

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7524 OF 2011

Dadasaheb Bhanudas Salunke and
another

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Chakradhar M. Kajale, Advocate for Petitioners.

Ms. S. S. Raut, A.G.P. for Respondent Nos. 1 to 3.

Shri T. B. Bhosale, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 04TH JANUARY, 2016.

PER COURT :

. The learned counsel for petitioners submits that, the land of the petitioners was acquired for Medium Project at Sindfana. The learned counsel submits that, apart from the land acquired excess land has been submerged. The notice is also issued by the respondents on 10th April, 2008 stating that the height of the project is to be increased and as such additional land of the petitioner would be required by submergence. The learned counsel submits that, the additional land of the petitioners is submerged, however no compensation has been paid in respect of the same, nor any acquisition proceedings are undertaken.

2. We have heard the learned Assistant Government Pleader. The affidavit is filed by the Sub Divisional Officer (Minor Irrigation) Department contending that, the notice dated 10.04.2008 is issued calling upon the land owners to vacate the encroachment on the land already acquired. The additional land is proposed to be acquired as it is require for storing the water after raising the height of the dam. While acquiring additional land due procedure of law will be followed by the concerned authorities. It is further stated in the affidavit that at present work of raising height and bank is done and still the work of waist weir is done proposed land will not come under submergence.

3. Accepting the said statement made in the affidavit in reply, we dispose of the petition. In case the work of waist weir is done and the proposed land is affected under submergence, the petitioners would have every right to agitate the same. The writ petition is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]