

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

Writ Petition No. 6587 of 2015

District : Jalna

1. Shaikh Umar s/o. Shaikh Lal,
Age : 80 years,
Occupation : Agriculture,
R/o. Khadkawadi,
Taluka : Ghansavangi,
District : Jalna.
2. Shaikh Siddique s/o. Shaikh Umar,
Age : 40 years,
Occupation : Agriculture,
R/o. As above.
3. Shaikh Ishaque s/o. Shaikh Umar,
Age : 30 years,
Occupation : Agriculture,
R/o. As above.
4. Shaikh Vazir s/o. Shaikh Umar,
Age : 35 years,
Occupation : Agriculture,
R/o. As above.

versus

1. The State of Maharashtra,
Through the Collector, Jalna,
Taluka & District : Jalna.
2. The Tahsildar, Ghansavangi,
Taluka : Ghansavangi,
District : Jalna.
3. The Talathi,
Village Khadka,
Taluka : Ghansavangi,
District : Jalna.

4. The Circle Officer,
Antarvali Temi,
Taluka : Ghansavangi,
District : Jalna.

5. Sk. Gafoor Sk. Ahmed,
Age : Major,
Occupation : Agriculture,
R/o. Kadkawadi,
Taluka : Ghansawangi,
District : Jalna.

.. Respondents
(No.5 - Intervener)

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*Ms. Fatima Kazi, Advocate, holding for
Mr. S.S. Kazi, Advocate, for the petitioners.*

*Mr. S.G. Karlekar, Asst. Government Pleader, for
respondent nos.1 to 4.*

*Mr. Nikhil S. Jaju, Advocate, holding for
Mr. A.S. Bajaj, Advocate, for respondent
no.5 - Intervener.*

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

DATE : 24TH FEBRUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. Ms. Kazi, the learned Counsel for the petitioners, submits that the petitioners are in possession of land Gut No. 95 admeasuring 26 Acres 19 Gunthas. Due to torrential rains in the year 2014, farmers in the locality suffered loss and the Government declared compensation to the farmers / agriculturists. The Talathi did not endorse the crop cultivated in

the 7/12 extract on the ground that there is a dispute pending before this Court. The learned Counsel submits that the petitioners are in possession of the said land. In the year 2009, the petitioners had received compensation for the damage to the crop. However, only because the dispute is pending, the respondents / authorities have not disbursed the compensation amount. Affidavits of four adjacent owners have been filed on record to substantiate that the petitioners have sown crops and are in possession of the said property. According to the learned Counsel, the adjacent land holders have been paid compensation for the damage to the crops. The petitioners are discriminated. The respondents be directed to pay the amount of compensation.

2. Mr. Karlekar, the learned Asst. Government Pleader for the respondents, submits that the 7/12 extract shows that the land is barren. There is also dispute pending between the parties. As such, respondent no.3 has not taken action due to pending litigation in this Court.

3. Mr. Jaju, the learned Counsel for respondent no.5 - Intervener, submits that the intervener is in possession of the property. In the Second Appeal, present petitioners have not pressed the application for interim relief.

4. In the present Writ Petition, we are not concerned with the inter se dispute between the petitioner and the intervener. The same would be resolved in the pending Second Appeal.

5. The respondent - authority has placed on record, along with the affidavit, the 7/12 extract which shows that the land of the petitioners

as barren land and further endorsement is made about dispute.

6. The respondent - authority was required to consider whether any crop has been sown in the land at the relevant time.

7. At this stage, there would be no evidence as to whether any crop was sown in the year 2014. As such, no question arises today of issuing any directions.

8. If the authority has made inspection of the land bearing Gut No. 95, situated at village Khadkawadi [Taluka : Ghansavangi, District : Jalna], and if it had found some crop being sown, then the respondent - authority shall take decision on the application. If it comes to the conclusion that some amount was payable, then the said amount be deposited in the pending Second Appeal No. 115 of 2000 before this Court.

9. With the above observations and directions, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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