

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3428 OF 2014

Akhilesh S/o Girish Chandak

-VS-

The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Ashish Girdekar, counsel for the petitioner.
Ms T.H.Udeshi, AGP for the respondents.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 24.06.2015.

By this petition, the petitioner seeks a direction to the respondents to grant compensation to the petitioner in view of the Government Resolutions, dated 31/08/2013 and 14/08/2013. A further direction is sought to the respondent Nos.1 and 2 to hold the detailed enquiry in respect of the land of the petitioner and the loss suffered by the petitioner due to excess rain.

According to the petitioner, due to the heavy rain in the year 2013, several hectares of land in the village of the petitioner was submerged in water for many days and the crops were severely damaged. According to the petitioner, he along with others made a representation to the respondent Nos.3 and 4 for grant of compensation due to loss and damage to the crops. It is stated in the petition that the Tahsildar inspected the spot and appointed a Committee to consider the loss and submit a report. It is stated that though several other villagers were granted compensation, the

Authorities declined to grant compensation to the petitioner. It is the case of the petitioner that the petitioner was also entitled to compensation in view of the Government Resolutions, dated 31/08/2013 and 14/08/2013.

The respondent Nos.2 and 3 have filed an affidavit-in-reply. The claim of the petitioner is specifically denied by the respondents. It is stated in the affidavit-in-reply that only 512 Khatedars in the village were found affected as per the norms stated in the Government Resolutions, dated 14/08/2013 and 31/08/2013. It is stated that the Government has paid compensation to the affected agriculturists. It is stated that some of the persons, who have been named in Annexure-A had not filed any objection regarding loss to their crops. It is stated that though the petitioner was major in the year 2013-14, he had not filed any objection.

On a perusal of the affidavit-in-reply and the averments made in the writ petition, it appears that the relief sought by the petitioner cannot be granted. There is a serious dispute whether the petitioner had applied for grant of compensation and whether there was loss or damage caused to the crops in the field of the petitioner. The issues involved in the writ petition cannot be decided, in exercise of writ jurisdiction. The petitioner, if so advised, may file appropriate proceedings.

In the result, the writ petition is dismissed with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE