

survey No. 294 Hissa No. 3B admeasuring 1 acre 4 gunthas and 1 anna situated in the territorial limits of Sangli, Miraj, Kupwad City Corporation presently having extended city survey No. 712 was acquired by Respondent No.4 – State of Maharashtra for the specific purpose of construction of Mahatma Gandhi student's hostel.

3. Learned Counsel for the Petitioners submitted that 55 years since the acquisition proceedings were completed, the Respondents have constructed hardly 6 to 7 rooms on 3 to 4 gunthas of the total acquired land. In his submission the acquired land has not been used for the purpose for which it was acquired. In the submission of the learned Counsel for the Petitioners though the Petitioners predecessors-in-title were in dire need of the said land, the same was acquired by the Respondents by paying a meager compensation.

4. Learned Counsel for the Petitioners invited our attention to the newspaper report that the Respondents are now in the process of utilising the remaining vacant acquired land for

the purpose of construction of memorial statue of a late politician. The Petitioners objected to the change of use. Learned Counsel for the Petitioners urged that as purpose for which the land was acquired no longer subsists, the Petitioners are entitled for return of remaining unused land.

5. Learned AGP on the other hand submitted that the land in question was acquired under the Land Acquisition Act, 1894 (for short 'the Act'). He submits that by operation of Section 16 of the Act, it stood vested in the State free from all encumbrances. In his submission, it is settled law that when land is acquired for public purpose, after public purpose was achieved, the rest of the land can be used for any other public purpose. Learned AGP relied upon the decision of the Apex Court in the case of **State of Kerala and ors. Vs. M. Bhaskaran Pillai and anr. AIR 1997 Supreme Court 2703** in support of his submissions.

6. We have heard learned Counsel for the parties. The

issue is no more res-integra in view of the decision of the Apex Court in the case of **State of Kerala** (*supra*). In view of the admitted position that the land in question was acquired under the Act, by operation of Section 16 of the Act, it stood vested in the State free from all encumbrances. It is settled law that if the land is acquired for the public purpose, after public purpose was achieved, the rest of the land can be used for any other public purpose.

7. The Petition is devoid of any merits. The same is accordingly dismissed.

(M.S.KARNIK, J.)

(CHIEF JUSTICE)