

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL WRIT PETITION NO.497 OF 2015

1. Milagres Cipriano Fernandes @
Cipriano Fernandes
Major of age, R/o. Pedda, Ambelim
Assolna, Salcette, Goa-403701.

2. Mrs. Maryfly Pereira e Fernandes
Major of age, R/o. Pedda, Ambelim Assolna,
Salcette, Goa- 403701

3. Mr. Epifanio Pereira
Major of age. H. No.50, P.O. Cananguinim,
Cuncolim, Goa-104703

4. Mr. Lourenco Santano Pereira
Major of age, H.No. 50, Cananguinim Taluka,
Quepem, Goa.

5. Mrs. Precy Pereira e Fernandes
Aged 52 years, H. No.50, Cananguinim Taluka,
Quepem Goa.

6. Mr. Batista Octavio Mariano Vincente
Fernandes Lobo @ Mr. Octaviano Lobo
Aged 75 years, R/o. Praceta Moinho da Baba No.6-3C
Casal Sao Bras 2700-590, Amadora Portugal.
Through his power of Attorney holder
Mr. Alan Acacio Camara,
Age 54 years, Borda, Margao Goa.

...Petitioners

Versus

1. The State of Goa,
Through its Chief Secretary
Secretariat, Porvorim, Goa.

2. The Special Land Acquisition Officer,
GIDC, having office at Patto Plaza, Patto,
Panjim-Goa.

3. The Goa Industrial Development Corporation Ltd.,
through its Chairman, Patto Plaza, Panaji, Goa.

4. M/s. Betul Hospitality Parks Pvt. Ltd.,
(a) A private company with its office at
153 Maker Chambers, III, Nariman Point,
Mumbai.
(b) Registered Address: 2/258, Porbavaddo,
Calangute, Bardez-Goa.

...Respondents

Mr. Nigel Da Costa Frias with Mr. S. Coutinho with Mr. V. Sawant and Ms. Laxmi Sawant, Ms. B. Andrade Advocate for Petitioners.

Mr. Pravin N. Faldessai, Additional Government Advocate for Respondent Nos. 1 and 2.

Mr. Nikhil Pai with Mr. N. Vernerkar Advocate for Respondent No.3.

Mr. Yogesh V. Nadkarni with Mr. N. Noronha and Ms. Simran Khadilkar, Advocates for Respondent No.4.

**CORAM : PRAKASH D. NAIK &
BHARAT P. DESHPANDE, JJ.**

**RESERVED ON : 8th SEPTEMBER 2023
PRONOUNCED ON : 12th FEBRUARY 2024**

JUDGMENT: (PER PRAKASH D. NAIK, J.) :-

1. The petitioners have invoked Article 226 of the Constitution of India challenging the notification dated 15th June 2006 issued under Section 4 of the Land Acquisition Act, 1894; notification dated 1st December 2006 issued under Section 6 of the Land Acquisition Act, 1894; Award dated 12th April 2007 passed by Special Land Acquisition Officer, Goa, Lease Deed dated 22nd May 2007 executed by Respondent No.3 in favour of Respondent No.4 in respect to acquired land. Petitioners are also seeking directions that,

Respondent No.3 be directed to transfer the land back to the petitioners after terminating the lease dated 22nd May 2007.

2. The Petitioners contend that, the petitioner No.1 and 2 were co-owners of the property bearing survey Nos. 79/1, 80/1 and 80/3 of village Quitol, Quepem Taluka, South Goa admeasuring areas around 2,46,000/- m². The property originally belonged to grand-parents of Petitioner No.1. They were survived by son Antonio Xavier Fernandes, (father of petitioner No.1). Petitioner No.3 and 4 are co-owners of property bearing No. 80/1, 80/2 of village Quitol. The Petitioner No.5 is the co-owner of property bearing survey No.80/1 and 80/3 of village Quitol. Petitioner No.6 is claimed to be co-owner of the property survey Nos. 80/1 and 80/2 of village Quitol. The Petitioners are interested in the aforesaid properties which were acquired for setting up of auxiliary services for food park at Quitol, Quepem Goa, which was acquired by the Government of Goa vide notification dated 1st December 2006 bearing no.22/19/2006-RD issued under Section 6 of the Land Acquisition Act, 1894. The Government of Goa invoked the provisions of Section 17(4) of the Land Acquisition Act and took symbolic possession of the land. Vide notification dated 15th June 2006 bearing No.22/19/2006-RD issued under Section 4 of the Land Acquisition Act, 1894 the Government of Goa in exercise of its powers under Section 17(4) of the said Act, excluded the provisions of Section 5(A)

of the Land Acquisition Act and dispensed with compliance of the same for the purpose of acquisition. The Petitioners and other affected land owners wanted to file strong objections to the land acquired by Government. However, by invoking urgency clause, the Goa Industrial Development Corporation (for short "GIDC") (Respondent Nos. 2 and 3) has denied the right of villagers to file objections to the acquisition process. Notices were issued to the affected parties under Sections 9 and 10 of the Land Acquisition Act by Respondent No.2. Award dated 12th April 2007 was made by Respondent No.2.

3. Learned Advocate for the Petitioners submitted as under:-

- (i) The acquisition was for private company and not for "public purpose" as defined under Section 3(f) of the Land Acquisition Act, 1894.
- (ii) The acquisition was for private company i.e. the Respondent No.4. This was not disclosed in the notification issued under Section 4 of the Act. The purpose for the acquisition was deliberately kept vague and the real purpose was concealed from the land owners and interested parties.
- (iii) Compliance of Section 5(A) of the Land Acquisition Act dispensed with valuable right of the land owners to object the acquisition was taken away though there was no dire urgency to proceed with the acquisition.
- (iv) Since, the acquisition was for a company, it cannot be for a public purpose as defined under Section 3(f) of the Land Acquisition Act.

Procedure under Sections 39 to 42 of the Land Acquisition Act were not followed. Rules 3 and 4 of the Land Acquisition (Companies) Act, 1963 were not complied.

(v) The acquisition of the land commenced with letter dated 24th November 2005 written by Respondent No.4 to Respondent No.3 requesting to acquire the land identified in Survey Nos. 78, 79, 80, 81 and 83 of Quitol and Survey Nos. 114, 115, 116, 117, 118, 119, 120, 121 and 122 of Naquerim. The respondent No.4 also that, they were willing to sign the pre-acquisition agreement so that the cost of acquisition as well as the cost of land will be provided by them as soon as the land is acquired.

(vi) The documents indicate that, land acquisition was clearly for Respondent No.4 and for its business purposes. The pre-acquisition agreement dated 22nd March 2007, Lease Deed dated 22nd May 2007 between Respondent Nos. 3 and 4, file noting dated 6th December 2005, minutes of the 295th meeting of the GIDC dated 9th March 2007, file noting dated 5th December 2006, 17th November 2006, 5th December 2006 and 25th April 2007, Agenda of the 285th Board meeting of GIDC dated 7th February 2006. The project report submitted by Respondent No.4, plaint in Civil Suit No. 32 of 2010, letter dated 19th January 2006 indicate that, land was acquired by Respondent No.1 ostensibly for the Respondent No.3 and it was transferred to the Respondent No.3, who leased the same to the Respondent No.4 in terms of the pre-acquisition agreement dated 22nd March 2007.

(vii) The acquisition was for the benefit of Respondent No.4, though it was tried to be represented that, it was for the benefit of Respondent No.3.

(viii) The acquisition would be covered by Part VII of the Land Acquisition Act which deals with acquisition of land for companies and that the mandatory provisions of Sections 39 to 42 of the said Act were not complied. The previous consent of the appropriate Government for the acquisition, previous inquiry, execution of the agreement in accordance with Section 41 and publication of agreement were not complied.

(ix) Section 3(f) which defines the expression “Public Purpose”, excludes acquisition of land for companies.

(x) There is no public purpose in this acquisition as Respondent No.4 intends to set up a resort, IT park, corporate park, construct a hotel, villa’s etc. in the said properties. It is to develop its own business and not for any public purpose.

(xi) The purpose of the acquisition as per the Section 4, notification is setting up of auxiliary services for food park at Quitol village. This expression is vague. Public purpose must be clearly stated in Section 4 notification.

(xii) No order is issued by Government under Section 7 of the Land Acquisition Act directing the Collector to take order for the acquisition of land.

(xiii) No grounds were made out for dispensing with Section 5(A) inquiry

by invoking provisions of Section 17(4) of the Land Acquisition Act.

(xiv) The issuance of the declaration under Section 6 of the said Act that the land is needed for a public purpose has to be preceded by the consideration of the report made by the Collector/land Acquisition Officer under Section 5(A) of the Land Acquisition Act. The Government has to apply its mind to the report of the Collector and take a subjective decision as to whether to proceed with the acquisition or not. Compliance with Section 5(A) of the Act is facet of natural justice.

(xv) The provisions of the Act have to be strictly complied and opportunity of being heard has been expressly conferred by statute and the same must be scrupulously complied.

(xvi) Till date, the land is lying vacant and underutilized due to the disputes between Respondent No.3 and 4.

(xvii) Invocation of powers under Section 17(4) of the Land Acquisition Act has to be preceded by an opinion of the appropriate Government that the provisions of sub-section (1) and (2) of Section 17 are applicable.

(xviii) The entire process was vitiated on account of fact that it was misrepresented to them and other land owners that the acquisition was for public purpose and was meant for the Respondent No.3. However, subsequently, it was revealed that, acquisition was for the benefit of the Respondent No.4, private company and process was initiated at his request and the entire costs of acquisition was borne by Respondent No.4. The

procedure prescribed under part VII of the Land Acquisition Act, 1894 ought to have been complied with.

4. Learned Advocate for the Petitioner has relied upon the following decisions:-

- (i) Pooran & Ors. Vs. State of U.P. and Ors.¹
- (ii) Kedar Nath Yadav Vs. State of West Bengal and Ors.²
- (iii) Devinder Singh and Ors. Vs. State of Punjab and Ors.³
- (iv) Madhya Pradesh Housing Board Vs. Mohd. Shafi and Ors.⁴
- (v) Harakchand Misirimal Solanki Vs. The Collector Collector Office Land Acquisition Branch Pune & Ors.⁵
- (vi) Union of India and Ors. Vs. Krishan Lal Arneja and Ors.⁶
- (vii) ESSCO Fabs Pvt. Ltd. and Anr. Vs. State of Haryana and Anr.⁷
- (viii) Raghubir Singh Sehrawat Vs. State of Haryana and Ors.⁸

5. Learned Additional Government Advocate for Respondent Nos. 1 and 2 Mr. Faldessai submitted that, Goa Government has not acquired land for any company or Respondent No.4. The land was acquired for public purpose of setting up auxiliary services to Food Park and was thereafter handed over to Respondent No.3 which is a statutory body established under the Goa Industrial Development Act 1965 for carrying out the development. The claim of petitioners was referred to District Court South

1 2009 SCC OnLine ALL 1841

2 (2017) 11 SCC 601

3 (2008) 1 SCC 728

4 (1992) 2 SCC 168

5 2009 (1) ALL MR 799

6 (2004) 8 SCC 453

7 (2009) 2 SCC 377

8 (2012) 1 SCC 792

Goa, Margao, vide letter dated 23rd April 2007 accompanied by the cheque totaling amount of Rs.1,18,29,537/- for decision and adjudication. The said Court returned the amount of compensation vide letter dated 1,43,10,729/- including the interest accrued thereon as per order dated 13th August 2009 passed by the said Court. Vide letter dated 10th September 2009, the State Bank of India, was asked for calculation of the interest proportionately on the compensation to be paid to the interested persons under reference so as to resubmit the case to the said Court for decision. On receipt of the compliance from the said Bank vide its letter dated 17th September 2009, all the cases were again submitted to the Court under Section 30 of the Land Acquisition Act, 1894 vide order dated 29th September 2009 along with the compensation amount for decision and apportionment of the payment of the compensation accordingly. The amount of Rs.1,43,10,729/- was resubmitted to the District and Sessions Court, Margao vide letter dated 29th September 2009. The procedure and formalities of the land acquisition proceedings were carried out as per authorization given by the Government through notification. The petitioners were aware of the land acquisition proceedings initiated and purpose for which it was initiated. If the petitioners had any grievance against the acquisition, they should have challenged the same at the earliest possible opportunity and not at the belated stage. The petitioners have approached this Court belatedly. The petition be dismissed on the point of delay and laches. The land is acquired

for Respondent No.3 for public purpose. The Respondent No.3 is governed by GID Act. The Respondent No.3 is vested with necessary powers to lease the land so acquired to anyone to carry out its statutory functions. The Petitioners are not right to contend that Sections 39 to 42 of the Land Acquisition Act are applicable to the present case. The land is not acquired for the corporate and commercial benefit of the any company, it is acquired for public purpose. The question of invoking part VII of the Act does not arise. From the notification issued under Section 4 of the Act, is it clear that, the land in question is acquired since, it is needed for public purpose i.e. for setting up auxiliary services for food park at Quitol village of Quepem. The Petitioners were duly notified about the land acquisition and have even appeared before the Authority in the land acquisition proceedings which can be seen from the award dated 12th April 2007. If the petitioners had any objections to the purpose for which the land was acquired, they should have objected immediately. Sections 13, 14, 27, 28 and 29 of the GID Act, makes it clear that, Respondent No.3 is vested with all necessary powers to acquire, use and lease out the land for carrying out the functions entrusted under the Act. Respondent No.3 is empowered to acquire and hold property and to lease, sell exchange or otherwise transfer any property held by it and such conditions as may be deem proper by the Respondent No.3. Therefore, no fault can be found in the land acquisition.

6. Learned Advocate for Respondent No.3 submitted that, there is enormous delay in challenging award. The land vest with GIDC. Petitioners has not established title land acquisition proceedings are followed as per the procedure and there are no malafide or illegality in acquisition proceedings. As per Section 27 of GIDC Act, 1965, any land required by corporation for carrying out in its function shall be deemed to be needed for public purpose and may be acquired under the provisions of the Land Acquisition Act, 1894 or any other law for time being in force. The respondent No.2 had made reference under Section 30 of the Act since, there was a title dispute and also due to petitioners failure to establish their ownership over the land acquired for the public purpose. Meeting of the corporation was held on 1st August 2005. Proposal was mooted for acquisition of land at Barcem, Balli, Betul, Morpirla and Naquirim Village of Quepem Taluka in order to develop economic activity and employment generation. The proposal was received from Respondent No.4 on 24th November 2005 with request for 10 lakhs sq. meter area for setting up of a resort along with institute of hotel management and catering college which would render ancillary services to the proposed food part at Betul. The proposal was mooted to acquire the land. The proposal of Respondent No.4 was rejected. The Board's proposal to acquire land for setting up of auxiliary services for food park at Quitol/Naquerrim Village in Quepem Taluka was approved. Accordingly, the lands bearing Survey Nos. 115, 116,

117, 118, 119, 120, 121 and 122 of Naquerim Village and Survey Nos. 78, 79, 80, 81 and 83 were acquired. Process of acquisition was initiated by Respondent obtaining the necessary approvals. It was decided to carry out feasibility study and detailed project report to set up the food park. Consultants were appointed. Respondent No.4 indicated that they are willing to sign joint venture with respondent No.3 and ready to offer 10% equity in the project proposed by respondent No.4. The said proposal was placed in the meeting on 9th March 2007. It was decided not to enter into equity participation. The agreement with Respondent No.4 was executed on 22nd March 2007. deed of lease was executed with Respondent No.4 on 22nd May 2007. Proclamation under Section 37(A) of the GIDC Act issued declaring the acquired lands as industrial areas. The fact that the area was declared as the industrial area is conclusive proof of the fact that the acquisition was for public purpose. The compensation in respect of the land under acquisition was borne by Respondent NO.3 and not by Respondent No.4. The amount of Rs. 1,14,,10,000/- was deposited by Respondent No.3 with EDC Limited. The contentions of the petitioners are devoid of merits.

7. The Respondent No.4 contends that, Section 4 notification dated 15th June 2006 as well as section 6 notification dated 1st December 2006 referred to the public purpose which is evident from the fact that, the land acquisition is for setting up auxiliary services for food park at Quitol village

at Quepem Taluka. The land was acquired for public purpose for setting up auxiliary services to food park and thereafter handed over to Respondent No.3 which is statutory body. It is not the case of the petitioners that they were unaware of Section 4 notification in the petition itself it is mentioned that notices were issued to affected parties under Sections 9 and 10 of the Act. Some of the petitioners have participated in the acquisition proceedings before the land acquisition officer prior to passing of the award dated 12th April 2007. The award was made on 12th April 2007. Possession of the land was taken on 17th April 2007. The petition is filed in 2015. After execution of lease deed, the possession of the land has been handed over by Respondent No.3 to Respondent No.4 on 24th April 2007. The land is acquired by Respondent No.3 for public purpose. Once, the land is vested in the Government, it is open to the Government to lease out the same even to private party for carrying out public purposes. The terms of lease deed dated 22nd May 2007 clearly spelled out conditions subject to which the land is to be utilised by Respondent No.4. After acquisition, the subject land is vested in the State Government, which handed over to GIDC. The land acquired is not vested with Respondent No.4. No proprietary or ownership rights are transferred to Respondent No.4. Provisions of part VII of the Land Acquisition Act relating to acquisition of land for company are not applicable.

8. Learned Advocate for Respondent No.4 has relied upon the following decisions:-

- (i) Sooraram Pratap Reddy and Ors. Vs. District collector, Ranga Reddy District and Ors.⁹
- (ii) Andhra Pradesh Industrial Infrastructure Corporation Limited Vs. Chinthamaneni Narasimha Rao and Ors.¹⁰
- (iii) Nand Kishore Gupta and Ors. Vs. State of Uttar Pradesh and Ors.¹¹

9. The notification dated 15th June 2006 under Section 4 of the Land Acquisition Act, 1894, notification dated 1st December 2006 under Section 6 of the said Act, Award dated 12th April 2007 passed by Special Land Acquisition Officer, Goa and Lease Deed dated 22nd May 2007 executed between Respondent No.3 and Respondent No.4 are assailed in this petition. The respondents have contended that, Petitioners have tried to explain the delay by stating that, documents were sought by them which were insignificant. The response filed by Respondents indicate that, the Petitioners were duly notified about the land acquisition and have even appeared before the Authority in the land acquisition proceedings. The Award dated 12th April 2007 makes it evident that, the Petitioner Nos.1, 3, 5 and 6 have participated in the acquisition proceedings and submitted documentation in support of their claim. Thus, petitioners were aware

9 (2008) 9 SCC 552

10 (2012) 12 SCC 797

11 (2010) 10 SCC 282

about the acquisition proceedings in the year 2006 till the passing of the award in 2007. The award is dated 12th April 2007. This peittion is filed in 2015. The Petitioners have challenged the Award primarily on the ground that, the acquisition was not for a public purpose. The possession of the land have been taken on 17th April 2007 which is evident from the certificate of taking over possession dated 17th April 2007. Lease deed was executed on 22nd May 2007. The possession of the land has been handed over by Respondent No.3 to Respondent No.4 on 25th April 2007. The Petitioners has contended that, there was no ground of invocation of the urgency clause 17(4) of the Act thereby denying the petitioners an opportunity to file objections under Section 5A of the Act. It cannot be said that, the petitioners were not aware of Section 4 notification dated 15th June 2006 or Section 6 notification dated 1st November 2006 as notices were issued to the affected parties under Sections 9 and 10 of the Act. The petitioners were not only aware of the acquisition notifications, but also participated in the acquisition proceedings before the learned Land Acquisition Officer prior to passing of Award dated 12th April 2007. Section 3(f) defines the expression “public purpose”. Clause (iv) of Section 3(f) refers to “the provision of land for a corporation owned or controlled by the State”. Notification dated 15th June 2006 and notification dated 1st December 2006 issued under Sections 4 and 6 of the Land Acquisition Act refers to the public purpose by mentioning that, the land acquisition is

setting up for auxiliary services for food park at Quitol village of Quepem Taluka. The Respondent No.1 has stated in their affidavit-in-reply that, Goa Government has not acquired the land in question for any company or Respondent No.4. The land was acquired for public purpose and for setting up auxiliary services to food park and thereafter, handed over to Respondent No.3 which is statutory body established under Goa Industrial Development Act, 1965 for carrying out the development which is one of its function under Section 13 of the Act. The land is acquired for Respondent No.3 for public purpose. The Respondent No.3 is vested with necessary power to lease the land so acquired to anyone to carry out its statutory functions. The land is not acquired for corporate and commercial benefit of any company but the same is acquired for public purpose.

10. The notification issued under Section 4 of the land acquisition Act makes it clear that, the land in question is acquired since it is needed for public purpose i.e. for setting up auxiliary services for food park at Quitol village of Quepem. It is also evident that, the petitioners were duly notified about the land acquisition and they have appeared before the Authority in the land acquisition proceedings. If the petitioners had any objections to the purpose for which the land was acquired, they should have immediately at the first opportunity raised such objection. The respondent No.3 was equipped with the powers under the Act to lease out the acquired land in

furtherance of the object, purpose, intent and to carry out the functions specified under the GID Act. Sections 13, 14, 27, 28 and 29 of GID Act makes it clear that, the Respondent No.3 is vested with all the necessary powers to acquire, use and lease out the land for carrying out the functions entrusted under the Act.

11. As per Section 27 of GID Act, “any land required by the Corporation for carrying out any of its functions shall be deemed to be needed for a public purpose and may be acquired under the provisions of the Land Acquisition Act, 1894 or any other law for the time being in force.”

12. The proposal was mooted for acquisition of land at various places in the meeting of Respondent No.3 on 1st August 2005 in order to develop economic activity and employment generation in those areas. The proposal was received from Respondent No.4 on 24th November 2005 wherein request was made for providing land for setting up resort, institute of hotel management and catering collage which would render auxiliary services to the proposed food park. The respondent No.3 rejected the proposal of Respondent No.4 vide resolution dated 7th February 2006. However, the board's proposal to acquire land for setting up auxiliary services for food park at Quitol/Naquerrim Village in Quepem Taluka was approved. Lands were acquired. Process of acquisition was initiated. Award was passed on 12th April 2007. Letter dated 9th January 2007 was received from

Respondent No.4 stating that, he was willing to sign a joint venture with respondent No.3 and other equity in the project. The respondent No.3 decided not to enter into equity participation. However, the draft agreement to be entered into with medium and large industries were approved by Respondent No.3. It was also decided to enter into an agreement with Respondent No.4. The agreement was executed with Respondent No.4 on 22nd March 2007. Lease deed was executed with Respondent No.4 on 22nd May 2007 only upon the possession of the said land being handed over to Respondent No.3. Proclamation under Section 37(A) of the GID Act was issued declaring the lands as industrial areas. Compensation for the acquisition was borne by respondent No.3 and not by Respondent No.4. The amount of Rs.1,14,10,000/- was deposited by Respondent No.3 with EDC Limited for the propose of acquisition of the land.

13. It is not possible to accept the contention of the petitioners that, the acquisition was done for the private purpose and not for public purpose. The invocation of chapter VII of the land acquisition Act therefore, was not warranted. Requisite procedure for acquisition was followed. Award was passed after hearing concerned parties. Apparently, there was dispute about the title of the property. In spite of early opportunity to the petitioners, the contentions urged in this petition were not raised at the first

opportunity being available to the petitioners.

14. In the case of **Sooraram Pratap Reddy and Ors. Vs. District Collector, Ranga Reddy District and Ors.** (supra) the court has discussed the scope of public purpose as defined 3(f) of the Act and it has been observed that, in deciding whether acquisition is for 'public purpose' or not, prima facie, Government is the best judge. Normally, in such matters, a writ Court will not interfere by substituting its judgment for the judgment of the Government. In the case of **Andhra Pradesh Industrial Infrastructure Corporation Limited Vs. Chinthamaneni Narasimha Rao and Ors.** (supra) it is observed that, the Court in several decisions has held that if the land owner are aggrieved by acquisition proceedings they must challenge the same before the Award is made and the possession of the land in question is taken by Government Authorities.

15. Respondents have asserted which is evident from the document that, the land is acquired for Respondent No.3 for public purpose. The land is not acquired for the corporate and commercial benefit of the any company, but the same is acquired for public purpose. Once, the land is vested in the Government, it is open to the Government or public authority to lease out the same for carrying out public purposes. The lease dated 22nd May 2007 spelled out the contention subject to which the land is to be utilised by Respondent No.4. The respondent No.4 has paid premium to GIDC for the

lease. The respondent No.4 has to pay annual lease land rent to GIDC.

16. The land acquisition compensation amount of Rs.1,14,10,000/- has been deposited on 12th April 2006 by Respondent No.3. The Special Land Officer has deposited entire land acquisition compensation amount in the District Court. The said amount was deposited by Respondent No.3.

17. We do not find any malafides in the acquisition proceeding. We do not find that Respondents have acted in breach of the provision of land acquisition Act, 1894. We also do not accept the contention of the petitioners that there is illegality in the impugned notifications, award and lease deed. The contention of the petitioners that the acquisition was for private purpose is devoid of merits. No case is made out for grant of any relief in this petition. Petition is required to be dismissed.

ORDER

Civil Writ Petition No. 497 of 2015 stands dismissed and accordingly disposed off.

(BHARAT P. DESHPANDE, J.)

(PRAKASH D. NAIK, J.)