

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5081 OF 2015

Subhash S/o. Toiba Mundhe and others .. **Petitioners**

Versus

The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai and others

.. **Respondents**

Shri Sudarshan J. Salunke a/w Shri Prasad B. Kadam, Advocate for
Petitioners.

Shri B. V. Virdhe, A. G. P. for Respondents.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.

DATE : 14TH JULY, 2016.

PER COURT :-

1. Mr. Salunke alongwith Mr. Kadam, the learned counsels for Petitioners submit that, Petitioners are owners and possessors of agricultural land at village Mudgal, Taluka – Pathri. The Petitioners and other agriculturist of village Mudgal were badly affected in February-March, 2014 by hail storm and cyclone. The learned counsels submit that, Government declared aid to such agriculturists who are affected by hail storm and cyclone. It was the duty of the officers to carry out proper survey, evaluate damage caused to the crops and pay compensation. The Respondent authorities in gross violation of their duties did not prepare proper survey and evaluated the loss and damages according to their whims and fancies, actual survey was not

conducted. To some agriculturists Rs.25,000/- were awarded to some like Petitioners approximately sum of Rs.4,000/- to 5,000/- were awarded. Though, the Government had declared aid to compensate the agriculturists whose crops have suffered from hail storm and cyclone the authorities did not implement the same properly thereby depriving the Petitioners of their legitimate claims of compensation / aid for the loss of crops. To substantiate the said contention, the learned counsel has referred to the chart showing compensation being awarded to various persons and state that the discrepancies in payment of compensation is writ large. According to the learned counsel, some persons have been awarded dual compensation. According to the learned counsel, time and again the Petitioners and other villagers had made grievance with the authorities but the said grievance has not been considered. No cognizance is taken about the said grievance.

2. The learned A. G. P. submits that, the survey has been done as per law and the compensation was disbursed as per the norms and according to the loss sustained by the Petitioners and other agriculturists.

3. We have considered the submissions canvassed by the learned counsels for respective parties.

4. The fact that Government had declared the aid to compensate the damage caused to the crops of all the agriculturists of village Mudgal, Taluka – Pathri is not disputed. Because of the hail storm / cyclone in February-March, 2014 the agriculturists of village Mudgal had to suffer loss of damage to the crops. It was declared with a avowed object i.e. to aid the agriculturists in mitigating the loss sustained by them.

5. It is not the case that the Petitioners have not been awarded with the compensation but their grievance is that, compensation has not been properly awarded considering the damage caused to the crops. It is more than two years the said crops were damaged. At this stage it will not be possible to even direct re-survey after lapse of two years, as crops are no longer in existence. The contention of the learned counsel for the Petitioners that some agriculturists have been awarded dual compensation is not substantiated from the record. It appears that for separate gut numbers owned by the agriculturists separate compensation is awarded. No doubt, in the chart submitted to the court some agriculturists have been awarded more compensation and some have been awarded less compensation. The compensation differs considering the nature of the land i.e. either Jirayat or Bagayat and the extent of the holding of the land.

6. There is nothing on record to show that the officers had not made the survey and that the survey was erroneous.

7. Considering the aforesaid aspect it will not be possible to determine the exact extent of the damage caused by different agriculturists in a writ jurisdiction.

8. In view of the above, the Writ Petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

sam/July.16