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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7404 OF 2014

Mohan Damodar Godase ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

Mr.Amey Deshpande i/b Mr.J.D.Khairnar for the
Petitioner
Mr.V.S.Gokhale, AGP for the respondent Nos.1 to 5.

CORAM : A.S.OKA, &
A.S.GADKARI, JJ.
DATE : OCTOBER 23, 2015

P.C.:

1 The case made out by the petitioner is that his land was acquired for public purpose for construction of Godavari dam and that the said land has not been used for the purpose for which it is acquired. His submission is that in fact an application made by the petitioner for return of the land on the basis of the Government Resolution dated 10th October 1973 was processed. He submitted that in the case of similarly situated persons, the lands have been returned.

2 The law is well settled. After vesting of the acquired land in the State Government for the public purpose, the land can be diverted for any public purpose. If the land is not required for any public purpose, the same is required to be disposed of in accordance with law. The original owner of the land

who has taken compensation has no right of restoration of the possession of the land which is vesting in the State Government. Therefore, no relief can be granted to the petitioner in this petition of return of acquired land.

3 Subject to what is observed above, petition is rejected.

(A.S.GADKARI,J.)

(A.S.OKA,J.)