

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 311 OF 2015**

Chandrakant Haribhau Gujar & Anr.	...Petitioners
<i>Versus</i>	
The Special Land Acquisition Officer No. 17, Pune & Ors.	...Respondents

Mr. Gaurav Potnis, i/b Mrs. Pallavi H. Potnis, for the Petitioners.
Mr. N.P. Deshpande, AGP, for the Respondent-State.

**CORAM: A.S. OKA & G.S. PATEL, JJ.
DATED: 16th November 2015**

PC:-

1. Heard learned counsel appearing for the Petitioners and learned AGP for the Respondents. By prayer clauses (A) and (B), the challenge is to the acquisition proceedings in respect of the land bearing Gat No. 271 admeasuring 74.4 Ares at Village Dhanep, Taluka Velha, District Pune. An Award under Section 11 of the Land Acquisition act, 1894 has been made on 15th May 1999. The present Petition challenging acquisition has been filed on 11th December 2014. In this Petition, there is absolutely no explanation for the gross delay of about 15 years. Hence, this Petition under

Article 226 cannot be entertained as far as prayer clauses (A) and (B) are concerned.

2. The learned counsel appearing for the Petitioners states that prayer clause (C) may be considered. We have perused prayer clause (C). It proceeds on the assumption that the Respondents will not follow the provisions of Sections 11 to 14 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. There is no factual foundation in the Petition in support of prayer clause (C).

3. If there is any illegality in the allotment of the acquired land, if permissible in law, the Petitioners can always raise appropriate objections before an appropriate authority.

4. It is well settled that a land which is acquired for a particular public purpose, after its vesting can always be used by the Appropriate Government for another public purpose and in no case, the owner is entitled to the restoration of possession of the acquired land.

5. Subject to what is observed above, no case for interference is made out. The Writ Petition is rejected.

(G. S. PATEL, J.)

(A.S. OKA, J.)