

IN THE HIGH COURT OF NUJRANEZ
ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No. of 2000

In the matter of acquisition of
Intellectual Property Rights Act
and in the matter of order passed
by the State of Nujranez

1. ASSOCIATION OF ARTISTS (AA) }

2. XYZ } Petitioners

3. ABC }

V.

1. STATE OF NUJRANEZ }

Notice to be served to the Chief }

Secretary of the Dept. of Culture } Respondents

2. VURD }

MEMORIAL FOR THE PETITIONERS

Advocates for the Petitioners

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4. Connecticut College v Calvert, 87, Conn 421, 88 A 633
5. Ironside v H.M. Attorney General 1988 RPC 197
6. Madras City Wine Merchant Association v State of Tamil Nadu (1994) 5 SCC 509
7. North Laramie Land Co. v Hoffman, 268 US 276, 69 L.ed 953, 45 S Ct 491
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TABLE OF ABBREVIATIONS

1. TRIPS : Trade Related Aspects of Intellectual Property Rights
2. UNDHR : Universal Declaration of Human Rights
3. USCS : United States Code Service
4. WTO : World Trade Organisation

BIBLIOGRAPHY

1. A.L. Gandhi, *Right to Property*
2. Cheshire and Fifoot, *Law of Contract*, 9th Edition
3. Cheshire and North's, *Private International Law*, 10th Edition
4. Cheshire, *International Law*,
5. Chitty on *Contracts*, 4th Edition
6. Copinger and Skone James on, *Copyright, Ist Supplement*, 13th Edition
7. Copinger and Skone James on *Copyright*, 13th Edition
8. D. Basu, *Shorter Constitution*, 12th Edition
9. D.J. Harris, *Cases and Material on International Law*, 2nd Edition
10. H.M. Seervai, *Constitutional Law of India*, 4th Edition
11. J.M. Stewart on International Copyright and Neighboring rights
12. Laddie, Prescott and Vittoria on Copyright
13. Lal, *The Copyright Act*, 3rd Edition
14. Mulla, *Transfer of Property*
15. P. Narayanan, *Copyright and Industrial Designs*, 2nd Edition
16. Starke, *Introduction to International Law*, 10th Edition
17. W.R. Cornish, *Intellectual Property*, 2nd Edition

JOURNALS REFERRED

1. American Jurisprudence, 2nd Edition
2. American Journal of Comparative Law
3. Halsbury's Laws of England, 4th Edition
4. International Comparative Law Quarterly

STATEMENT OF FACTS AND EVENTS

1. Plans made by NUJRANEZ, a common law country, signatory to the WTO, but not a member of Berne Convention or the Universal Copyright Country, to host an Exposition for a term of six months.

2. Invitation given to designers from 10 countries to design Thematic Areas of 50,000 sq. ft.

3. One of the invited designers, Vurd from the civil law country of DNANAJAR, contacts several artists, sculptors, musicians and performers so as to prepare the composite work of the Thematic Area based on the theme “living with nature”.

4. The contributors can be grouped into three broad categories, viz.

Group I - those who have motifs, art works and other folklore material which is in public domain, but yet belonging to a well defined community of DNANAJAR.

Group II - small artists who have created works, be their paintings, logos, art forms, musical compositions, etc. These artists showed an inclination to assign all rights to Vurd, however they were conscious that their contribution should not be distorted.

Group III- well known artists including sculptors, musicians, lyricists and writers. These artists were against the idea of assigning their rights or giving any electronic rights, but were willing to give exclusive licenses till the end of the exposition. To that effect deeds were entered into.

5. Grand work was created by Vurd putting together all the composite elements. However, the limitation as to the area was exceeded. The Government of NUJRANEZ expressed unwillingness to pay for the additional area and insisted that the design be abridged and constricted.

6. Proposition by Vurd that, if at any point in time, the art directors over him wanted to reduce or increase the area, it should be under his supervision. Accordingly the design area was reduced.

7. Exposition inaugurated and at the end of the six months the exposition turned out to be a major success.

8. Enactment by the Government of NUJRANEZ acquiring the entire Thematic Area created by Vurd. The Act provided that Vurd was to be paid within two weeks of the date of Acquisition of a sum of 2 Million ND.

9 Advertisements were placed in all leading newspapers by the Government of NUJRANEZ inviting tenders from film producers to make a documentary on the Thematic Area created by Vurd. A deposit of Earnest Money of 45000 ND was a condition to be satisfied while filling up tenders.

10. Formation of Association of Artists by the contributors in Group I, Group II and Group III in order to check that their rights were secure.

11. This Hon'ble Court's Writ Jurisdiction is invoked seeking relief to quash the Order of Acquisition.

STATEMENT OF JURISDICTION

The Petitioners, the artists, i.e. Group I, Group II and Group III form an **Association of Artists (AA)** from **DNANAJAR**, a civil law country and the Respondent, the State of **NUJRANEZ**, a common law country submit their dispute to this Hon'ble Court and it has the jurisdiction to hear this Writ Petition challenging the validity of the order of acquisition being violative of their Fundamental as well as Legal Rights including Intellectual Property Rights.

STATEMENT OF ISSUES

1. Whether the Intellectual Property Rights can be acquired by the Government on the basis of the exercise of the power of Eminent Domain.
2. Whether the impugned Act is in conformity with the basic principles of law guiding the exercise of eminent domain.
3. Whether the Act of acquisition is violative of the legal rights of the individuals.
4. Whether the acquisition of Thematic Area per se transfers Intellectual Property Rights vested in the artistic works.
5. Whether the acquisition of the artistic works by the Government and the making of the documentary amounts to unjust enrichment.
6. Whether the acts and Order of the Respondent are in conformity with the Principles of Natural Justice.
7. Whether the purported act of the Government to make a documentary on the Thematic Area is an infringement of the copyrights of the artists.
8. Whether the Act of Acquisition defeats the Legitimate expectation of the artists.

SUMMARY OF ARGUMENTS

ISSUE 1

Acquisition of Intellectual Property rights (sought to be acquired by the Government of **NUJRANEZ**) is impermissible and violating the international obligations of the Government under the **TRIPS** and the Berne Convention to recognise Intellectual Property Rights as private rights and to provide for adequate protection of Intellectual Property Rights.

ISSUE 2

The Acquisition does not satisfy the fundamental test of public purpose. The purpose is clearly commercial.

ISSUE 3

The Acquisition is confiscatory, violative of the basic “Human Rights” of expression and is arbitrary and unreasonable.

ISSUE 4

Acquisition of Thematic Area under the exercise of the power of Eminent Domain would not entitle the Government of **NUJRANEZ** to the ownership of material objects of or intellectual property in the artistic works of the Petitioners.

ISSUE 5

The compromise by the Government of **NUJRANEZ** with Vurd, the law of acquisition, passed hastily and the immediate action of the Government auctioning rights of making documentary films indicate the common interest of the Government, amounting to unjust enrichment of the government.

ISSUE 6

The impugned act of acquisition does not provide for sufficient opportunity of being heard to the interested parties and is hence violative of the Principles of Natural Justice.

ISSUE 7

The purported act of the Government of NUJRANEZ to make a documentary on the Thematic Area amounts to exercise of rights not vested in it.

ISSUE 8

The acquisition by NUJRANEZ, signatory to WTO is antithetic to the International obligations and belies the Legitimate Expectation of the Petitioners that their works would be protected and returned after the Exposition. Neither the Intellectual Property in the artistic works of the Petitioners, nor the material objects constituting the artistic works were ever transferred to Vurd.

TO

**THE HONORABLE CHIEF JUSTICE AND
THE OTHER HONORABLE JUDGES OF
THE HIGH COURT OF NUJRANEZ**

**THE HUMBLE PETITION OF
THE PETITIONERS
ABOVE NAMED**

MOST RESPECTFULLY SHEWETH:

- I The Petitioners are association of artists from DNANAJAR,
 - 1. Group I artists who have motifs, artworks and other folklore material
 - 2. Group II artists who have created works, be their paintings, logos, artforms, musical compositions, lyrics, etc.
 - 3. Group III artists including sculptors, musicians, lyricists and writers.
- II The first Respondent is the State of NUJRANEZ.
The second Respondent is Vurd, the designer from DNANAJAR, a civil law country.
- III The Petitioners plead before the Hon'ble Court that
 - a) There has been a violation of Fundamental as well as Legal Rights of the petitioners by the Respondent no. 1
 - b) The cause of action has arisen within the jurisdiction of Hon'ble Court
- IV The Petitioners have approached this Hon'ble Court under its Writ Jurisdiction on the following amongst other grounds which are taken without prejudice to each other:

1. THAT INTELLECTUAL PROPERTY RIGHTS CANNOT BE ACQUIRED BY THE GOVERNMENT ON THE BASIS OF THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

1.1 The Preamble of **TRIPS** obliges the contracting parties to recognize the Intellectual Property Rights as private rights.¹ The right to intellectual property is a personal right which is inherent in every individual. The right to protect one's creation is intrinsic to the right to express oneself and any governmental act acquiring copyright is a blatant infringement of Intellectual Property Rights. The acquisition of Intellectual Property Rights(which the Government of **NUJRANEZ** claims to have acquired) by the Government is in gross violation of the international obligations of the Government. **TRIPS** as well as the **Berne Convention** obliges member countries to provide for adequate protection of Intellectual Property Rights. The hasty legislation of acquisition passed by the State is antithetical to the provisions of the above mentioned conventions.² Intellectual Property is recognised in all countries. No country has provided for acquisition of Intellectual Property right of an author. In stray cases it may be accepted but it should be a reasonable and acceptable legislation.

2. THAT THE IMPUGNED ACT IS NOT IN CONFORMITY WITH THE BASIC PRINCIPLES OF LAW GUIDING THE EXERCISE OF EMINENT DOMAIN

2.1 That the Act of Acquisition does not satisfy the fundamental test of public purpose.

¹ The PREAMBLE OF TRIPS obliges Member States to reduce distortions and impediments to international trade and to promote effective and adequate protection of intellectual property rights and to ensure that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade and recognizing that intellectual property rights are private rights.

² Article 3 of TRIPS guarantees national treatment to all nationals of other members in accordance with regard to protection of intellectual property. Article 9 of TRIPS- Relation to the Berne Convention- states that members shall comply with Articles 1 through 21 of the Berne Convention and the Appendix thereto.

Article 3 of Berne Convention also guarantees national treatment.

The doctrine of public purpose is founded on the law of necessity and that the Sovereign can appropriate the property of individuals of the community for the greater necessity of the whole. In the instant case the property which consists of artistic, musical, and other creative works are not a necessity and cannot be used either for public employment or for public use.

2.2 That the acquisition is for a commercial purpose is substantiated by the fact of the purported act of the Government seeking to make a documentary, inviting tenders, asking for Earnest Money Deposits, etc.³ It is submitted that a commercial enterprise by the Government does not by itself satisfy the test of public benefit.

2.3 Compensation.

It is pertinent to note that, this submission of the Petitioners is **not a claim for compensation** but to bring to the notice of the Hon'ble Court the discriminatory and arbitrary nature of the legislation. It is further submitted to the Hon'ble Court that there has been no transfer of ownership of the artistic works by the contract between the artists and Vurd, the second Respondent.

The Thematic Area is a collective work. Each artistic work has its independent copyright vesting in separate owner. The Petitioners state and submit that Vurd has a copyright only in the arrangement of these artistic works and that the Petitioners continue to have separate copyright in their respective works⁴.

³26 American Jurisprudence- Eminent Domain p. 638

It means nothing more or less than an inherent political right founded on political necessity and interest of appropriating the property of individual members of a community to the greater necessity of the whole.

Bloodgood v. Mohawk and HR Co. 18 Wend (NY) 9

Tennessee Valley Authority v Powelson 319 US 266, 87 Led 1390

Connecticut College v Calvert 87, Conn 421, 88 A 633

The question (whether an appropriation is for public purpose) is partly one of degree of public benefit, but it is more specially one of necessity for the development of the resources of the community or of a state.

⁴Copyright and Industrial Designs by P. Narayanan

In a collective work there are two copyrights involved:

1. The copyright in the separate parts which is vested in the respective authors of the parts
2. The copyright in the collective work as a whole, which is vested in the person who collects the various articles from different authors, arranges and edits them and very often incorporates notes of his own.

All contracts entered into by the Petitioners with Vurd were in the implied terms that the artistic works were to be displayed for six months only. At the time of entering into the agreements, the common intention was to enter into such deals as would be required to undertake the venture for the six month Exposition. The material property was given as physical support to exercise the right of public display conferred on Vurd. The ownership of the material objects was never transferred to Vurd.

Alternatively, without prejudice to the above submissions, the principles of law of acquisition governing compensation demands that just and adequate compensation be given to the rightful owners whose property is being acquired. The Petitioners submit that by virtue of the rights in the artistic works they are entitled to compensation. The compensation in this case is nothing but illusory.

2.4 The ownership of copyright can be transferred only through assignments of copyright.

In the instant case, the Petitioners submit that there has been no assignment of copyright on the following grounds:

2.4.1. The agreement between Vurd and the artists were of a nature that Vurd was under a continuing obligation to the Petitioners. The degree of control the artists retained in themselves is evidence of the intention not to assign.

2.4.2. The essence of the agreements was that possession of the artistic works would be restored to the artists.

2.4.3. The objective of a publishing agreement in the nature of an assignment is to sanction publishing, selling or producing the works of the artists. Such provisions being not at all essential for the venture, were absent and is an evidence against assignment.

2.4.4. A true scrutiny of the facts and circumstances and the agreements would indicate that Vurd could not further assign the benefit of the agreement.

GROUP I

The Group I artists have copyright in their contribution in the Thematic Area. To blend with the rest of the design of the Thematic Area, the artistic works were modified to be suitably integrated with the theme “living with nature” and thereby rendering those works copyrightable. The artistic works have a distinct geographical identity and furthermore, belong to a well defined community of **DNANAJAR**. Article 12 of the United Nations Declaration of Rights of Indigenous Peoples⁵ states that the artistic works of the indigenous people are to be protected. The Intellectual Property Laws have to recognize and confer protection on these indigenous works.

GROUP II

The Petitioners state and submit that their works namely paintings, logos, artforms, musical compositions, lyrics are copyrightable subjects. The Petitioners holding copyright therefore, have not assigned any rights of the subjects mentioned above. The facts and circumstances do not indicate any written agreement to assign all their rights.

It is pertinent to note that all assignments have to be in writing to be valid. Notwithstanding the absence of evidence to support an assignment, without the above the permissive use of the said materials can be nothing more than a license⁶ to integrate the works into the Thematic Area and to display the artistic works in the Exposition.

Further, the express reservation which secures protection against distortion is a clear indication of the license being revocable on the apprehension of the works being distorted.

⁵Article 12 of the United Nations declaration of the Rights of Indigenous Peoples Indigenous people have the right to practice and revitalize their cultural traditions and customs. These include the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature as well as the right to restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or violation of their laws, traditions and customs

⁶*Ironside v H.M. Attorney General* 1988 RPC 197.

GROUP III

The Petitioners submit that they are well known artists who include sculptors, musicians, lyricists and writers who have contributed works but have not assigned any of the rights.

The Petitioners are popular artists considered maestros in their respective fields, thus rendering their works invaluable. Thus, for additional security to their priceless works, they expressly refrain from giving any assignment. These well known artists are very conscious about the way in which their works are reproduced and therefore they have expressly reserved electronic rights. The Petitioners have reserved this right because such reproduction is financially detrimental to their economic interest. The Petitioners inclination to assert their control over their works can be inferred from the deeds where the fact is that Petitioners had not desired to give license for even six months.

In the alternative, the Petitioner submits that if the deed is to be construed to have an implied term with respect to duration, then a true construction⁷ of the contract can be inferred if the intention of the parties is considered at the time of their entry into the contract.

From the above submissions, at most the period considered to be an implied stipulation is for a period of six months or is revocable after a reasonable period at the instance of the licensor.

The Petitioners submit that no rights regarding the ownership of the material objects or the Intellectual Property Rights, except the right to display, have been given by the artists. The limited permission or license to use the works for display in the Exposition does not transfer any interest in the property.

3. THE ACT OF ACQUISITION IS VIOLATIVE OF THE BASIC RIGHTS OF THE PETITIONERS.

⁷ Birch v Paramount Estates, Ltd. (1956) 16 Estates Gazette 396

3.1 The Petitioners states and submits that the Act of Acquisition is confiscatory in nature and amounts to non-consensual taking of the artistic works which are the manifestations of the expression of the artists. It is pertinent to note that the right of expression is a basic and inviolable human right⁸. The right to expression includes the right to publish and circulate one's expression⁹. The right to protect the manifestations of one's expression is implicit in this right.

3.2 The impugned Act curtails the right of the artists to enjoy the benefits of their expressions. The petitioners submit that the exercise of the power of Eminent Domain is not a reasonable restriction¹⁰ on this right. The power of Eminent Domain is not without restrictions, and is subject to the personal rights of individuals the deprivation which are incalculable of estimation in value¹¹.

3.3 The acquisition is contrary to the rule of law.

The petitioner submits that the Act of Acquisition is arbitrary, and that the differentiation done for the purposes of this legislation is unreasonable. Further there is no nexus between the purpose of the Act of Acquisition and the classification done for the same¹². The acquisition is a colorable exercise of power by the State.

⁸ Article 19 of UNDHR

Everyone has a right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of any frontiers.

⁹ Romesh Thapar v. State of Madras, AIR 1950 SC 124

¹⁰ Rangarajan v Jagjivan (1989) 2 SCJ 128 (paras. 35-36, 40-41, 45, 51, 53)

Sodhi Shamsher v State of Pepsu AIR 1954 SC 276

The State can impose restriction upon the freedom of speech and expression only on certain specified grounds, so that, if in any particular case the restrictive law cannot rationally be shown to relate to any of the specified grounds, the law must be held to be void.

¹¹ 26 American Jurisprudence 2d Eminent Domain p. 738

Albright v Sussex County Lake and Park Commission, 71 NJL 303, 309, 57 A 398, 59, A 146

¹² State of West Bengal v Anwar Ali (1952) SCR 284 (pg. 320)

4. THAT THE ACQUISITION OF THE THEMATIC AREA DOES NOT CONCURRENTLY TRANSFER INTELLECTUAL PROPERTY RIGHTS VESTED IN THE ARTISTIC WORKS

4.1 The ownership of copyright is distinct from ownership of any material object in which the work is embodied and that the transfer of ownership of material object does not by itself convey any right of Intellectual Property in the work¹³. The Act of acquiring the material objects does not transfer to the Government the ownership of the Intellectual Property Rights and thereby the Government cannot exploit any of the Intellectual Property Rights of the Petitioners.

5. THAT THE ACQUISITION OF THE ARTISTIC WORKS BY THE GOVERNMENT AND THE MAKING OF THE DOCUMENTARY AMOUNTS TO UNJUST ENRICHMENT

5.1 The Petitioners state and submit that the acquisition is against the representation made by the State that the purpose of the contributions would only be in the exhibition in the Exposition for six months.

5.2 Thus acquisition facilitates the exploitation of the Intellectual Property of the artists which is an unjust enrichment of the Government. This submission is further substantiated by:

- (a) Collusion between the Government and Vurd whereby, in utter disregard of the interest of the Petitioners, compensation was given to Vurd alone.
- (b) The legislation which was passed in a hasty manner

¹³ 18 American Jurisprudence 2d Copyright and Literary Property p. 412 S.69
17 USCS para 202

Ownership of copyright or any of the exclusive rights under copyright is distinct from ownership of any material object in which the work is embodied, and transfer of any material object including the copy or the phone record in which the work is first fixed does not of itself convey any rights in the copyrighted works.

(c)The act of the Government of making a documentary, inviting tenders, etc. and thereby profiteering out of the Intellectual Property of the Petitioners.

6. THAT THE ACT AND ORDER ARE NOT IN CONFORMITY WITH THE PRINCIPLES OF NATURAL JUSTICE

6.1 The *sine qua non* of Natural Justice Principles is the “*audi alteram partem*” rule. The impugned Act does not provide for a reasonable opportunity of being heard to the Petitioners. Further, the Petitioners state and submit that the administrative order of acquisition is also not in conformity with the principles of Natural Justice and hence attracts the Hon’ble Court’s jurisdiction to quash the order.

6.2 It is an inviolable rule of Natural Justice, that any law of condemnation should provide for notices to be served to the interested parties. The Petitioners are entitled to such a notice as will give them an opportunity to be present at the hearing and to submit such pertinent competent evidence as they may have. In other words, they must have notice before the property is taken¹⁴. Where the property taken by the power of Eminent Domain without giving the owner such notice, the taking is invalid.

7. THAT THE PURPORTED ACT OF THE GOVERNMENT TO MAKE A DOCUMENTARY ON THE THEMATIC AREA IS A GROSS INFRINGEMENT OF THE COPYRIGHT OF THE ARTISTS.

The Petitioners state and submit that the copyright in their work has not been parted by them. Further, it is also submitted that even if permission was given for the display of the artistic works, it was to be restored after a period of six months.

¹⁴ North Laramie Land Co. v Hoffman 268 US 276, 69 L ed 953, 45 S Ct 491 holding that the property may not be taken for public use without reasonable notice of the proceedings authorized for its taking, and without reasonable opportunity to be heard as to substantial matters of right affected by the taking

The making of a cinematographic film is a conversion of three dimensional work into two dimensional work which is an infringement of copyright of the artists¹⁵. This also amounts to publication which too violates their copyright.

8. THE ACT OF ACQUISITION DEFEATS THE LEGITIMATE EXPECTATION OF THE ARTISTS

8.1 The artistic creations of the Petitioners were integrated in the Exposition hosted by the Government of **NUJRANEZ**, the first Respondent. On the Government's invitation the Petitioners participated and parted with their works on an implied assurance that their works would be protected and returned after the Exposition. It was a legitimate expectation by the Petitioners that the government of **NUJRANEZ** being a signatory of **WTO** would respect the Intellectual Property Rights of the Petitioners.

8.2 The Petitioners submit that as a member of **WTO**, basic rights have been expressly promised by the Government of **NUJRANEZ** towards both citizens and non-citizens in respect of Intellectual Property Rights. The Act of Acquisition is a legislation antithetic to the international obligations of the Government of **NUJRANEZ** and to the legitimate expectation of the Petitioners¹⁶.

MISCELLANEOUS SUBMISSIONS

1. No other petition or proceeding filed by the Petitioners pending in any court in respect of the subject matter.
2. Appropriate court fees have been paid.
3. There has been no delays or laches in the filing of the petition.
4. The petition is not barred by limitation or any other legal provisions.
5. There are no legal grounds for the court to refuse the prayers sought.

¹⁵ Copyright, Designs and Patents Act, UK 1988 Sec. 17 (3)

In relation to an artistic work copying includes the making of a copy in three-dimensions of a two-dimensional work and the making of a copy in two-dimension of a three-dimensional work.

¹⁶ Madras City Wine Merchants Assn. v. State of Tamil Nadu (1994) 5 SCC 509.

PRAYER

The Petitioner most respectfully prays that this Hon'ble Court be pleased to:

1. issue a Writ of *Certiorari*, or Writs, Orders, or Directions in the nature of *Certiorari*, quashing the Order of acquisition.
2. declare that the Act of Acquisition and the order of acquisition is ultra vires the power vested in the Respondent and is bad in law.
3. stay, pending the hearing, all further proceedings of acquisition in pursuance to the Order of acquisition and restrain the Respondent, their servants, agents from taking any further steps.
4. grant such other relief or reliefs with costs as this Hon'ble Court deems just and proper in the facts and circumstances of the case.
5. pass any other just and equitable orders that this Hon'ble Court deems fit in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTYBOUND, SHALL FOR EVER PRAY

Place: NUJRANEZ

ADVOCATES FOR PETITIONERS

Date: