

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10853 OF 2015

Shri Chhabu Laxman Ghojge & Anr. .. Petitioners
V/s
The Collector, Pune & Ors. .. Respondents

**WITH
WRIT PETITION NO. 1682 OF 2014**

Shri Jaysing Mukunda Murkute & Ors. .. Petitioners
V/s
The Collector, Pune & Ors. .. Respondents

Mr. T.D. Deshmukh with Mr. Ritesh Kulkarni for the petitioners.
Ms. S.S. Bhende, AGP for the State.
Mr. G.S. Hegde with Mr. C.N. Lokesh and Ms. J. Pandey i/b A.R.
Bhole & Co. for respondent no.2 in WP No.1682/2014.

**CORAM: DR. MANJULA CHELLUR, CJ. &
N.M. JAMDAR, J.**

DATE : 14th JUNE 2017

P.C.:

The petitioners are before this Court challenging the acquisition notification on the ground that on earlier occasion the land, though proposed to be acquired, came to be dropped on the ground of the land being situated in a flood prone area.

2. Apparently the policy which restricted the acquisition of land, if it was falling in the flood prone area, came to be withdrawn by virtue of a cabinet decision taken in the year 2015. By virtue of withdrawal of policy where restrictions were created to acquire the land, even the land in question now can be acquired.

3. According to the petitioners, they are in possession of the land and cultivating the same. If it were to be in the flood prone area, we fail to understand how the petitioners are going to be benefited out of cultivation they are undertaking. On the other hand, if the policy of the Government is changed which includes to acquire even the area in question, it is for the Acquiring Body and the beneficiary to see whether the acquisition is for their benefit or not.

4. In the absence of any legal obstacle coming in the way of the statutory right of the State to acquire the land, we fail to understand how the grounds raised in the petition could assist the petitioners to seek the relief they have sought. In that view of the matter, we are of the opinion that the petitions are not sustainable and accordingly the same are dismissed.

(N.M. JAMDAR, J.)

CHIEF JUSTICE