

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No.875 of 2005

Rameshchandra Surajmal Roda and another.

Vs.

The State of Maharashtra, Deptt. Of Irrigation, Mumbai and 2 others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
DATE : 28th April, 2016.**

Nobody for petitioners. Mrs. Naik,
learned AGP has appeared for respondent nos. 1 & 2.
Advocate Godbole appears for respondent no.3.

Petitioners claimed compensation on the
ground that their trees are damaged and also prayed
for grant of compensation on that count.

This court on 3.4.2013 while passing
order on Civil Application No.529/2013 has taken
note of the representation made by petitioners, as
also notice dated 30.9.2003 and directed the
government to make appropriate statement in this
respect. Thereafter respondent no.2 has filed an
affidavit on 4.9.2013. In that affidavit it has been
pointed out that lands of petitioners are situated
much above the full tank level and as such there is no
question of back-water or any damage to their trees.

The effort of petitioners to compare their case with holders of adjacent Gut Nos. 11, 12/2 and 12/3 is pointed out as misconceived. Respondent no. 2 has stated that those lands are at a height lower than four meters from full tank level and therefore comparison between these two lands is not permissible.

After this affidavit, there is no counter affidavit placed on record till date.

In this situation, we find no substance in the grievance as made. Petition is dismissed. Rule discharged. No costs.

JUDGE

JUDGE

Hirekhan