

Darshan Vs. State of Karnataka

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Court : Karnataka

Decided On : Jul-14-1995

Reported in : ILR1996KAR1241

Judge : Rajendra Babu and ;Padmaraj, JJ.

Acts : Karnataka Industrial Areas Development Act, 1966 ; [Land Acquisition Act, 1894](#) - Sections 17; Karnataka Town & [Country Planning Act, 1961](#) - Sections 14

Appeal No. : W.P. No. 25555 and 23530 of 1994

Appellant : Darshan

Respondent : State of Karnataka

Advocate for Def. : B.V. Acharya, Adv. General with K. Vishwanath, HCGP for R-1 to R-3, ;K. Parasaran, Sr. Adv. and S.G. Sundraswamy, Sr. Adv. with E.A.K. Faizulla Ali, ;Rajani Iyer and Pankaj Sawant, Advs. for R-5 and

Advocate for Pet/Ap. : R.N. Narasimha Murthy, Sr. Adv. with K. Sachindra Karanth and K.G. Sadashivaiah, Advs.

Disposition : Petition dismissed

Judgement :

Rajendra Babu, J.

1. These two Petitions are filed challenging the legality of the acquisition of certain lands pursuant to Notification dated 16.7.1994 as at Annexure-A issued under Sections 4(1) and 17 of the Land Acquisition Act (LA Act) by respondent No. 2 and also the Notification issued under Section 6 of the L.A. Act on 22nd August, 1994 issued by the 1st respondent-State. It is also prayed that Section 17(1) of the L.A. Act be declared ultra vires and illegal. While Writ Petition No. 23530/1994 is filed by a Company, the other Petition is filed by one of the Directors thereof, who also own some part of the land.

2. In Writ Petition No. 23530/1994, the lands are those comprised in Sy.Nos. 110/2, 115/2 and 115/3 which also bear House List No. 995/1 to 6 measuring in all about 1 acre situate in Pattandur Agrahara village of Bangalore South Taluk. The lands with which we are concerned in Writ Petition No. 25555/1994 are also situate in the same village comprised in Sy.Nos. 115/1, 110/1 and 111/2 measuring about 10 acres 36 guntas. It is stated that the land comprised in Sy.No. 110/1 measuring about 3 acres 1/ guntas is a garden land. So is the land comprised in Sy. No. 115/1 measuring about 34 guntas and 6 acres 14 guntas is stated to be dry land.

3. First we shall take up for consideration the facts and contentions as arising in Writ Petition No. 25555/1994. The petitioner claims to be the owner in possession and enjoyment of the properties referred to above. He started in one acre after conversion to non-agricultural purpose, an Agro-based industry called 'Honey Rex Products Private Limited' which is a partnership firm having its office at Madras and was dependent on honey produced in the Southern States. For purpose of expansion and providing production from its own sources and also to have Research & Development, the petitioner and his close relatives purchased the land in the year 1985 for raising fruit bearing trees which are necessary for Bee-keeping. These lands have been developed by the petitioner by planting various types of trees in the land for the last ten years and are now ready for Bee-Keeping. The nature of the land, the climate and the varied flora, and the plenitude of the florescence in the area are suitable for Bee-Keeping. It is claimed by the petitioner that himself and his close relatives have made huge investment. The Horticulture Farm developed by the petitioner is also known as 'Madhuvan Farm' consisting of

Mango, Coconuts, Guava trees etc., giving an yield of about Rs. 3.47 lakhs per annum. The petitioner's Farm and the Associated concerns provide employment to about 250 persons and in addition, over 2000 families are dependent upon these concerns as the honey is purchased by the petitioner's Agro-based industry from the Bee-Keeping Co-operative Societies and individual Bee-Keeping in the State of Karnataka. By reason of the impugned acquisition the industry is going to be destroyed and it is rather sad that it should be so.

4. In the year 1983, the State Government notified the lands measuring about 200 acres in several villages including Pattandur Agrahara village for purpose of acquisition under Section 28(1) of the Karnataka Industrial Areas Development Act (hereinafter referred to as the KIADB Act) and Final Notification was issued in that regard on 16.8.1993, although 10 years had elapsed between the date of the Preliminary Notification and the Final Notification. In the meanwhile, a Private Limited Company called 'Information Technology Park Limited' (ITPL) was proposed to be set up in collaboration with two other Companies which are in the industrial estate and approached the Karnataka Industrial Areas Development Board (K.I.A. D.B.) for allotment of about 55 acres for the said purpose. K.I.A. D.B. agreed to provide 55 acres of land out of the lands notified by it in Pattandur Agrahara village and other villages. It was only after the finalisation of the plans by the promoters of I.T.P.L. with the K.I.A.D.B, the State has taken steps for publication of the Final Notification. In the Final Notification issued on 16.8.1993 the State Government released from acquisition over 50 acres of land in Pattandur Agrahara village which are classified as dry lands and which are contiguous to the land which are earmarked for I.T.P.L. It is stated that therefore no additional land was required to I.T.P.L. and the said Company finalised its plans after due deliberation with reference to its project requirements.

5. It is alleged that the petitioner's predecessors-in-interest were not notified of the acquisition proceedings under Section 28(1) of the K.I.A.D.B. Act and none of those Notifications indicate that the private road passing on the extreme western portion of Sy. Nos. 116, 117 and 118 to the East of Sy. No. 114 which is owned by Sanjeevamma had been released from acquisition and the existence of a private road would not in any manner interfere with the lands which had been acquired.

The lands comprised in Sy. No. 114/3-A were again notified under the K.I.A.D. Act. Therefore, it is submitted that there is no reason for invoking the provisions of the L.A. Act in case of the petitioner and K.I.A.D. Act in case of others. The private road is stated to be from the main Whitefield-Hoodi Road leading to the property of the petitioner and the Agro-based industries situated in Sy. Nos. 111/1, 112/1 and 115/1 and the converted lands which are now numbered as 995/1 to 995/6 containing buildings of the Agro-based industry. It is stated that the agricultural lands are in the ownership of the petitioner and the residential building of the petitioner is situated in a non-agricultural land.

6. When the petitioner came to know of the acquisition indicating the entire extent of Sy. Nos. 116, 117 and 118 which are to the north of the petitioner's land, he approached the K.I.A.D.B. to apprise them of his ownership of the private road, who refused to accept the rights of the petitioner and examine the exclusion of the road from acquisition or provide alternate way. In view of the refusal of the K.I.A.D.B., he filed a suit in the Court of the Munsiff, Bangalore District, in O.S.No. 77 of 1994 and a temporary injunction had been granted to maintain the status quo. Finally, the application for temporary injunction was rejected against which an appeal was preferred before the learned Civil Judge which was pending at the time of filing this Petition. It is alleged that the State Government and the K.I.A.D.B. had denied the claim of the petitioner as to the existence of a private road to the Horticulture Farm and to the lands owned by the Agro-based industry. It is alleged that the officials of the State Government in collusion with the officials of K.I.A.D.B. have at the instance of the promoters of ITPL have got issued the Notification for acquisition by invoking the urgency clause of Section 17 of the L.A. Act and therefore has approached this Court for various reliefs.

7. The contentions raised by the petitioner are as follows:-

(i) Acquisition of land for purposes of the Industrial Areas Development Board can be made only under the provisions of the Karnataka Industrial Areas Development Board Act, 1966 and not under the provisions of the Land Acquisition Act;

(ii) The notifications for acquisition under Annexure-A and B are liable to be set aside;

(a) as being vitiated by malafides;

(b) as being arbitrary and violative of Article 14 of the Constitution of India as the legitimate expectations of the petitioner are not given due consideration;

(c) as there is no application of mind by the Authorities both in respect of the need to acquire the particular lands belonging to the petitioner and the necessity to invoke the provisions of Section 17 of the Land Acquisition Act in this behalf;

(iii) Even if acquisition for purposes of the Board could be made under the provisions of the Land Acquisition Act, the impugned acquisition under Annexure-B is illegal for non-compliance with the mandatory provisions of Section 6(1-A) of the Land Acquisition Act as applicable in the State of Karnataka;

(iv) The acquisition is not for a public purpose but for the benefit of a Private Limited Company and in the absence of the provisions of Chapter VII of the Land Acquisition Act being complied with, the acquisition is liable to be set aside as illegal;

(v) The Final Notification under Annexure-B is liable to be set aside as the provisions of Section 17 could not have been invoked for acquiring lands of the petitioner;

(vi) The acquisition of petitioner's lands for industrial purposes within the greenbelt is illegal as being opposed to the specific provisions of the Karnataka Country & Town Planning Act.

8. We shall now take up the first contention for consideration that the acquisition of the lands in question could have been made only under the provisions of the K.I.A.D. Act, 1966 and not under the provisions of the L.A. Act. In order to appreciate the rival contentions we shall briefly notice the scope of the two enactments. K.I.A.D. Act, 1966 is enacted to make special provisions for securing the establishment of industrial areas in the State of Karnataka and generally to promote the establishment and orderly development of industries. Under Section 3 of the K.I.A.D. Act, the State declares an area to be an industrial area with power to define limits and alter the same. A Board is constituted under Chapter-III of the

K.I.A.D. Act. Chapter thereof provides for functions and powers including development of industrial areas declared by State Government and make them available to establish industries. Acquisition of land is provided under Chapter VII of the said Act under Sections 27 to 31 thereof. A Division Bench of this Court in *BALLARPUR INDUSTRIES LTD. v. KIADB*, : ILR 1987 KAR3445 , has explained the scope and ambit of these provisions that acquisition of land may be for purpose of development either by Board or for purposes which further the objects of the Board. Under Land Acquisition Act, land could be acquired for any public purpose which would certainly include the purpose of development of industries.

9. It is not in dispute in this case that certain extent of land which is contiguous to the disputed land had already been acquired under the K.I.A.D. Act. In respect of the lands which have been acquired, a suit had been filed in O.S.No. 77 of 1994 on the file of the Munsiff at Bangalore in relation to a road measuring 30' X 16' width and length running from Hoodi-Whitefield Main Road, along the western side of Sy. No. 116, 117 and 118 leading to the property of the petitioner situate in Sy. Nos. 111/2, 110/1, and 115/1 of Pattandur Agrahara village, Whitefield, K.R. Puram Hobli, Bangalore-6. It is contended now in the Petition that under the scheme of the K.I.A.D. Act, a declaration of industrial area will have to be made by the Government declaring an area to be an industrial area in the State for the purpose of the Act. It is only in respect of such land, acquisition could be made. It is certainly open to the Government to include or exclude by altering such industrial area. However, it is clear that if a land is not included in the industrial area, the Act could not be applied. It is the contention of the petitioner that in the area declared earlier, the land in dispute was not part of the industrial area as provided under Section 3 of the K.I.A.D. Act, 1966. If that is so, the provisions of the LA. Act alone will have to be invoked. Even without deciding in this case whether this area is included in the area covered by Section 3 of the K.I.A.D. Act or not, but proceeding on this basis of the contention raised before us, if the matter is examined, the land which is now acquired under the L.A. Act was not part of the area covered by the earlier Notification, and hence, exercise of powers under the provisions of L.A. Act is not precluded.

10. Under the L.A. Act, lands could be acquired. So also, powers are conferred upon the State under the K.I.A.D. Act, to acquire lands. If under two enactments land could be acquired, power could be invoked under either of the enactments. If the State chooses to exercise the power under one enactment, unless it can be shown that such exercise of power is not authorised or is excluded by the provisions made in another enactment, the exercise of power will not become bad. Under the K.I.A.D. Act acquisition could be made under Chapter-VII of the Act. Chapter VII provides that it would apply to such areas from such dates as has been notified. Under Section 28 of the K.I.A.D. Act, a Notification has to be published disclosing its intention to acquire the land for the purpose, of the Act and shall serve a notice upon the owner or where the owner is not the occupier, on the occupier of the land and on all such persons known or believed to be interested therein to show-cause, within thirty days from the date of service of notice, as to why the land should not be acquired. It is contended in this case that such requirement is not necessary under the L.A. Act and if proceedings had taken place under the K.I.A.D. Act, the petitioner would have been in a more advantageous position. In our view this argument is academic in nature because in this case who ever had been mentioned as owners of the land in the land Revenue Records had been served with notices even under the L.A. Act. In respect of the lands in question, the name of S.S. Darshan has been mentioned in the land revenue records. It is only in respect of two items of land the name of one S. S. Anand Sardar is mentioned and it is stated that in respect of these lands notices were not served. The requirement under law is serving of notice upon parties whose names are mentioned in the revenue records. Notices will have to be served on the owner and if owner is not available, on the occupier of the land and all such persons known or believed to be interested to show-cause within the time stipulated thereto. If the revenue records maintained do not disclose the names of the parties concerned, question of service upon them may not arise at all and the petitioner cannot urge that it is for this reason the petitioner would be in a more advantageous position. On the other hand, notice having been served upon the petitioner and the petitioner having come to know of the proceedings initiated by them and being aware thereof, mere non-service of notice on specific or particular person whose name is not available in revenue records would not tilt the

matter one way or the other. In that view of the matter, We do not find any substance in this argument.

11. The question whether one enactment is special and overrides the other can now be considered. In *THE LIFE INSURANCE CORPORATION OF INDIA v. D.J. BAHADUR AND ORS.*, : (1981)ILLJ1SC , this aspect has been considered in detail. It is made clear therein that no one enactment can be taken to be special. When two enactments hold the field in a situation one enactment could become special being more suitable than the other and in those circumstances that Act which is suitable to the situation becomes special and the other Act does not. The views expressed in the Decisions in : [1971]1SCR719 and : AIR 1963 SC1077 do not detract from the principles stated in : (1981)ILLJ1SC . Moreover, in all these Decisions, it is stated that application of the said principle will depend upon the nature of the land and the circumstances arising in each case. In the present case, it is pointed out that the L.A. Act can also be a special enactment in the circumstances available in the case inasmuch as urgency clause or provision available under Section 17 of the L.A. Act is not available under the K.I.A.D. Act It may also be noticed that resort to L.A. Act is correct because what is sought to be done is one of the composite acquisition of lands falling in K.I.A.D.B. area and outside. The petitioner contends that certain land falls outside the industrial area and certain other land is within the industrial areas. In such a situation, an enactment which is applicable to both the areas could certainly be made use of. In that view of the matter, we do not find there is any justification to hold that it was not permissible to take action under the LA. Act and resort should be had only to K.I.A.D. Act. Hence, We reject this contention also.

12. The learned Counsel for the petitioner also urged that inasmuch as the manner of acquisition has already been provided under the K.I.A.D. Act, the acquisition should be done only in that manner i.e., by inclusion of the area in the industrial area and applying Chapter-VII thereof proceedings should have been initiated. It is urged that when law authorises an authority to do an act, it must be done in that manner only as provided under the Act and not in any other manner. This argument ignores the aspect that in cases where the power is available under more than one enactment, if resort is had to one or the other enactment and

unless one enactment is less stringent than the other action taken cannot be struck down merely on the ground that resort must be had to another enactment.

13. Now, we may briefly compare the provisions available under the two enactments. Under Section 4 of the L.A. Act, Preliminary Notification has got to be issued disclosing the intention to acquire the land. Sections 4 and 5 provide for preliminary investigation. After a Notification is issued under Section 4 of the L.A. Act, it is followed by a preliminary investigation and after the State Government is satisfied after considering any report made under Section 5-A of the Act, a declaration will be made to that effect issuing a Final Notification under Section 6 of the L.A. Act. It is only thereafter an award is made determining the compensation payable and possession taken thereof. But, in case of emergency, land can be acquired in respect of which an award has not been made, on the expiry of 15 days from the publication of the notice and possession of the land needed for public purpose taken. Under Sub-section (3) (A) thereof, before taking possession of any land under Sub-section (1) or Sub-section (2), the Collector shall tender payment of eighty per cent of the compensation amount as estimated by him to the persons interested and entitled thereto and pay it to them unless prevented by some one or more of the contingencies arising under Section 31(2) of the Act. By invoking the emergency provision under Section 17 of the L.A. Act, if steps have been taken, there is a condition precedent to deposit 80% of the compensation payable. Therefore, certain equities are met in the matter of acquisition of land by invoking emergency provision. The scheme of provisions in two enactments are almost identical except in case of emergency in which special safeguards and benefits are provided. Thus it is not possible to say that the acquisition of land under the Land Acquisition Act is more prejudicial. All that would have happened if Section 17 is not invoked is that the petitioner would have been heard in the matter. The only question that arises for consideration is whether in the circumstances of the case if the petitioner had been heard in the matter, any other decision could have been taken by the Government. We will advert to this aspect of the matter a little later.

14. We shall now take up the question relating to allegations of malafides. In para 2 of the Petition, it is stated that the action of the State Government is malafide

and that is done with a deliberate intention to ruin the petitioner who has invested heavily on the property in question and this action is taken because the petitioner had filed a Civil Suit in O.S. No. 77/1994. It is alleged that the exercise of power is fraudulent and colourable without complying with the provisions of Chapter- VII of the K.I.A.D. Act. The fraud is also visible from the manner in which the Notifications have been published in the newspapers. It is contended that invoking of urgency clause of Section 17 of the LA. Act has been made with the intention to take away the lands from the petitioner who is agitating before a Civil Court. Instead of providing an alternative approach road to the Petitioner who has no other access, the respondents have taken this extreme step abusing their authority. Therefore, the Notifications are the result of vindictiveness and vitiated by malice in fact and malice in law. It is also urged that the State Government and the K.I.A.D.B. with a view to deny the claim of the petitioner in respect of a private road and having failed to provide an alternative approach road are acting in collusion at the instance of the promoters of ITPL.

15. The acquisition in this case is not for the purpose of any Company, but for the purpose of the K.I.A.D.B. who is turn is a collaborator with the Company would lease the land for the purpose of establishment of Information Technology Park. Therefore, to contend that the acquisition is for the benefit of the Company itself is incorrect. | The basic premise upon which the petitioner proceeds is unfounded. Secondly, it is made clear by the learned Advocate General that two grounds were uppermost in the mind of the Government in the matter of acquisition of lands in question. Firstly, that the land was fit for purpose of acquisition for establishment of Information Technology Park and the acquisition of the land was also for the purpose of putting an end to the litigation in the case. Indeed the petitioner had initiated a litigation and that would be a clog on the rights of the parties concerned and when a foreign investment is involved, it is possible that unless the title is clear they may not be willing to invest in the project at all. Therefore, both the grounds afforded the basis for acquisition.

16. There has been some dispute between the parties as to the extent of lands required for purpose of acquisition. The learned Advocate General has made available the necessary details in this regard and they disclose that there has been

a lengthy correspondence between the parties in the matter of acquisition of land and the requirement has always been for more land than what was originally notified. Therefore, it may not be appropriate for this Court to sit in judgment over the decision of the Government in making a decision as to the extent of land required for establishment of a Technology Park. In that event, we are of the view that the action of the respondents is not malafide.. When under law an authority is invested with the power to acquire land and that power is exercised with reference to relevant ground, such action cannot be termed as motivated by malice in law. No allegations of malice in fact have been alleged in this case. It is not pointed out that any one particular officer is interested in hurting the interest of the petitioner in any manner nor is stated that they have any ulterior motives. Therefore, malafides with reference to the acts of a particular person not having been alleged much less established, action cannot be termed as malafide. A mere non-application of mind or a callous attitude or negligence to the outlook of the matter will not by itself tantamount to malafide, in that action would become wrong and cannot be termed as malafide. Even on the grounds urged in the Petition. We cannot conclude there is any basis to draw inference of malafide in acquiring the lands in question.

17. It is no doubt true that it is stated that one of the grounds for acquisition is to put an end to the litigation. If in the circumstance a party to the litigation has got powers under law to perfect his title by resorting to a particular manner and in this case a large tract of land has already been acquired and in respect of acquisition of such land certain action under the Act has been taken. By initiation of litigation by the petitioner, could it be said that such an action could prevent an authority from acquiring the lands. In fact the learned Counsel Sri R.N. Narasimha Murthy appearing for the petitioner fairly conceded that mere pendency of a litigation would not be a bar for acquisition of land. He conceded that in a given case that circumstance may afford a ground. But, in this case, he urged that considering the nature of the right claimed by the petitioner, it would not be proper at all for the Government to acquire the land. The right claimed by the petitioner is in respect of only a small bit of land which is stated to be one in the nature of a private road. It is not merely to put an end to the litigation, but to acquire more land to provide all necessary facilities, action has been taken by the Government to acquire the land. In that event, we do not think the action of the Government is malafide.

18. It is contended that an extent of 54 acres of land which had already been acquired and set apart for the purpose of Technology Park was more than sufficient and therefore acquisition of the land in question was not required at all. What extent of land is required for a particular purpose cannot be decided by the Court and a decision in that regard must be left to the free-will of the Government to be decided on relevant grounds of course. Right from the beginning the correspondence between the parties disclose that they needed a larger extent of land than what was notified. In fact, they wanted 100 acres of land totally for the purpose of establishment of a Technological Park. In such a circumstance when the Government decides by taking into consideration several aspects of the matter and also taking a technical opinion in the matter such as the views of Architects, Engineers, Planners etc., We do not think that this ground which afforded the basis for acquisition is actuated by malafides.

19. The next contention urged on behalf of the petitioner is that the action of the respondents is arbitrary and violative of Article 14 of the Constitution inasmuch as legitimate expectation of the petitioner was not given due consideration. On the question of legitimate expectation, the learned Counsel for the petitioner drew our attention to the Decisions in : AIR 1994 SC268 ; : AIR 1993 SC155 ; : AIR 1993 SC1601 ; and : [1977]1SCR763 . A perusal of these Decisions would disclose that the concept of legitimate expectation lies in the matter of exercise of powers of an authority and the extent to which arbitrariness arise in such manner. In judging whether the legitimate expectation of a party has been appropriately dealt with or not would only relate to administrative action and not to a statutory or quasi-judicial power exercised in the manner provided thereto. It is submitted that the lands in the area had been acquired under the K.I.A.D.B. Act, whereas now under the impugned Notification lands belonging to the petitioner are sought to be acquired under the L.A. Act. The procedure in the latter enactment being more onerous, it is submitted that the legitimate expectation of the petitioner that it would be acquired under the former Act is not justified. It is only on this limited aspect this submission is made by the learned Counsel for the petitioner and it is not the argument of the learned Counsel that there cannot be acquisition at all under one or the other enactment. But when two enactments govern the field of acquisition, the legitimate expectation of the petitioner is that the land would be acquired under an

enactment which is more beneficial to him. This aspect has been considered by us at an earlier stage as to the comparative provisions under the two enactments that some provisions are more advantageous in one Act and the other provisions may be less advantageous in another Act. But, we have explained as to how it would be permissible for the State authorities to exercise power under either Act depending upon the contingencies arising in a particular situation and in this case, We have held it was certainly permissible for the authorities concerned to have invoked the powers under the L.A, Act. Therefore, we are of the view that the argument raised on this basis of Doctrine of Legitimate Expectation would not advance the case of the petitioner any further.

20. It is further urged that there is no application of mind by the authorities either in respect of need to acquire the land belonging to the petitioner or to the necessity to invoke the provisions of Section 17 of the L.A. Act. This point also has been dealt with by us at an earlier stage and after referring to the files of the Government, we have taken the view that there was need to acquire the land in question both on the ground that larger extent of land was needed and also on the ground that the litigation pending in the Court would adversely affect the development of the land in question which has already been acquired.

21. So far as the contention relating to invoking the provision of Section 17 is concerned, since part of the land had already been acquired which is for the purpose of development of the project in question and progress had been made in that regard, simultaneously the project will have to proceed in the other land also and if there is delay in acquiring the other land, it is reasonable to expect that it would hamper the progress of the work to be done in the project. Therefore, we are of the view that invoking the urgency provision is not invalid. The authorities have duly applied their mind and acted. Hence we are of the view that there is no substance in this contention.

22. It is contended that the Notification issued at Annexure-B is illegal for non-compliance with the mandatory provisions of Section 6(1-A) of the L.A. Act to cause the land to be marked out and also to be measured and report to the appropriate Government will have to be made and the Government shall then

make a declaration that the land is needed for public purpose or for a Company. A perusal of the file of the Government discloses that these procedures had been followed by the Government on different dates.

23. The next argument is that the acquisition is not for a public purpose but for the benefit of a Private Limited Company and in the absence of compliance with the provisions of Part-VII of the L.A. Act, the acquisition is liable to be set aside. We have already noticed that the acquisition is not for the purpose of any Company but for the benefit of K.I.A.D.B. which will collaborate with a Company in setting up the project in question. The land will continue to be in the ownership of and control of the Board. It may at best be leased to the Company for the purpose of the project subject to conditions that may be imposed by the Board. Therefore, the basic premise that the land is sought to be acquired for the purpose of a Private Limited Company is itself incorrect. If this premise is incorrect, the contention that the provisions of Part-VII of the L.A. Act would have to be invoked also would fail.

24. The last contention advanced on behalf of the petitioner is that the acquisition of petitioner's lands for industrial purposes within the green-belt is illegal as being opposed to the specific provisions of the Karnataka Country & Town Planning Act. It is no doubt true that when an area is earmarked as coming under the green belt area, it may not be possible for utilisation of such land for any industrial purpose. But, in the present case, part of the land has been allowed to be converted for an industrial purpose and therefore it obviously shows that the authorities concerned were not averse to allowing coming up of industries in the area. When in respect of an adjacent land the conditions relating to non-establishing of industries in green-belt area is relaxed, it is difficult to understand as to how that principle could not be extended to the petitioner's lands. There is serious dispute between the parties as to whether the land in question would fall within the green-belt area or not. But, we will proceed on the basis that it does. Even so, all that Section 14 of the Act requires is that the land needs to be utilised for a particular purpose, relaxation thereto has to be sought for under the Karnataka Country & Town Planning Act. Mere acquisition of land by itself is not prohibited. It is only when the land is sought to be developed, invoking of provision of Section 14 of the Act would be attracted. There is every possibility of such relaxation being granted inasmuch as lands

adjacent to the lands in question have already been granted such benefit. In that view of the matter, we do not think this argument assumes any significance in the context.

25. To sum up the position, the petitioners have not been able to establish that the litigation pending before the Court will bar the Government from resorting to acquisition of the land nor as to the satisfaction as to acquisition of land for the purpose of Technological Park. The applicability of the L.A. Act is not in any way out of place and we have rejected the contentions relating to malafides. Therefore, We. must hold that the arguments advanced on behalf of the petitioner having been rejected, this Petition is liable to and is dismissed.

26. The arguments advanced in the other connection Petition are identical to those urged in Writ Petition No. 25555/1994 and We have heard them together. For the very reasons stated in that petition. Writ Petition No. 23530/1994 is also dismissed. Rule discharged.

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