

-1-

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

WRIT PETITION NO. 9506 OF 2016

**KONDIBA LIMBAJI KAKADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioners : Jadhav Kailas B
AGP for Respondents: Mr.S.G.Karlekar for R. 1 to 3.**

...

**CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 06/07/2017

PER COURT :-

1] Heard. Perused the petition and the annexures so also the affidavit in reply. In writ jurisdiction we cannot estimate and compute the loss allegedly caused to the petitioner because of the flowing of excess water from the percolation tank. The complaint that it has entered two gat numbers and belonging to the petitioner, cannot be investigated any further in our limited jurisdiction. If indeed the act was wrongful and has resulted in any loss or damages to the petitioner or his property, he can be compensated in terms of money, if he succeeds in civil proceeding. He will have to therefore, prove his case by leading oral, documentary evidence. That being not possible in our limited jurisdiction, the Writ Petition is disposed of. Leaving open all other remedies.

(MANGESH S. PATIL,J.) (S.C.DHARMADHIKARI,J.)

umg/