

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION No.1596 OF 2014

(Ganpati s/o. Vithobaji Dhobe .vs. State, through its Secretary, Planning Deptt., Mumbai
and Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.P.J.Mehta, Adv. for the petitioner.
Mr.N.R.Rode, A.G.P. for respondent nos. 1 to 3.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 11.2.2015.

Heard.

The question is whether a farm lake was constructed by the petitioner on 2.2.2009; that too, as per specification. The fact that the farm lake has been completed is brought on record as per narration in the petition for the first time on 31.5.2010. The respondents in their reply submit that demand was made for the first time on 4.2.2011.

According to the respondents, the farm lake was not constructed at the spot demarcated by the Authorities for the said purpose and also was not as per specification. They are relying upon report dt.22.2.2011. In the affidavit, it is mentioned that Agricultural Assistant Mr.T.P.Khobragade on 21.9.2009 went in the field and demarcated the said plot and gave necessary guidance to the petitioner. The petitioner has annexed with the present Writ Petition – a copy of the

report dt.4.2.2011 in which the Authorities have observed that the said Officer visited field on 21.1.2009.

The petitioner has, on 25.3.2011, made a complaint and blamed the Officers. In that communication, he has not mentioned the date of completion of work. However, in the representation dt.31.5.2010, he has stated that he himself with his tractor completed digging and built water tank. In the Writ Petition, in paragraph 3, the petitioner has stated that he himself with the help of labours, machineries and tractor completed the said work within a period of two months from the date of order.

We, therefore, find that several disputed questions arise in the matter. Hence, with liberty to the petitioner to take such other steps as are open in law, we dispose of the present Writ Petition. No costs.

JUDGE

JUDGE