

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

WRIT PETITION NO. 3253 OF 2026

Baban Maruti Mohite & Anr. ... Petitioners
Versus
Deputy Collector, Acquisition & Ors. ... Respondents

Ms. Rachana Harpale a/w Mr. Nitin P. Deshpande and Mr. Santosh Kurade for the Petitioners.

Ms. M. S. Bane, AGP for Respondent-State.

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.**

DATE : 1st APRIL 2026

P.C. :

- . Heard learned counsel for the petitioners.
2. By this petition, the petitioners are seeking a direction to respondent No.3-Additional Collector, to take action in pursuance of letter dated 12th November 2018 issued by the Deputy Commissioner (Rehabilitation).
3. At first blush, the prayer made on behalf of the petitioners appears to be innocuous. But, on a deeper examination, we find such a direction cannot be granted. In fact, in the light of the documents available on record, we find it a little surprising that the Deputy Commissioner (Rehabilitation) did send the letter dated 12th November 2018 to the Additional Collector, Pune.

3. We find that in the present case, the land acquisition award was passed as far back as on 7th March 1991 and it appears that after more than 20 years, on 22nd November 2013, the petitioners sent a representation proposing that another piece of land be acquired instead of the piece of land that was acquired in the land acquisition proceedings, culminating in the award dated 7th March 1991.

4. In this context, the Additional Collector, Pune had sent a letter dated 16th March 2018 to the Divisional Commissioner (Rehabilitation), Pune, with reference to the representation dated 22nd November 2013, sent by the petitioners, stating that in the light of the acquisition proceedings having culminated into the said award and the land having vested in the State, free from all encumbrances, there was no question considering the said representation. We find that the said approach adopted by the Additional Collector, Pune was correct and it was in accordance with law.

5. It is a settled position of law that once the land has vested in the State pursuant to acquisition proceedings, free from all encumbrances, the erstwhile owners cannot have any surviving interest in such land. In fact, the Supreme Court in the case of *State of Kerala & Ors. vs. M. Bhaskaran Pillai & Anr.*, 1997 4 SCC 432, held that the land acquired for a public purpose can be used for another public purpose and in case, there is no other public purpose for which the land is to be put to use, then instead

of disposing of the same by sale to the erstwhile owner, such land must be put to public auction and the amount fetched in the public auction, should be better used for public purposes envisaged in the Directive Principles of the Constitution of India. This position of law has been reiterated in the subsequent judgment of the Supreme Court in the case of *Indore Development Authority vs. Manoharlal & Ors.*, (2020) 8 SCC 129 and *Khaja Hussein Shaikh Lal & Ors. vs. The State of Maharashtra & Ors.* (judgment and order dated 13th March 2024 passed by this Court in Writ Petition No. 14773 of 2019), which was confirmed by the Supreme Court by dismissing the Special Leave Petition filed against the said judgment.

6. In the present case, as noted hereinabove, the land vested in the State, free from all encumbrances, in the light of the land acquisition award dated 7th March 1991 and therefore, there is no question of consideration of the relief sought by the petitioner.

7. In view of the above, the writ petition is dismissed.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)