[A. LOIZOU, J.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

ALAKATI INVESTMENT LTD. AND ANOTHER,

Applicants,

and

THE REPUBLIC OF CYPRUS, THROUGH THE MINISTER OF COMMERCE AND INDUSTRY AND OTHERS,

Respondents.

(Case No. 82/71).

Compulsory acquisition of land—Reasoning of decision—May either be contained in the decision of acquisition itself or emanate from facts or factors taken into account for the decision—Not necessary that every element and every preparatory work relied upon for deciding the acquisition should be incorporated in the body of the final decision—Reasoning of the decision in the instant case adequate—To be found mainly in the preparatory acts, including the opinion of experts contained in several reports, the maps and sketches attached thereto, as well as in the submission made to the Council of Ministers and which were all duly considered by the Council—Cf. also further infra.

Order of acquisition—Notice of acquisition—Purpose of and reasons for the acquisition required to be specified and clearly stated in the said notice and order as published in the Official Gazette—Article 23.4(b) of the Constitution and sections 4 and 6 of the Compulsory Acquisition of Property Law, 1962 (Law No. 15 of 1962)—How said constitutional and statutory requirement satisfied.

Order of acquisition—Notice of acquisition—Reasons therefor—Distinction between reasons in support of the decision to acquire and the reasons required to be stated in the order (and notice) of acquisition as published in the Official Gazette—Article 23.4(b) of the Constitution and sections 4 and 6 of said Law No. 15 of 1962 (supra).

1973
April 24
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ALAKATI INVESTMENT LTD. AND ANOTHER
v.
REPUBLIC (MINISTER OF COMMERCE AND INDUSTRY AND OTHERS)

Compulsory acquisition of land—For tourism development—Decision preceded by comprehensive technical and feasibility studies—As well as by other preparatory acts—Making quite clear the purpose of acquisition—Ready to be carried out as soon as the property is acquired—In the light of all the circumstances of the case it cannot be said that respondents have acted prematurely or without proper study of the proposed schemes, or that the purpose for which the acquisition has been decided was not existing at the time.

Administrative decisions—Reasoning—Due reasoning—See supra; *see also immediately herebelow.*

Reasoning of administrative decisions—Reasoning of the preparatory acts provides the reasoning of the final executory act.

Notice of acquisition—Objection thereto—Properly inquired into in the present case.

By the present recourse the second applicant (the first applicant having withdrawn from the proceedings) is challenging the validity of an acquisition order dated January 15, 1971 concerning his land at *Alakati* locality, in the vicinity of the village of Ayios Amvrosios, in the district of Kyrenia.

It was argued by counsel for the applicant that: (1) The reasoning of the relevant decision and, particularly, the reasons as published are insufficient and do not satisfy the requirements of the Constitution and the Law (*infra*); (2) there has been no proper inquiry in respect of the applicant's objection to the notice of acquisition (*infra*); and (3) the acquisition was premature.

The learned Judge of the Supreme Court rejected counsel's submissions and dismissed the recourse.

The facts of the case are very briefly as follows :-

On February 5, 1970, the Council of Ministers decided to approve the issuing of a notice of acquisition, regarding, *inter alia*, the applicant's said property, under section 4 of the Compulsory Acquisition of Property Law, 1962 (Law No. 15 of 1962). This notice was duly published in the Official Gezette on February 6, 1970, the undertaking of public utility given therein being the promotion and/or development of tourism; and the reasons given for the said

acquisition were the touristic development of the areas of Pakhy Ammos and Alakati, Kyrenia. The applicant in due course lodged an objection against the intended acquisition of his property, but the Council of Ministers at their meeting of December 10, 1970, decided to reject it; the applicant was duly informed about the said rejection by letter dated January 9, 1971. At their said meeting of December 10, 1970, the Council further decided, *inter alia*, to approve the issuing of the relevant order of acquisition under section 6 of the said Law 15/62, which order was eventually published in the Official Gazette of the Republic of January 15, 1971. By the said order of acquisition reference is made to the notice of acquisition of February 6, 1970 (*supra*); and the purpose of public benefit and the reasons for which that notice was issued are referred to thereby as being exactly the same as those for which the said order of acquisition was made. Reference is further made in that order to the objections lodged by various landowners in the area (including the applicant), their examination by the Ministry of Commerce and Industry and their transmission to the Council of Ministers together with its observations and suggestions, and to the decision of the Council of Ministers rejecting these objections.

Article 23.4(b) of the Constitution reads:

> "4(b) The said purpose (of public utility) to be specified by a reasoned decision of the Acquiring Authority issued under the provisions of the said Law and containing clearly the reasons of such acquisition."

Section 4 of the Compulsory Acquisition of Property Law, 1962 (Law No. 15 of 1962) reads:-

> "4. Where any property is required to be compulsorily acquired for a purpose of public benefit, the acquiring authority shall cause a notice of the intended acquisition in the form set out in the Schedule hereto (in this Law referred to as a 'notice of acquisition') to be published in the Official Gazette of the Republic, containing a description of the property intended to be acquired, stating clearly the purpose for which it is required and the reasons for the acquisition and calling upon any person interested in such property to submit to such authority

any objection which he may wish to raise to such acquisition :

Provided

"

And section 6(2) of the said same Law provides :

"6(2) Where regard being had to all circumstances of the case, it is considered expedient that any property to which the notice of acquisition relates shall be acquired for the purposes stated therein, the acquisition of such property may, subject to the provisions of the Constitution and this Law, be authorized by an order (in this Law referred to as an 'order of acquisition') published in the Official Gazette of the Republic :

Provided that

"

Learned counsel for the applicant argued that the *sub judice* decision of the Council of Ministers is not sufficiently and duly reasoned, particularly that the reasons stated in the said order of acquisition as published (*supra*) are not sufficient and they do not satisfy the requirements of the aforesaid constitutional and statutory provisions *viz* the provisions of Article 23.4(b) of the Constitution and sections 4 and 6 of the Compulsory Acquisition of Property Law, 1962 (*supra*). It was further argued that there has been no proper inquiry in respect of applicant's said objection to the notice of acquisition (*supra*) and that, in any event, the acquisition was premature

The learned Judge of the Supreme Court did not accept the argument propounded by counsel of the applicant; and dismissing the recourse, the Judge :-

Held, I : *As to the sufficiency of the reasoning of the decision itself as distinct from the notice and order of acquisition* :

(1)(a) It has been held in a number of Decisions of the Greek Council of State (see Nos. 1019-1030/1946, 1812, 1993/1950 and 508/1950)

that the reasoning of the preparatory acts as well as that of the relevant expert advice provide the reasoning of the final executory act or decision.

(b) Also, an administrative act cannot be considered as being vague, when it specifically refers to other acts whose contents emanate in detail from the facts as they appear in the file and which facts were not required by the Law to be specifically recorded in the decision itself but which the person concerned could eventually come to know. Such reasoning may either be contained in the decision of acquisition or emanate from the facts which were taken into consideration for the said decision. (See Decisions No. 903 - 904/1970 of the Greek Council of State).

(2)(a) In the light of the aforesaid principles which must be considered as likewise governing the question of compulsory acquisition in Cyprus, it is clear that it is not necessary that every element and every preparatory work relied upon for deciding the acquisition of property should be incorporated in the final decision itself.

(b) In the present case, the preparatory acts, including the opinion of experts contained in the several reports, the plans and sketches attached thereto, as well as the submission to the Council of Ministers, were before it at its meetings and specific reference is made to this submission in the decision itself. To my mind, all these, complete the reasoning of this decision to acquire, *inter alia*, the applicant's property.

Held, II : *As to the alleged insufficiency of the reasons as stated in the order of acquisition, published in the Official Gazette of the Republic on January 15, 1971* (supra) :

(1)(a) The texts of the aforesaid constitutional and statutory provisions (*i.e.* Article 23.4(b) of the Constitution and section 6(2) and 4 of the Compulsory Acquisition of Property Law, 1962,

supra) show that a distinction has to be drawn between the reasoning of the relevant decisions and the reasons which are, by the aforesaid provisions, required to be normally stated in the notice and in the order of acquisition.

(b) In my judgment neither the notice of acquisition nor the order of acquisition constitutes the decision itself of the administrative organ. They are the constituent element of the administrative acts which acquire legal existence only as from such publication in the Official Gezette. Until such publication, an act required by law to be published constitutes only an *internum* of the administration and consequently is devoid of the ability to produce legal results. In order, however, that such a legal result will be produced, the publication must contain the full text of the act or at least its main and substantial contents. (See Conclusions from the Case - Law of the Greek Council of State 1929 - 1959, p. 192 and the decisions of the Council of State therein mentioned).

(2) Having considered the circumstances of this case I have come to the conclusion that the said legal principles as well as the aforesaid constitutional and statutory provisions are clearly satisfied by the contents of both the notice and the order of acquisition. The said order as published on January 15, 1971 in the Official Gazette contains reference to the notice of acquisition of February 5, 1970, (*supra*) and the reasons for such order are given therein as those that prompted the making of the notice, namely, the touristic development of the area.

(3) It would indeed have been too far fetched to expect such notice or order to contain all material that was put before the Council of Ministers when taking both decisions, namely, plans, maps, technical studies, etc., including opinions expressed at preliminary conferences and discussions by the appropriate Government Departments and their technical experts.

(4) In considering whether the reasons for an acquisition are clearly stated in the relevant notice or order, regard must be had to the circumstances of each case and to whether such publication gives sufficient notice to a person whose rights are adversely affected thereby for the purpose of exercising his rights under the law and the Constitution. In the present case it cannot be said that applicant was deprived in any way of his rights, namely, that of objecting or that of filing a recourse under Article 146 of the Constitution against such a decision, or that all material could not be made available to him.

Held, III : *As to the allegation that the acquisition is premature and that the purpose for which the acquisition was made did not exist at the time :*

(1)(a) In the present case, the comprehensive technical and feasibility studies of the matters made clear the purpose for which the property of the applicant has to be acquired. Furthermore, it appears that the extent of the privately owned lands to be acquired was the minimum necessary for the purpose and there could not be any other less onerous means of achieving it. Everything had been carried out and as a first step to proceeding with the tourist development of the area, was precisely the acquisition of the private lands specified in the order of acquisition.

(b) In my view it can be safely inferred from the material on record that the land to be acquired was intended to be used soon after its acquisition for the carrying out of the purpose for which it was sought to be acquired (*Glyki and Another* v. *The Municipal Corporation of Famagusta* (1967) 3 C.L.R. 677, *distinguished*).

(2) The fact that the purpose would be achieved by stages cannot be considered as not amounting to a proper exercise of administrative discretion. (See *Decisions of the Greek Council of State* Nos. 548/1964, 570/1964, 1501/1965 and 447/1968).

(3) In the light of the above, I am satisfied that the respondents have not acted prematurely or without proper study of the proposed scheme. The intention was for the Government to create a compact area of land which, as a first step presupposed the acquisition of so much of privately owned land, as was necessary for the purpose; subsequently, to offer it to private enterprise for development in the already planned plan. And the private lands subject to this compulsory acquisition were the minimum necessary for the said purpose; and there could be no other less onerous means of achieving it. Therefore, it cannot be said that the purpose for which the acquisition was made did not exist at the time.

Recourse dismissed.
No order as to costs.

Cases referred to:

Glyki and Another v. *The Municipal Corporation of Famagusta* (1967) 3 C.L.R. 677, *distinguished;*

Decisions of the Greek Council of State Nos. 1019-1030/1946, 1812, 1993/1950, 508/1950, 903-904/1970, 548/1964, 570/1964, 1501/1965, 447/1968.

Recourse.

Recourse against an order of compulsory acquisition by the respondent of applicant's property situated at Ayios Amvrosios village in the District of Kyrenia.

A. Angelides for *G. Tornaritis,* for the applicants.

N. Charalambous, Counsel of the Republic, for the respondents.

Cur. adv. vult.

The following judgment * was delivered by :-

A. Loizou, J.: The present application was originally filed on behalf of two applicants, both claiming a legi-

* An Appeal has been lodged against this judgment. The appeal has been heard and judgment thereon has been reserved.

timate interest in the matter. Towards the end, however, of the hearing of the recourse, counsel for the applicants who is not the one that originally filed the recourse, asked that applicant No. 1, namely ALAKATI INVESTMENT LTD., of Nicosia, be allowed to withdraw from the case as having no legitimate interest in the matter. That being so, the case remained as if filed on behalf of applicant No. 2, hereinafter to be called "the applicant". He is the registered owner of 12 donums and 3 evleks of land situated at Alakati locality in the village of Ayios Amvrosios, Kyrenia, under Plots No. 102 and 100/1, Sheet Plan XIII/19, Reg. No. 2947 which is affected by an order of acquisition under Notification No. 13 published in Supplement No. 3 to the official Gazette of the Republic, of the 15th January, 1971.

The applicant by the present recourse applies —

A. For a declaration that the decision of the respondents to acquire compulsorily his aforesaid property is unlawful and void.

B. For a declaration of the Court that the act and/or decision of the respondents by which they dismissed and/or ignored his objection is void and of no effect whatsoever.

As originally filed, the application was based on a number of grounds of law, but in the course of the hearing, counsel for the applicant abandoned most of them and argued the case on two grounds in respect of the first relief sought and on the ground of failure to carry out a proper inquiry in so far as the second relief is concerned.

The facts relevant to the case are briefly as follows :-

The Council of Ministers at its meeting of the 2nd March, 1967, decided, *inter alia,* that the Government should proceed to develop touristically certain selective areas of the Island and thereafter invite international tenders for their exploitation. The concern of the Government for such project started however much earlier, in fact in 1963, when it invited French experts to study and prepare a report on the matter in relation, *inter alia,* to Pakhy Ammos and Alakati area where applicant's property is situated. These experts at page 22 of their report entitled

"Study for Tourist Development of Cyprus" (*exhibit* 10) had this to say :-

> "On the other hand, beyond Pakhy Ammos at Alakati, is to be found one of the finest landscapes in the whole island, one of its loveliest sandy beaches too. This is an ideal site for the major residential centre of the whole Kyrenia coast. It should begin, in the first stage, with a few hotels having their own chalets perhaps, and one or two groups of private chalets and villas for rent (about 500 beds in all). An accurate site plan will be needed to enable the further development of this centre, which from the second stage already should have all the characteristics of a 'Mushroom Resort' (see development sketch, plates 22 to 26).
>
> Thus, by 1967, the Kyrenia coast will possess a major beach (sports centre) at Pakhy Ammos; a first rate recreation centre in Kyrenia, an extensive residential complex at Alakati, with a few village clubs and other minor features to complete the range of amenities".

On the strength of the decision of the Council of Ministers of the 2nd March, 1967, Doxiades Associates-Consultants on Development and Ekistics, was asked to prepare a study of the tourist development of Alakati Cyprus and its report running into 100 pages with detailed plans for hotels, bungalows, the layout of main and secondary roads and play-grounds was prepared by them and is before me as *exhibit* 11. It may be aptly described as a most comprehensive study.

The touristic development of Alakati, as well as the Golden Sands, in Famagusta, was decided to be carried out with Government finance. A sub-committee of Ministers was set up for the purpose of doing preparatory work necessary for the ultimate implementation of this policy of touristic development of Government and other lands, and it had successive meetings for the purpose. In addition the Ministry of Commerce and Industry prepared Submission No. 85/70 (*exhibit* 4) to the Council of Ministers, after its representatives had consultations with the Government advisers on touristic matters. These consultations helped them formulate the views that were set

out in the aforesaid submission. Regarding the areas of Pakhy Ammos and Alakati, it was stated that in view of the improvement of the situation since the original decision of the Council of Ministers was reached, it was no longer necessary for the Government to make other appropriations beyond those required for the compulsory acquisition of parts of privately owned land situated within Government owned land or adjacent to them. In this way as it was done in the case of the Golden Sands, two compact areas would be created for development on terms favourable to the Republic.

It was suggested that the issuing of the notice of acquisition for the areas of Pakhy Ammos and Alakati should be expedited, as there was leakage about it and apart from the normal increase in the values of land there might be sales, real or fictitious, on the strength of which the prices would go up beyond reasonable limits. It was also thought necessary that this acquisition should proceed, as the Ministry would be in a better position to negotiate by offering a compact extensive area including these lands that would be acquired. Plans were attached showing thereon the existing touristic zone at Alakati and the proposed one which would include compulsorily acquired properties. This area would be about 600 donums, including 250 donums of privately owned land which would have been acquired. The submission, I must say, covers every aspect of the problem and gives extensive reasons for issuing the notice of acquisition.

The Council of Ministers having in mind this proposal, as it appears from its minutes of the 5th February, 1970, by decision No. 9401 decided to approve the issuing of a notice of acquisition under section 4 of the Compulsory Acquisition of Property Law, 1962 (No. 15 of 1962). The relevant notice of acquisition was published under Notification No. 117 in Supplement No. 3 to the official Gazette of the 6th February, 1970, the undertaking of public utility given in the notice being the promotion and/or development of tourism and the reasons given for the said acquisition were the touristic development of the areas of Pakhy Ammos and Alakati.

It has been held in a number of Decisions of the Greek Council of State that the reasoning of the preparatory

acts provides the reasoning of the executory act, as well as that of the expert advice to which the decision refers or is accompanying same. (See Decisions 1019 - 1030/46 1812, 1993/50 and 508/50). Also, an administrative act cannot be considered as being vague, when it specifically refers to other acts whose contents emanate in detail from the facts in the file and which facts were not required by the Law to be specifically recorded in the decision itself but which the person affected thereby could eventually come to know. Such reasoning may either be contained in the act of the acquisition or emanate from the facts which were taken into consideration for the decision. (See decisions No. 903 - 904/70 of the Greek Council of State).

In the light of the aforesaid principles which must be considered as likewise governing the question of compulsory acquisition in Cyprus, it is clear that it is not necessary that every element and every preparatory work relied upon for deciding the acquisition of property should be incorporated in the body of the final decision itself. In the present case, the preparatory acts, including the opinions of experts contained in the several reports, the plans and sketches attached thereto, as well as the submission to the Council of Ministers, were before it at its meeting and specific reference is made to this submission in the decision itself. To my mind, all these, complete the reasoning for this decision.

In so far as the said decision of the Council of Ministers is concerned, same, it can be said with impunity, that it was duly reasoned. By the said notice of acquisition all persons interested in properties affected thereby were called upon to submit to the appropriate Authority any objections which they might wish to raise to such acquisition. The applicant did object, and his objection, together with those of others, was considered by the Council of Ministers at its meeting of the 10th December, 1970. In the light of all the circumstances, the objections were rejected, except those in respect of ecclesiastical property. It was also decided at the same meeting, to proceed with the acquisition.

In connection with the second Prayer for Relief, the applicant complained that no proper inquiry was carried

out in espect of his objection. This, he based mainly on the fact that no particulars of the intended development of his land by himself were sought, but only after the filing of the present recourse. This objection of the applicant was connected with a request that Government land be given to him for the extension of the area of his ownership for exploitation by himself or jointly with ex-applicant No. 1. This request was considered by Mr. Phocas, a tourism consultant advising the Ministry of Commerce and Industry at the time, in conjunction with legal advice sought from the Attorney-General of the Republic at a meeting under the chairmanship of the Minister of Commerce and Industry held on the 5th February, 1970. A memo was prepared incorporating the views expressed at that meeting (*exhibit* 12). In the submission prepared by the Ministry of Commerce and Industry (*exhibit* 7 paragraphs 3 and 4 thereof) and submitted to the Council of Ministers, specific reference is made to the objections and their merits, including the legal advice of the Attorney-General and it was suggested that all objections should be dismissed except those referring to Church land which could not in law be acquired in view of the provisions of Article 23(a) of the Constitution. The ground given for making such a suggestion was the magnitude of the project and the public benefit which would be derived from this tourist development of the north coast of the Island.

With regard to the claim of certain owners that they were considering themselves the touristic development of their lands, it was stated that on the one hand there was no certainty about it, and on the other hand the small size of their land would not permit the carrying out of a project of major importance in contradistinction to those proposed by the Government which included 1,000 hotel beds at Pakhy Ammos and 2,000 at Alakati together with public beaches, sports grounds, etc.

The applicant was informed by letter of the rejection of his objection by the Council of Ministers on the 9th January, 1971 (*exhibit* 'D' attached to the application).

The Council of Ministers at its meeting of the 10th December, 1970, referred to this proposal and by its decision 10143 decided —

(A) To dismiss those objections and

(B) that taking into consideration all the circumstances, approve the issuing of the order of acquisition under section 6 of the Law (No. 15 of 1962).

The relevant order of acquisition was published under Notification No. 13 in Supplement No. 3 to the official Gazette of the 15th January, 1971.

By the said order, reference is made to the notice of acquisition and the purpose of public benefit and the reasons for which that notice was issued as being the same for which the order of acquisition was made. Reference is further made to the objections, their examination by the Ministry of Commerce and Industry and their transmission to the Council of Ministers together with its observations and suggestions, and the decision of the Council of Ministers for rejecting these objections.

In the light of all the above, the claim that there has been no proper inquiry in respect of the objection of the applicant, cannot stand. Therefore, Relief B prayed for by this application, should fail.

I have already referred to the sufficiency of the reasoning of the decision that preceded the publication of the notice of the intended acquisition. Decision No. 10143 of the Council of Ministers of the 10th December, 1970, was made in the circumstances hereinabove set out. Reference was made therein to the Submission No. 793/70 of the appropriate Ministry to the Council and to the notice of acquisition and in its concluding part it authorized the making and publication of the order of acquisition. For the same reasons and in the light of the legal principles given earlier in this decision, I hold that there is here due reasoning for the decision which, as it will be seen hereinafter, becomes the final and executory act of the acquisition by the publication of the order in the official Gazette.

I shall deal now with the first ground of law relied upon by the applicant in respect of Relief A., namely, that the reasons for the acquisition stated in the order are not sufficient and so offend the provisions of Article 23.4(b) of the Constitution and sections 4 and 6 of the

Compulsory Acquisition of Property Law, 1962 (No. 15 of 1962). The said Article of the Constitution, reads :-

"4(b) The said purpose specified by a reasoned decision of the Acquiring Authority issued under the provisions of the said law and containing clearly the reasons of such acquisition."

Sections 4 and 6 of the aforesaid Law, in so far as material, read :-

"4. Where any property is required to be compulsorily acquired for a purpose of public benefit, the acquiring authority shall cause a notice of the intended acquisition in the form set out in the Schedule hereto (in this Law referred to as a 'notice of acquisition') to be published in the official Gazette of the Republic, containing a description of the property intended to be acquired, stating clearly the purpose for which it is required and the reasons for the acquisition and calling upon any person interested in such property to submit to such authority within the time specified therein, being not less than two weeks from the date of the publication thereof, any objection which he may wish to raise to such acquisition :

Provided that, where the acquiring authority is a municipal corporation or a Communal Chamber, no notice of acquisition shall be caused to be so published, unless fifteen days' notice of the proposed publication has been given by such authority to the Council of Ministers.

6(1)

(2) Where, regard being had to all circumstances of the case, it is considered expedient that any property to which the notice of acquisition relates shall be acquired for the purposes stated therein, the acquisition of such property may, subject to the provisions of the Constitution and this Law, be authorized by an order (in this Law referred to as an 'order of acquisition') published in the official Gazette of the Republic :

Provided that no such order shall be made if more than twelve months have elapsed since the date of the publication of the relative notice of acquisition in the official Gazette of the Republic.

(3)

(4) "

The texts of the aforesaid provisions show that a distinction has to be drawn between the reasoning of the decisions and the reasons which are, by the aforesaid provisions, required to be normally stated in the notice and order of acquisition.

I have already made a finding that the two decisions contain due reasoning though such a point has not been raised by the applicant, but it was necessary so that the character of the publication of the notice of acquisition and the order of acquisition required by law to be published in the official Gazette would be considered. In my judgment, none of them constitutes the decision itself of the administrative organ. They are a constituent element of the administrative acts which acquire legal existence only as from such publication in the official Gazette. Until such publication, an act required by law to be published constitutes only an *internum* of the administration and consequently is devoid of the ability to produce legal results. In order, however, that such a legal result will be produced, the publication must contain the full text of the act or at least its main and substantial contents. (See Conclusions from the Case - Law of the Greek Council of State, 1929 - 1959 page 192 and the Decisions of the Greek Council of State therein mentioned).

It has to be examined, therefore, if the contents of the order of acquisition satisfy the aforesaid legal principle and the requirements of the Law and the Constitution imposing the obligation for such publication.

The order of acquisition published under Notification No. 13 in Supplement No. 3 to the official Gazette of the 15th January, 1971, contains reference to the notice of acquisition and the reasons for such acquisition are given as those that prompted the making of the notice,

namely, the touristic development of the areas of Pakhy Ammos and Alakati.

Having considered the circumstances of this case, I have come to the conclusion that the said Constitutional and statutory provisions are clearly satisfied by the contents of both the notice and the order of acquisition. It would have been too far fetched to expect such notice or order to contain all material that was before the Council of Ministers when taking both decisions, namely, plans, maps, technical studies, etc., including opinions expressed at preliminary conferences and discussions by the appropriate Government Departments and their technical experts.

In considering whether the reasons for an acquisition are clearly stated in the relevant notice or order, regard must be had to the circumstances of each case and to whether such a publication gives sufficient notice to a person whose rights are adversely affected thereby for the purpose of exercising his rights under the Law and under Article 146 of the Constitution. In the present case, it cannot be said that the applicant was deprived in any way of any of his rights, namely, that of objecting or that of filing a recourse against such a decision, or that all material could not be made available to him. This ground, therefore, of law, cannot succeed.

The second ground of law relied upon by the applicant, is that the specific purpose for which the property was acquired, did not exist at the time.

Reference in this respect has been made by counsel for the applicant to the case of *Glyki & Another* v. *The Municipal Corporation of Famagusta* (1967) 3 C.L.R. 677, in which a number of earlier decisions of this Court are referred to and the principles expounded therein approved.

I have already set out the background of the decision of the Council of Ministers and the facts upon which they relied in coming to the *sub judice* decision. Unlike the circumstances in the case of *Glyki & Another* (*supra*), in the present case, the comprehensive technical and feasibility studies of the matter made it clear that the purpose for which the property to be acquired was required, was

a purpose of public benefit, the expediency of which was within the competence of the Council of Ministers to decide. Furthermore, the extent of the privately owned lands to be acquired, was the minimum necessary for the purpose for which they had been acquired and there could not be any other less onerous means of achieving the purpose, than with proceeding with the land acquisition. Everything had been carried out and as a first step to proceeding with the tourist development of the area, was the acquisition of the privately owned lands specified in the order of acquisition, so that it would be possible for the next stage of the project to be pursued.

In my view, it can be safely inferred that the acquired land was intended to be used soon after its acquisition for the carrying out of the purpose for which it was acquired. The fact that the purpose would be achieved by stages, cannot be considered as not amounting to a proper exercise of administrative discretion. This is a principle to be found in a number of decisions of the Greek Council of State. (See Decisions 548/64, 570/64, 1501/65 and 447/68).

In the light of the above, I am satisfied that the respondents have not acted prematurely or without proper study of the proposed schemes, or that the purpose for which the acquisition was made was not existing at the time. The intention was for the Government to create a compact area of land which, as a first step presupposed the acquisition of so much of privately owned land, as was necessary for the purpose; subsequently, to offer it to private enterprise for development in the already planned manner.

For all the above reasons, this recourse fails and must be dismissed. In the circumstances there will be no order as to costs.

Application dismissed.
No order as to costs.