

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

SECOND APPEAL (St.) NO. 18689 OF 2014

Mr.Mohamad Husain Mohamad Usman and another .. Appellants

Vs

The Chief Officer,

Manmad Municipal Council and another .. Respondents

Mr.P.N.Joshi, for Appellants.

Coram : N.M.Jamdar, J.

Date : 2 February 2018.

Oral Order :

By order passed today the Second Appeal was restored.

2. Heard learned counsel for the Appellants.

3. The Appellants filed Regular Civil Suit No.172 of 1986 in the Court of Civil Judge, Junior Division Manmad. It was the case of the Appellants that the Appellants are the owner of City Survey No.169 and 170. It was acquired by the Municipal Council. According to the Appellants the Respondent-Council failed to construct a stadium i.e. the purpose for which it was acquired, the Appellants were entitled to possession of the suit property. The learned Civil Judge dismissed the suit by judgment and order dated 28 January 2000.

The Appeal filed by the Appellants bearing No.29 of 2000 was dismissed by the learned District Judge, by judgment and order dated 11 March 2014.

4. The fact that suit property was acquired by the Respondent-Council, is not disputed. The Appellants are aggrieved by the fact that the Respondent-Council did not use the property for the purpose it was acquired. It is settled law that, after the property is acquired the acquiring body can always put the property to some other public use. Since the land was acquired, the Appellants had lost ownership rights in the suit property. In these circumstances, there is no error in the view taken by both the Courts. No substantial question of law arises. Second Appeal is accordingly dismissed.

(N.M.Jamdar, J.)