

PETITIONER:
BALARPUR INDUSTRIES LTD.

Vs.

RESPONDENT:
STATE OF GUJARAT & ORS.

DATE OF JUDGMENT: 22/11/1996

BENCH:
K. RAMASWAMY, G.B. PATTANAIK

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted. We have heard learned counsel on both sides.

This appeal by special leave arises from the order of the Division Bench of the Gujarat High Court, dated April 15, 1996 made in Special Civil Application No.8179 of 1995. Learned counsel for the appellant has challenged the validity of the notification issued under Section 4(1) of the Land Acquisition Act, 1894 acquiring the land on the ground that the lands were needed for public purpose and it blocked ingress and egress to their faction. In view of the admission made by the respondent in the counter-affidavit filed in the High Court, notice was issued to the respondents as indicated in our order dated 2.9.1996. In furtherance thereof, the acquiring authority in the counter-affidavit has admitted the same. The beneficiary, namely, Respondent No.4 on whose behalf acquisition is sought to be made in their counter-affidavit, has admitted thus:

"This respondent submits that it stands by its said commitment and assures this Hon'ble Court that it would close the existing road passing through the acquired land only after it has constructed a new road on the boundary of the existing road for necessary ingress and egress to the petitioner's factory."

In view of this admission and undertaking given by the 4th respondent to provide for necessary ingress and egress to the appellant's factory, there is no need to interfere with the acquisition as it is subject to the above undertaking. Ms. Indu Malhotra, learned counsel appearing for the appellant, submits that telephone lines and electrical energy lines etc.

to the appellant's factory also are required to be shifted from the existing road to the new road. We direct that this should also be done as part of the undertaking given by the respondent.

The appeal is accordingly disposed of. No costs.

JUDIS