



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.261/2011

(1) SHRI. SHRIPAD SONU PARAB,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF WARCHA WADA,
VIRNODA, PERNEM GOA.

(2) SMT VIMAL VISHWANATH PARAB
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF WARCHA WADA,
VIRNODA, PERNEM GOA.

(3) SHRI. SHIVRAM MUKUND PARAB
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF WARCHA WADA,
VIRNODA, PERNEM GOA.

(4) ANIL CHANDRAKANT PARAB
LEGAL HEIR OF LATE KISHNA
DHONDU PARAB, MAJOR OF AGE,
INDIAN NATIONAL, RESIDENT OF
WARCHA WADA, VIRNODA, PERNEM
GOA.

(5) SHRI RAMNATH KHEMA PARAB,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF WARCHA WADA,
VIRNODA, PERNEM GOA.

(6) SHRI. PRAKASH SADASHIV PARAB,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF WARCHA WADA,
VIRNODA, PERNEM GOA.

(7) SMT. ANUSUYA SHASHIKANT
PARAB, MAJOR OF AGE, INDIAN
NATIONAL, RESIDENT OF WARCHA
WADA, VIRNODA, PERNEM GOA.

(8) SHRI. DHONDU GOVIND PARAB
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF WARCHA WADA,
VIRNODA, PERNEM GOA.

(9) SHRI. MAHADEV JAGANNATH PARAB, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF WARCHA WADA, VIRNODA, PERNEM GOA.

(10) SHRI. ASHOK ATMARAM PARAB, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF WARCHA WADA, VIRNODA, PERNEM GOA.

(11) SHRI. BHIKAJI LADU PARAB, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF WARCHA WADA, VIRNODA, PERNEM GOA.

(12) SHRI. BHAVESH VISHRAM PARAB, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF WARCHA WADA, VIRNODA, PERNEM GOA.

(13) SHRI. BALA NAMDEV PARAB, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF WARCHA WADA, VIRNODA, PERNEM GOA.

(14) SHRI. GUNAJI VISHNU PARAB, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF WARCHA WADA, VIRNODA, PERNEM GOA.

(15) SHRI. VITTU RAMA KANOOKAR, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF HANATI, DADACHIWAD, DHARGAL, PERNEM-GOA.

(16) SHRI. RAMNATH SAWLARAM KANOOKAR, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF HANATI, DADACHIWAD, DHARGAL, PERNEM-GOA.

(17) SHRI. VASUDEV NAVSO SHIRODKAR, MAJOR OF AGE, INDIAN NATIONAL, RESIDENT OF DADACHIWAD, DHARGAL, PERNEM-GOA.

(18) SHRI. PURUSHOTTAM DAJI

KANOOKAR, MAJOR OF AGE,
INDIAN NATIONAL, RESIDENT OF
HANATI, DADACHIWAD, DHARGAL,
PERNEM-GOA.

(19) SHRI. MAHADEV VISHNU
SHIRODKAR, MAJOR OF AGE,
INDIAN NATIONAL, RESIDENT OF
DADACHIWAD, DHARGAL, PERNEM-
GOA.

(20) SHRI. VASANT SITARAM
SHIRODKAR, MAJOR OF AGE,
INDIAN NATIONAL, RESIDENT OF
KAPNIWADA, DADACHIWAD,
DHARGAL, PERNEM-GOA.

... PETITIONERS

Versus

(1) STATE OF GOA, THROUGH ITS
CHIEF SECRETARY, HAVING OFFICE
AT SECRETARIAT, PANAJI-GOA.

(2) THE DEPUTY COLLECTOR & SDO
PERNEM SUB-DIVISION (LAND
ACQUISITION OFFICER),
GOVERNMENT OF GOA, PERNEM-
GOA.

(3) THE DIRECTOR, DIRECTORATE
OF SPORTS & YOUTH AFFAIRS,
GOVERNMENT OF GOA, CAMPAL,
PANAJI-GOA.

(4) SHRI V. M. PRABHUDESSAI,
DIRECTOR OF SPORTS & YOUTH
AFFAIRS, GOVERNMENT OF GOA,
CAMPAL, PANAJI-GOA.

... RESPONDENTS

(Deleted as per Order dtd. 19.09.2013)

Mr Jitendra Supekar with Mr A. Pandarbale and Mr Rozer Ray D'Souza,
Advocates for the Petitioners.

Mr Manish Salkar, Government Advocate for Respondents No.1 to 3.

CORAM: **M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATED: **16th JANUARY 2025**

JUDGMENT: (Per M. S. Karnik, J.)

1. The challenge in this petition is to the acquisition of land belonging to the petitioners for the purpose of construction of sports infrastructure at Dhargal, Pernem, Goa for 36th National Games 2011. The Section 4 notification dated 16.06.2009 under the Land Acquisition Act, 1894 ('said Act' for short), was published in the Official Gazette dated 25.06.2009. The proposed acquisition was of 13,26,875 sq.mtrs. of land at Dhargal, Pernem, Goa.

2. The petitioners filed objections under Section 5 of the said Act on 15.07.2009. Section 6 notification was published in the Official Gazette dated 17.05.2010. The acquisition was specified for 9,19,789 sq.mtrs. of land. The notice under Section 12(2) is dated 01.04.2011. A notification under Section 17(4) dated 10.11.2010 was issued for the construction of access road to sports city. A Corrigendum dated 24.06.2011 came to be issued removing the urgency clause. This petition came to be filed on 02.05.2011.

3. Mr Jitendra Supekar, learned counsel for the petitioners invited our attention to the objections raised under Section 5A by the petitioners vide

their communication dated 15.07.2009. The objections briefly stated are as follows.

4. The first of such objection being that the entire land is an agricultural land having Class-I agricultural potential and therefore should not be acquired as the same is not suitable for the notified purpose. With reference to the lands belonging to the petitioners it is submitted that there is cultivation of paddy and groundnuts.

5. The second objection was that the entire area proposed to be acquired being Class-I agricultural area, has been identified by the Government as the command area. There exists B-8 distributary canal from the Tillari Irrigation Project (TIP) laid for water supply to the area proposed to be acquired. The said distributary canal was constructed after the acquisition of land through various survey numbers which survey numbers are also proposed to be acquired. This canal has been constructed by incurring an expenditure of about Rs.4 to 5 Crores till date. As the entire area proposed to be acquired has been identified as command area under the Goa Command Area Development Act, 1997 (CADA for short), as a result of such acquisition, the whole object of providing for accelerated increase in agriculture and allied production in the State of Goa through program of compressive and systematic development of command area on scientific and modern lines is rendered futile. It is therefore the submission

that the area being classified as command area under the said Act should not be acquired for public purpose stated in Section 4 notification issued under the said Act.

6. The third objection is that the Regional Plan 2001 and recommendations of Task Force for Regional Plan 2021 proposed that lands with great agricultural potential ought to be conserved and developed as far as possible.

7. The fourth objection was that a place of religious importance known as 'Mhaskond' falls within the proposed acquisition. Every year the villagers from Dhargal, Walpe, Bhutwadi, Dadachi Wadi and Virnoda have a religious ceremony at 'Mhaskond' for pleading 'Jagekar' of Dhargal village. This tradition is practised since time immemorial. In terms of Circular dated 07.04.2003 of the Government of Goa, it was submitted that Mhaskond must be dropped from the proposed acquisition, otherwise, religious sentiments of the villagers will be hurt. The said Circular was relied upon to point out the instructions regarding the procedure for acquisition of land which states that fertile arable land and lands of religious institutions should be excluded from acquisition as far as possible.

8. The fifth objection was that the alleged public purpose in the said notification would require filling up of two major rivulet channels, which would lead to catastrophe in the immediate surrounding areas and

therefore should not be acquired as the same is not suitable for the notified purpose. On the basis of opinion of the experts, the petitioners submitted that any blockage in the channel would cause the decrease in pressure and the saline water of Chapora River would enter the rivulet channel. The sweet water flowing through the rivulet channels is utilized for cultivation of surrounding areas. The direct consequence of filling up of the rivulet would be that the saline water from Chapora river will enter in the dried up rivulet channel and consequently into the fields. As a result, certain weeds which grow would reduce the fertility of land to a great extent. It was submitted that the bore wells which are sunk would also be contaminated by saline water and therefore the entire water supply system would be paralysed. The objections highlighted that these two tributaries serve as natural water during the monsoons. An attempt to fill up the channels would occasion floods in the Dhargal village and other villages.

9. Sixthly, it is pointed out that there is alternate land which is better suited in comparison to the present land and therefore the present acquisition needs to be dropped. In the vicinity of Pernem Village there is a land which admeasures 13,00,000 sq.mtrs. and is located about 1.5 kms. away from the present acquisition. The nature of the said land is barren and uncultivated flat land and is ideal for construction of playgrounds and/or sports city. In contrast it was pointed out that the area under acquisition is under cultivation and is agricultural in nature.

10. The seventh objection taken was that the acquisition is directly due to malafide intervention of Shri Vasant M. Prabhudessai, the Managing Director of the Sports Authority of Goa. The parcels of land belonging to the Prabhudessai family are tenanted lands and therefore due to agricultural tenancy, the said land cannot be used for any other purpose other than agriculture under the Goa Land Use Act and also under the provisions of Agricultural Tenancy Act. As the land cannot be sold, the said Shri Vasant Prabhudessai, being in the position to influence the decision for acquisition of land for sports city, has ensured that the present land is notified. In the light of the present acquisition, the Prabhudessai family would get some compensation which they otherwise would not get. It is alleged that Shri Prabhudessai used his power as the Managing Director of Sports Authority of Goa to settle scores against the agricultural tenants.

11. It was then pointed out that the area proposed to be acquired is frequented by wild life such as rabbits, peacocks, mungus, wild boar, snakes, deers, wolves, different species of birds, etc. and these animals would lose their natural habitat. This also is likely to create environmental hazards.

12. The ninth objection was that the pockets of area proposed to be acquired are grazing fields for cattle from Dhargal as well as neighbouring

villages. These pockets are usually used by the villagers of Dhargal, Virnoda, Bhutwadi, Walpe and other neighbouring villages. There are no grazing grounds available in the vicinity. Therefore, the tenants who are producers of milk will also be affected directly.

13. The tenth objection was that there is a unanimous opposition from the local Gram Sabha from Dhargal village as well as Virnoda village.

14. Mr Supekar, the learned counsel for the petitioners then submitted that the petitioners/objectors sought leave to lead oral as well as documentary evidence in support of their objections and named several witnesses who were leading environmentalists at national level, experts in the field of agriculture in support of their objections to demonstrate that the acquisition is unjustified.

15. Mr Supekar submitted that the acquisition is in total breach of Section 5A of the said Act. The objections specifically raised by the petitioners are not dealt with in the Section 5A report. The petitioners also applied for leave to lead oral as well as documentary evidence in support of their objections and a list of witnesses was supplied. However, no opportunity was afforded by the Land Acquisition Officer to lead evidence.

16. Mr Supekar further submitted that reply of the respondents at para 12 stated that “it is not mandatory to give opportunity to lead evidence

which would mean that it was not necessary to give personal hearing upon filing of final objections”. This according to Mr Supekar is contrary to the decisions of the Hon’ble Supreme Court. He submitted that the inquiry under Section 5A was a total farce. The Land Acquisition Officer declined to visit the alternate site proposed by the petitioners during Section 5A inquiry. There was a total breach of the Goa, Daman and Diu Land Acquisition Rules, 1972 in the matter of admission of objections and their entertainability. Section 5A report makes no reference whatsoever to Section 5A objections of the petitioners including in particular the objection in relation to the alternate land which is well suited in comparison to the present land. There is no reference to the objections raised by the petitioners, that the proposed acquisition will desecrate religious place Mhaskond.

17. Mr Supekar submitted that there was no order from the appropriate Government under Section 7 of the said Act. However, this point was not pressed as in the affidavit in reply the respondents have stated that they have taken order under Section 7 of the said Act dated 06.09.2010, which was subsequently placed on record.

18. Mr Supekar submitted that under Section 6, two parcels of lands identified with no connectivity with each other was sought to be acquired. One parcel of land was proposed for sports infrastructure facilities like

running, track, athletic stadium, etc. On the other hand, a distinct parcel of land was proposed as PPP projects, shopping malls, hotels, amusements parks, etc. So far as the distinct parcel of land is concerned, the same has no nexus with providing infrastructural facilities for sports. Under the garb of providing sports infrastructure, the proposal was to give away the petitioners' lands to hoteliers and real estate developers to set up 5-Star hotels and real estate projects.

19. Mr Supekar, learned counsel for the petitioners submitted that vide order dated 27.03.2019, this Court directed the respondents to file affidavit in reply stating whether compensation in respect of the land acquired is deposited in the Court or not. The respondents filed affidavit dated 09.08.2019 to that effect. However in the said affidavit there was no statement as to the deposit of compensation with the EDC nor any document to that effect was placed on record. On 09.02.2024, the Government placed on record the documents to evidence that the land acquisition compensation has been deposited with the EDC. It is submitted that such a deposit with the EDC is not a deposit in terms of the said Act. The entire compensation ought to have been deposited in the Court in terms of Section 31 of the said Act. The deposit of compensation with the EDC is in breach of Section 31 of the said Act. It is submitted that since the compensation is not deposited in the Court in terms of the judgment of Apex Court in the case of *Indore Development Authority v/s.*

Manoharlal and Others – (2020) 8 SCC 129, the consequence thereof would entail the petitioners for compensation in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act of 2013). The EDC which is a Government Corporation does not come within the meaning of ‘COURT’ as provided for under Section 31 of the said Act.

20. Learned counsel for the petitioners was at pains to point out that the proposed land acquired is a malafide exercise, as the intent was to acquire the land and then allot it to the private parties to set up 5-Star hotels, shopping malls and real estate projects. Moreover, according to the learned counsel, the Minister concerned had assured the petitioners that to the extent the lands are proposed to be allotted to private entities, the same would be dropped from acquisition. A contention is also taken that the lands are acquired without seeking environmental clearance under the Environment Protection Act. Learned counsel was at pains to point out that out of the 9,00,000 sq.mtrs of land which is the subject matter of acquisition, almost 7,80,000 sq.mtrs is a fertile agricultural land.

21. Learned counsel for the petitioners relied upon the following decisions in support of his submissions:-

- (a) *Ibaldo Alvito Gomes v/s State of Goa, reported in 2010 (3) BCR 836.* (relevant paras 22, 24 and 31)
- (b) *Khushalrao Tulsiramjui Pandao v/s State of Maharashtra, reported in 2001 (Supp) BCR 706.* (relevant paras 10, 11 and 15)
- (c) *Shri Mandir Sita Ramji v/s Lt. Governor of Delhi. reported in 1975 (4) SCC 298.* (relevant paras 5 and 6)
- (d) *Bedenshah Fatenshah Fakri v/s The State of Maharashtra, reported in 1980 BCR 791.* (relevant paras 10, 11, 12, 13 and 14).
- (e) *Hindustan Petroleum Corpn. Ltd. Darius Shapur Chenai, reported in 2005 (7) SCC 627.* (relevant paras 8, 9, 10, 11, 12, 15, 16, 18, 19 and 29)
- (f) *Charles Pais v/s State of Goa, reported in 2004 Goa L.T. 389.* (returning possession of land) (relevant para 6, 7, 8)
- (g) *Greater Noida Industrial Development Corporation v/s Devendra Kumar, reported in 2011 (12) SCC 375.* (returning back possession of land along with compensation) (relevant paras 27, 38, 43, 44, 45 and 46)
- (h) *Chairman, Indore Vikas Pradhikaran v/s Pure Industrial Coke & Chemicals Ltd. reported in 2007 (8) SCC 705.* (right to property) (Relevant paras 53, 54, 55, 56, 57, 58, 59)
- (i) *Karnataka Industrial Areas Development Board v/s C. Khenchappa, reported in 2006 (6) SCC 371.* (Environmental Clearance under the EIA notification)
- (j) *Royal Orchid Hotels Limited V/s G. Jayaram Reddy and Ors, reported in 2011 (10) SCC 608* (Relevant Paras 32, 33, 34, 35, 36, 37, 38, 39 and 40)
- (k) *Uddar Gagan Properties Ltd. V/s Sant Singh and Ors., reported in 2016 (11) SCC 378-* Relevant Para 2 and 3-Facts, 5-High Court Order, 17, 18, 19, 22, 23 to 33.

22. Mr Manish Salkar, learned Government Advocate on the other hand invited our attention to the Section 5A report dated 15.04.2010 which is at page 73 of the paper book to submit that all the objections of the petitioners are duly considered by the Land Acquisition Officer. The petitioners were given a hearing and all the objections were considered. No case is made out to conclude that there is breach of Section 5A or no hearing was granted to the petitioners in the inquiry under Section 5A of the said Act. It is submitted that the report considers the objections raised and this cannot be said as a case of non-application of mind. It is submitted that this petition is barred by delay and laches. This petition has been filed after the award was made by the Land Acquisition Officer and even possession was taken. It is urged that belated petition ought not to be entertained in land acquisition matters. Learned Government Advocate invited our attention to the affidavit in reply filed by Pandharinath Naik who was then posted as Under Secretary (revenue), Government of Goa.

23. We have heard learned counsel for the petitioners and learned Government Advocate at length. We have perused Section 5-A report carefully. The LAO upon considering the objections raised recommended the proposed area may be acquired for the said project. Copy of the survey plan, survey report and inspection report along with the draft notification under Section 6 was forwarded to the Collector, North Goa District.

24. Let us briefly examine the aspects considered by the LAO before submitting the report. All objections received from the interested parties were referred to the acquiring department and in turn para-wise comments which were received were dealt with. The objectors who objected to the land acquisition were heard by the LAO.

25. The main objection of the objectors was that the said land should not be acquired for the said project, as apart from the other objections raised, the land under cultivation was their main source of livelihood. The acquiring department after holding a meeting decided to exclude some land falling under cultivation and request of some of the objectors was considered by de-notifying some land under Section 48 of the said Act. For the purpose of Tillari Irrigation Project, a water distributary line was to pass from Dhargal via Pernem Taluka. The LAO observed that merely because the line is passing through the respective survey number, it cannot be said that the same is for supplying water to the proposed land to be acquired for the purpose of irrigating that particular area. The acquiring department by its letter dated 12.11.2009 informed that the Goa Tillari Irrigation Development Corporation has given the required NOC to acquire land falling under the command area.

26. Further, the council of Ministers in the cabinet meeting held on 17.03.2009 accorded approval for acquiring the land which falls under the

command area for Tillari Irrigation Project. There was site inspection carried out where it was found that some part of the land is rocky land. The LAO was therefore of the opinion that the objection raised that the entire acquired area is a field under cultivation cannot be accepted. The report further records that though the objectors submitted that the experts had opined that the major part of the land is Class-I agricultural land, however no such expert report was produced before the LAO.

27. Further, the acquiring department had already informed that the cultivable area like paddy fields, mango plantation has been dropped from acquisition wherever it is possible. Section 5-A report read as a whole reveals that the objections of the objectors were duly taken into consideration. The report reveals that some of the land is partly rocky land and not entirely farm/garden land. The LAO observed that the acquisition is in national interest which also includes the interest of the local people.

28. So far as the objection that the acquisition was due to the malafide intentions of Shri Vasant Prabhudessai who happens to be the Managing Director of the Sports Authority of Goa is concerned, the LAO took into consideration that major portion of the land belonging to the Prabhudessai family is in the possession of the tenants. Out of five survey numbers, the name of Prabhudessai family is recorded only in one survey number and that also as co-occupants along with others. It was for this reason that the

contention of the objectors that the land was acquired for the benefit of Prabhudessai family was not accepted. Most of the objections of the objectors were similar in nature except for survey number and name of the occupants/tenants. After taking into consideration the inspection report and the nature of the land as indicated earlier, the acquiring department had decided to exclude some part of the fertile paddy land.

29. Further, as regards the objection that the said area is command area and therefore the water supply distributary B-8 of Tillari Irrigation Project is laid in the said area is concerned, the LAO during site inspection with the acquiring department noticed that not a single paddy field was seen nor there were any marks of paddy being cultivated in the recent part. During the said inspection, not a single open well, bore well or structure which can be said as farm house or cow shed or poultry which relates to agricultural activities or activity of animal husbandry or poultry farming or any allied activity was seen on the land which was proposed to be acquired. It is for this reason that the objection did not find favour with the LAO. Moreover, the acquiring department had obtained NOC from the Tillari Irrigation Project for acquisition of land. The total area proposed to be acquired under Section 4 was 13,26,875 sq. mtrs., out of which area the area admeasuring 7,90,575 sq. mtrs. falls under the command area for which NOC was already granted by the GITDC. The land admeasuring

1,15,500 sq.mtrs. falling in the command area was excluded from acquisition by the acquiring department.

30. Even the objections regarding the constructions proposed to be made will impend the natural flow of water from the tributaries/water bodies was considered. The LAO observed that the infrastructural development includes maintaining flow of water and natural drainage system. The LAO did not find that the sluice gate would be affected as it was found that the Chapora river is situated at a distance of 3 to 4 kms from the proposed acquisition. This aspect was given due consideration and the fear expressed by the villagers that the saline water from the river will come in the fields was also found to be unacceptable. The LAO noted that there is no natural water body or nullah in the subject land except the natural drainage of flow of rain water. At the cost of repetition it may be stated that an area of 4,43,386 sq.mtrs. was dropped from acquisition upon physical verification. The acquisition was for a public purpose of construction of sports infrastructure for hosting of the 36th National Games 2011 at Dhargal. The Government granted approval for acquisition in January 2009.

31. We have also gone through the pleadings on record. Upon taking an overall view of the matter, we do not find that the petitioners have been able to demonstrate any infraction of the provisions of the said Act or for

that matter the Rules called the Goa, Daman and Diu Land Acquisition Rules, 1972.

32. The decisions relied upon by the learned counsel for the petitioners do not support the cause of the petitioners having regard to the fact that the acquisition was in public interest and that the objections of the objectors were duly taken into consideration and therefore there is no case made out to conclude that there has been a breach of Section 5-A or that no full and effective hearing was granted to the petitioners in the inquiry under Section 5-A. The report under Section 5-A cannot be said to be a case of non-application of mind. A reference to the decision of this Court in *Maria Silvia Pinho (Deceased) through her LRs. v/s. State of Goa and Ors. - 2021 SCC OnLine Bom 13967* is significant. Relevant paragraph 24 of which reads thus:-

“24. Be that as it may, there is no case made out to conclude that there has been a breach of section 5-A of the said Act or that no full and effective hearing was granted to the petitioner in the inquiry under section 5-A of the said Act. The report considers the objections raised and this cannot be said to be a case of non-application of mind. Therefore, the decisions relied upon by the petitioner, which turn on the incomparable factual aspects, cannot assist the case of the petitioner. In Hindustan Petroleum Corpn. Ltd. (supra) the Hon'ble Supreme Court has explained the importance of hearing under section 5-A of the said Act. In this case, since such hearing was granted to the petitioner, this decision will not be of much assistance to the case of the petitioner.”

33. We find that Section 5-A report records that the objections were duly heard. Till the passing of the Award no objection was raised by the petitioners as to the failure on the part of the LAO in granting a proper hearing. We therefore do not find any merit in the petition.

34. Before parting, we must place on record the emphatic plea of the learned counsel for the petitioners that though the land was acquired for the National Games to be held in the year 2011, such games were never held. It is the plea of the learned counsel for the petitioners that no purpose was served by the acquisition of huge tracks of land at the cost of snatching such lands from the petitioners which was their only source of livelihood. Moreover, it is submitted that some part of the land was used for a different purpose by allotting some portion to Ayush Center. It is submitted that some parcels of the land are likely to be allotted to private entities as also to the Goa Cricket Association. We do appreciate the pain of those who have lost lands. However, possession is taken and compensation has been deposited under the said Act.

35. It is not possible for us to grant compensation in terms of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 as requested for by the learned counsel for the petitioners, as the land was already acquired and possession taken prior to the coming into force of the new legislation. We can only

sympathise with the petitioners as that is the consequence of law once the award is made and possession taken. When the land was to be acquired, public purpose was demonstrated and it existed. The decision in *Indore Development Authority v/s. Manoharlal & Ors. (supra)* relied upon by the learned counsel for the petitioners, in our opinion is not an authority for the proposition canvassed that the petitioners are entitled to a fair compensation in terms of the provisions of the new legislation i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

36. We make it clear that the land which is acquired for public purpose is intended to be allotted to any private entities, is not an aspect we have examined. This will be a separate cause of action. We leave the remedies of the petitioners open in that regard to be pursued in accordance with law. We are not expressing any opinion in this regard as the present petition is essentially challenging the land acquisition award.

37. The present petition is dismissed. Rule discharged with no order as to cost.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.