

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5004/2018

Vilas S/o Vankatrao Patil & ors.

..VS..

State of Maharashtra & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI AND
Z.A.HAQ, JJ.
DATED : 13/08/2018

1] Heard Advocate Kale and Ms. H.N. Prabhu
learned AGP.

2] It appears that about 113 hectares of land was
acquired as per the award dated 18/01/1982.

3] On 28/12/2016, office of Collector found that
about 40.31 hectares of land out of acquired land was lying
unutilized. Hence, it was surrendered to State Government
and State Government thereafter has allotted it to a company
by name Jain Farm Fresh Foods Ltd.

4] Petitioners to whom these lands belonged earlier
have already received full compensation. Not only this,
despite that they continued in possession and cultivated it.

5] By placing reliance upon judgment of the Hon'ble
Apex Court **reported at (2016) 11 SCC 378 (Uddar Gagan**

Properties Limited vs. Sant Singh and others), contention is acquisition gets vitiated because of this allotment.

6] Perusal of the judgment delivered by the Hon'ble Apex Court particularly para no. 3 shows the points raised before it. There contention was object behind the impugned acquisition was not to achieve a bonafide public purpose but to use it as a cloak for private benefit of a builder cum developer. Hon'ble Apex Court has looked into the facts and found that under the guise of acquiring the land for public purpose, interests of a builder cum developer were being catered.

7] Facts at hand do not show such a state of affairs. Merely because some quantity of land found lying unutilized at the end of project is surrendered back to State Government or then State Government allots that land to some company, inference that initial acquisition itself was vitiated cannot be drawn.

8] Needless to mention that petitioners before us are not challenging the allotment of Government land to Jain Farm Fresh Foods Limited on any other count.

9] We do not see any substance in the challenge as raised. Petition is therefore rejected. No costs.

JUDGE

JUDGE