

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

WRIT PETITION NO. 7087 OF 2013

Khandu Yadarao Khandagale .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

**WITH
WRIT PETITION NO. 7134 OF 2013**

Ambadas Bhaurao Kale .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

**WITH
WRIT PETITION NO. 7167 OF 2013**

Bhaurao Nathuji Kale .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

**WITH
WRIT PETITION NO. 7304 OF 2013**

Tukaram Rauji Chhatre .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri B. V. Dhage, Advocate for the Petitioner in all matters.

Shri A. M. Phule, A.G.P. for Respondent Nos. 1 and 2 in all matters.

Shri V. R. Sonwalkar, Advocate for Respondent Nos. 3 to 8 in all matters.

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

DATE : 20TH JANUARY, 2016.

PER COURT :

. Mr. Dhage, the learned counsel for the petitioners submits that, heavy loss was sustained by the agriculturists of village Waregaon and its surrounding areas in the year 1991, because of the flood. The tail channel of the guide bund of Girija Dam became overflow and thereby the flood water rushed in the lands of petitioners. The punchanama was also carried out. The actual loss was assessed. Out of the actual loss of 5 lacs and some odd amount only Rs.96,000/- were paid. Two of the agriculturists filed writ petitions before this Court. This Court disposed of the writ petitions observing that disputed questions of facts are involved and the petitioners therein should approach the Civil Court by filing suit. The agriculturists in spite of filing the suit had approached the Government seeking compensation. The learned counsel further submits that, Government had passed the resolution thereby principally agreeing to pay the amount and it was also forwarded to the Corporation. The Corporation had also principally agreed to pay the amount subject to the legal

opinion. As per the communication made by the respondents, the legal opinion was that, if the amount is paid it would amount to contempt of the Court. The learned counsel submits that, the same cannot be contempt of the Court, as this Court had never given any directions of what so ever nature in not making the payment of the amount. According to the learned counsel the petitioners are the poor agriculturists and they are also ready to abide by the terms which were laid down in the said resolution that is giving a bond of not having taken any crop.

2. Mr. Sonwalkar, the learned counsel for the Corporation submits that, said word in the impugned letter is written by mistake. The said word it will amount to contempt is written by mistake. The legal opinion was that, the writ petitions were disposed of and liberty was given to the petitioners to file the Civil Suit, as there are disputed questions of fact. The limitation period had lapsed. The petitioners were required to pay the Court fees, de hors of this the payment cannot be made.

3. The learned A. G. P. does not dispute that the resolution was passed.

4. Once this Court has already disposed of the writ petitions by giving certain directions it would be not appropriate to entertain present writ petitions on merits. However, there was

no impediment for the Government or the Authorities to consider the claim put forth by the petitioners dehors judicial proceedings. It was for them to take administrative decision at their end. The State and the Corporation are within their powers to take decision with regard to the disbursement of the amount or otherwise. Even if, the Government or the Corporation pays the amount to the petitioners as per the resolution passed by them, the same certainly would not amount to contempt of the orders of this Court. It is for the respondents i. e. the Government and the Corporation to take decision at their end. There would be no legal impediment for the same. With these observations, writ petitions are disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]