

Ramachandra Nago Patil and Others

Vs

Assistant Collector, Thana and Others

Civil Appeal No. 1417 of 1978

(R. S. Pathak, O. Chinnappa Reddy JJ)

23.07.1980

JUDGMENT

PATHAK, J. –

1. This appeal by certificate granted by the High Court of Bombay under Article 133(i)(a) of the Constitution is directed against the judgment and order dated July 16, 1969, of the High Court, dismissing in the limine a writ petition filed by the appellants.
2. The appellants filed a writ petition in the High Court challenging the validity of proceedings taken under Sections 4 and 6 of the Land Acquisition Act for the acquisition of certain parcels of land which, the appellants allege, belong to them. It appears that the lands are sought to be acquired for the benefit of the third respondent - M/s. Bayer (India) Limited. The case of the appellants was that the acquisition was intended mala fide, the object merely being to maintain the possession of the third respondent in the land, which it had entered upon consequent on an agreement with one Sitaram Bhau Patil, who in fact, had no right, title or interest in the said land. We have examined the record of the case and we find that the notification under Section 4 (1) of the Land Acquisition Act is dated July 3, 1969 and precedes in point of time the agreement said to have been entered between the third respondent and Sitaram Bhau Patil. Nothing has been shown to us to establish that the land acquisition proceedings are mala fide in any particular. There is no force in this appeal. It is dismissed, but in the circumstances there is no order as to costs.

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