



Mains Practice Question

Q. How does the principle of "eminent domain" justify state acquisition of private property? Analyze its scope under Indian constitutional law in light of Supreme Court rulings. **(250 words)**

01 Apr, 2025 GS Paper 2 Polity & Governance

Approach

- Introduce with a brief definition of the doctrine of eminent domain.
- Discuss how it justifies state acquisition of private property.
- Examine its constitutional scope under Indian law.
- Conclude suitably.

Introduction

The **doctrine of eminent domain** empowers the State to acquire private property for public use with fair compensation. The **Supreme Court's recent judgment in Property Owners Association v. State of Maharashtra (2024)** redefined the scope of this power, emphasizing a careful **balance between individual property rights and public welfare** within constitutional boundaries.

Body

Justification of Eminent Domain and Constitutional Foundations

- **Eminent domain is rooted in sovereign power**, allowing the State to compulsorily acquire private property for a legitimate public purpose.
 - It underpins land acquisition for infrastructure, welfare schemes, and economic development.
- **Article 300A of the Constitution** protects property as a constitutional right, allowing deprivation only through legal authority.
 - Though no longer a fundamental right, it remains essential for safeguarding personal and economic freedom.
- The doctrine requires **three core conditions**: a valid **public purpose**, **legal authority**, and **just compensation**.
 - These ensure acquisition is justifiable and respects individual dignity.
- In **Sudharsan Charitable Trust v. Tamil Nadu (2018)**, the SC upheld land acquisition in public interest, provided due compensation is ensured.
 - The ruling reinforced the **legitimacy of eminent domain when exercised responsibly**.

Judicial Interpretation and Scope under Indian Law

- In *Property Owners Association v. State of Maharashtra (2024)*, the SC clarified that **Article 39(b)** does not authorize property acquisition.
 - Authority instead derives from **Entry 42 of List III** and the doctrine of eminent domain.
- The judgment held that **not all private property qualifies as "material resources" of the**

community, overturning earlier rulings in *Ranganath Reddy and Sanjeev Coke*.

- It called for a **case-by-case test** based on nature, scarcity, and societal need.

- The Court invoked the **Public Trust Doctrine**, making the State a trustee of essential resources for public benefit.
 - This limits indiscriminate acquisition and promotes sustainability.
- The Court reaffirmed the **validity of Article 31C** but restricted its use to ensure **property rights under Article 300A** are not bypassed arbitrarily.
 - This protects constitutional balance and individual freedoms.
- The ruling emphasized that **just compensation is non-negotiable**, reinforcing economic fairness alongside legal compliance.
 - The judgment aligns with **Ambedkar's vision of economic democracy**, avoiding rigid ideological imposition.

Conclusion

The Supreme Court has redefined the **scope of eminent domain** by insisting on **public interest, procedural fairness, and compensation**. The balance it strikes between **State power and property rights** upholds the spirit of a **constitutional democracy** committed to justice and individual dignity.

PDF Reference URL: <https://www.drishtiias.com/mains-practice-question/question-8734/pnt>

