

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.162 OF 2010

Bhoomi Bachav Kiranti Samiti.] ... Petitioner

Versus

The State of Maharashtra & Ors.] ... Respondents

Mr. Sagar Mane i/b Mr. N. V. Bandiwadekar for Petitioner.

Ms. S. S. Bhende, AGP for State Respondent Nos.1 to 4.

Ms. Dakshaja Yeolekar i/b M/s. TRD Associates for Respondent No.6.

**CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.**

DATE :- 19 APRIL 2017

P. C. :-

1. The petition is filed seeking following reliefs :-

- “a] *Rule nisi be issued and records and proceedings be called for,*
- b] *By a suitable Writ, Order or direction this Hon'ble Court be pleased to direct the Respondent No.5 to make necessary arrangements for basic amenities / facilities such as establishment of market, bazaar, school, post office, Talathi office etc. at Village Chippi, Taluka Vengurla, District Sindhudurg, since the villagers in the said village would be deprived of the said amenities facilities which are presently available in the adjoining Parule village on account of the proposed construction of airport by Respondent No.6 on the lands acquired by the Respondent No.5 from the villagers of Chippi, Parule and Karli villages in Taluka Vengurla, District Sindhudurg.*
- c] *By a suitable Writ, Order or direction this Hon'ble Court be pleased to direct the Respondents No.1 to 5 to provide opportunities of employment to the land holders of Chippi, Parule and Karli villages in Taluka Vengurla, District*

Sindhudurg whose lands have been acquired by Respondent No.5 for construction of airport and the same are leased to Respondent No.6.

- d] *By a suitable Writ, Order or direction this Hon'ble Court be pleased to direct the Respondents No.1 to 5 to provide developed lands to the extent of 12.5% of the lands which have been acquired from the land holders at Chippi, Parule and Karli villages in Vengurla Taluka, District Sindhudurg by the Respondent No.5 for the alleged public purpose of construction of airport.*
- e] *By a suitable Writ, Order or direction this Hon'ble Court be pleased to direct the Respondent No.5 to pay such additional amount of compensation, as may be determined by this Hon'ble Court, to the land holders in Chippi, Parule and Karli villages, Taluke Vengurla, District Sindhudurg, whose lands have been acquired for the public purpose of construction of airport and later on the said lands have been leased by Respondent No.5 to Respondent No.6 thereby earning huge profit therefrom.*
- f] *By a suitable Writ, Order or direction this Hon'ble Court be pleased to restrain the Respondents No.1 to 5 from taking any further steps for acquisition of lands admeasures 834 Hectors in Village Chippi and Parule in Taluke Vengurla, District Sindhudurg, which have been notified as Industrial Area by Government Notification dated 3/5/2007 issued by the Respondent No.2.*
- g] *By a suitable Writ, Order or direction this Hon'ble Court be pleased to restrain the Respondents No.1 to 5 from using / utilizing any land in excess of the land admeasuring 272 Hectors which is acquired for Respondent No.5 for construction of airport at villages Chippi, Parule and Karli, Taluka Vengurla, District Sindhudurg.*
- h] *Pending the hearing and final disposal of this Petition, the Respondents No.1 to 5 be restrained by an order of injunction of this Hon'ble Court from making any construction or development on the lands acquired in village Chippi, Parule and Karli, Taluka Vengurla, District Sindhudurg :-*
- i] *Unless and until the Respondents No.1 to 5 make alternate arrangements for providing basic amenities to the residents of Chippi Village such as establishment of bazaar, post office, school, Talathi office etc.,*
- ii] *Unless and until the Respondents make provision for opportunities of employment to the persons / land holders who are affected by acquisition of the*

- said lands.*
- iii] *Unless and until the Respondents No.1 to 5 provide to the affected land holders the developed land to the extent of 12.5% of the land acquired from them.*
 - i] *Pending the hearing and final disposal of this Petition, the Respondents No.1 to 5 be restrained from proceeding further in the matter of acquisition of the lands notified as Industrial Area under the Government Notification dated 3/5/2007 issued by Respondent No.2 in respect of the lands situated at village Parule and Village Chippi, in Taluka Vengurla, District Sindhudurg.*
 - j] *Pending the hearing and final disposal of this Petition, the Respondents No.1 to 5 be directed to pay to the affected land holders in Villages Chippi, Parule and Karli, Taluke Vengurla, District Sindhudurg, such amount as and by way of additional compensation in view of the Respondent No.5 earning huge profit by leasing the said acquired land to the Respondent No.6.*
 - k] *Costs of this petition is provided for.*
 - l] *Any other order necessary in the interest of justice may kindly be issued.*

2. On perusal of the entire PIL, nowhere it is mentioned that the land where the market, bazaar, school, post office, Talathi office etc. in the villages of Taluka Vengurla, District Sindhudurg, have been wiped off on account of acquisition of land for the airport at Sindhudurg. The petitioner further contends that on account of proposed construction of airport by respondent no.6 on the lands acquired by respondent no.5 from the villagers of Chippi, Parule and Karli villages in Taluka Vengurla, District Sindhudurg, there has to be some employment to the land losers. The petitioner also contends that since respondent nos.5 and 6, on the construction of airport, would make huge profit, the land losers must get additional compensation. On earlier occasion also, the Bench had directed the

petitioner to substantiate the basis for the claims in the present PIL.

3. In the absence of the amenities like post office, bazaar, school are not being taken away from a particular place on account of establishment of airport, we fail to understand why prayer (b) asking such amenities to be provided, is made. Even otherwise, such amenities are required for any civilized society and if they are not provided, it is always open to the villagers to approach the concerned authorities for providing such amenities. If not, definitely the demand should be on a different floor and not on the floor of the Court.

4. So far as employment to the land losers, it depends upon the scheme evolved by the Government for a particular project. If the scheme in question is provided for such facilities, if the land losers are not given such facilities, individual land loser has to seek such remedy by initiating appropriate proceeding and there cannot be a mass prayer and mass relief in that regard.

5. Learned Counsel for petitioner submits that the lands were acquired initially for industrial purpose but now the purpose is changed. Once the lands are acquired, even if the purpose for which the lands were acquired does not take place or modified or deviated, as long as the purpose the lands are used is benefiting the public at large, we cannot find fault with the acquisition itself. However, there is no such prayer though averments of the PIL say so, which is substantiated by the arguments as well. Even if excess land is acquired, the individual owners of the land whose lands are not made

use of, are at liberty to approach the authorities concerned if the procedure provides seeking deletion of the lands from acquisition and the same has to be considered in accordance with the procedure contemplated. Therefore, none of the prayers sought in the present PIL can be allowed by positive directions to the authorities concerned. However, it does not preclude the villagers demanding such amenities which can be provided by the State through its various departments.

6. With these observations, the PIL is disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)