

The Municipal Corporation of the City of Ahmedabad

Vs

Chandulal Shamaldas Patel and Others

Civil Appeal No. 1716 of 1967

(Shah JJ)

08.01.1970

JUDGMENT

SHAH, J. -

1. Certain lands belonging to the first respondent were notified for acquisition under Section 4 of the Land Acquisition Act by the Government of Bombay by a notification, dated February 19, 1959. The area in which the land is situate having thereafter been allotted to the State of Gujarat on the bifurcation of the State of Bombay under the State Reorganisation Act, 1960 a Divisional Commissioner of the State of Gujarat issued a notification under Section 6 on May 2, 1961. Both the notifications mentioned the purpose for acquisition as "for School and neighbourhood work". The notifications were challenged by the first respondent in a petition filed by him in the High Court of Gujarat on various grounds which it is not necessary to set out. The petition was granted. The Municipal Corporation of the City of Ahmedabad which was the fourth respondent in the petition has appealed to this Court. A preliminary objection is raised against the maintainability of the appeal filed by the Corporation. It is urged that the Corporation is not aggrieved by the order. In our judgment the contention must be upheld.

2. The Municipal Corporation was impleaded as the fourth respondent before the High Court but no relief was claimed against the Municipal Corporation. The property, it is true, was notified for acquisition by the State Government for the use of the Municipal Corporation after it was acquired by the Government, but that, in our judgment, did not confer any interest in the Municipal Corporation so as to enable it to file an appeal against the order of the High Court allowing the petition. Substantially the grounds on which the petition was filed were that the notifications were invalid on account of diverse reasons. Some of these reasons have been upheld and some have not been upheld but all those grounds related to the validity of the Notifications issued by the Government of Bombay and the Government of Gujarat. Not even an order of costs has been passed against the Municipal Corporation of the City of Ahmedabad. We fail to see what interest the Municipal Corporation has which would sustain an appeal by it against the order of the High Court allowing the writ petition filed by the first respondent.

3. The appeal is dismissed as not maintainable. There will be no order as to costs.

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