covered by orders of stay or injunction clearly shows that no other period was intended to be excluded and that there is no scope for providing any other period of limitation. The maxim *actus curiae neminem gravabit* highlighted by the Full Bench of the Madras High Court has no application to the fact situation of this case.

17. The view expressed in *Narasimhaiah case*[1] and *Nanjudaiah case*[4] is not correct and is overruled while that expressed in *A.S. Naidu case*[2] and *Oxford case*[3] is affirmed.

18. There is, however, substance in the plea that those matters which have attained finality should not be reopened. The present judgment shall operate prospectively to the extent that cases where awards have been made and the compensations have been paid, shall not be reopened, by applying the ratio of the present judgment. The appeals are accordingly disposed of and the subsequent notifications containing declaration under Section 6 of the Act are quashed.

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15 (1966) 1 QB 878 : (1965) 3 All ER 539 : (1965) 3 WLR 1011 (CA)
16 1963 AC 557 : (1963) 1 All ER 655 : (1963) 2 WLR 559 (HL)