

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 8276 OF 2013

DAGDU PANDURANG PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Arun S. Shejwal
AGP for Respondents: Mr. S.M. Ganachari.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 19TH JULY , 2016.

PER COURT:

1] Mr. Shejwal, learned counsel for the petitioner submits that the land of the petitioner to the Extent of 85R is affected in the acquisition proceedings initiated for the purpose of percolation tank. However, only 0.7R land of the petitioner is shown to be under acquisition. Learned counsel submits that the measurement was wrongly done. Even the second time, no actual measurement was done. Only a farce was made that the measurements have been done. Petitioner refused to sign the panchanama. Learned counsel submits that, many objections were raised to the measurement carried out by the respondent authorities. The SLAO had also written it to the Executive Engineer, i.e. respondent No.3, with regard to various objections being received and had directed the respondent NO.3 to submit a report. No steps, pursuant thereto, were also taken. According to learned counsel, respondents be directed to measure the land in presence of the petitioner, so that the real facts would come on record.

2] Learned AGP submits that joint measurement was also done on 10.1.2011. Panchanama to that effect has been made and the required map was also drawn. Petitioner requested for re-measurement. Upon request of the petitioner, re-measurement was done on 3.2.2011. Panchanama was also made, however, the petitioner refused to sign the panchanama. Said fact

was also noted. In re-measurement, number of trees were shown to have been increased. According to learned AGP, there is no merit in the contention of the petitioner.

3] We have considered the submissions. Grievance of the petitioner is that more area of his land is acquired and less area is shown in the award. Said fact can only be confirmed by measurement. Twice measurement has been carried out. Area has remained the same. Initially, joint measurement was done on 11.1.2011. Again, re-measurement was done on 3.2.2011. The area of land remained unchanged. There are no grounds to disbelieve the measurement conducted. The award is only in respect of land and the grievance in the present petition is also restricted to land. As twice, measurement has been conducted, and there are no grounds to disbelieve the measurement carried out, it would not be possible to accept the contention of the petitioner.

4] We have considered the case of the petitioner only to the extent of the land acquired and not in respect of the trees as the award is not with regard to the trees in question. If the petitioner has any grievance with regard to the number of trees over the land, the petitioner is at liberty to make the said grievance with the Acquiring Body and SLAO, as may be permissible. The authorities shall consider the case of the petitioner with regard to valuation of the trees as in the award trees are mentioned as zero, and in the re-measurement, it was found that there were 15 custard apple trees.

5] With these directions and observations, writ petition is disposed of.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-