

Supreme Court of India

The Krishnakumar Mills Co. Ltd. ... vs State Of Gujarat And Ors. on 9 February, 1971

Equivalent citations: (1972) 4 SCC 172, 1971 III UJ 278 SC

Author: C Vaidialingam

Bench: A Ray, C Vaidialingam

JUDGMENT C.A. Vaidialingam, J.

1. The appellant challenged the acquisition of his lands bearing plot Nos. 116/1, 116/2, 117 and 119 for a public purpose of "establishing Industrial area by the Gujarat Industrial Development Corporation". The acquisition was made not only of the appellant's lands but also of a fairly extensive area of lands belonging to others, for the purpose above mentioned. The development Corporation has been constituted under the Gujarat Industrial Development Act, 1962 (Act of 1962) for the purposes mentioned therein.

2. The appellant challenged the acquisition mainly on two grounds. According to the appellant the Gujarat Act 23 of 1962 was not valid and secondly the purpose of the acquisition cannot be considered to be for a public purpose.

3. These contentions were rejected by the High Court in the Order under attack. So far as the vires of the Act is concerned, it is concluded against the appellant by the decision of this Court reported in Shri Bamnatanu Co-operative Housing Society and another v. State of Maharashtra . So far as the second contention is concerned that also is covered by the decision of this Court reported in Smt. Somavanti and Ors. v. The State of Punjab and Ors. which is against the appellant. Therefore, both the contentions taken before the High Court are no longer available to the appellant.

4. Mr. S.T. Desai, learned Counsel for the appellant, stated that his client's lands which were sought to be acquired are really necessary for the development of their own Textile Mill and therefore the acquisition, so far as those lands, are concerned will have to be cancelled So far as this aspect is concerned the High Court has referred to the fact that the appellant's lands form part of a compact block of land required by the Development Corporation for setting up an industrial area and as such those lands cannot be left out of acquisition. We are in agreement with this view of the High Court.

5. Though all these contentions have been held against the appellant, the High Court has recorded an assurance given by the Counsel for the Development Corporation, that effort would be made to see that, as far as possible, the appellant's lands would be made available to them for its expansion if they are ready and willing to take them on the same terms and conditions on which, lands in the area would be given to other industrialists, provided that the appellant's lands have not already been allotted to any other industrialist. We should think that there has been a very fair offer made on behalf of the Development Corporation. We daresay that the assurance recorded by the High Court will be acted upon by the concerned authorities.

6. With these observations the appeal is dismissed. There will be no order as to costs.