

Ganesh Jha and Others

Vs

State of Bihar and Others

Civil Appeal No. 747 of 1968

(P.K.Goswami, K.K.Mathew, V.R.Krishna Iyer JJ )

05.02.1975

JUDGMENT

KRISHNA IYER, J. -

1. This appeal relates to certain land acquisition proceedings started as early as 1963 to fulfill an urgent need, namely to rehabilitate a large number of persons who were rendered landless and homeless by the Ganga floods in Bihar. These land acquisition proceedings were challenged without success by a writ petition before the Patna High Court. The undaunted appellants have come up before this Court on the basis of a certificate granted by the Patna High Court under Article 133(1)(a) and 132 of the Constitution of India.

2. The main ground of attack before the High Court was based on allegations of malafide. The learned judges went into the material at length and concluded:

"For these reasons, I am not satisfied that the materials on record are sufficient to show that the acquisition in question was made malafide."

The same ground or at any rate the same facts relied on before the High Court have been feebly presented before us by the Counsel for the appellant but we are left with no doubt that the fate must be the same. That other lands were sought to be acquired for the same purpose is no ground for holding that the present lands are being acquired with an oblique object. We are satisfied that the appeal is devoid of merit and deserves to be dismissed but without costs.

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