

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

WRIT PETITION NO. 2118 OF 2017

Kashinath s/o Vishwanath Patil

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. A.B. Kale, Advocate for Petitioner

Mr. C.S. Kulkarni, AGP for Respondent/State

Mr. S.D. Dhongade, Advocate for Respondent Nos. 4 and 5

.....

**CORAM : PRASANNA B. VARALE AND
MANISH PITALE, JJ.**

DATE: 09th OCTOBER, 2018

ORAL ORDER :

1. Heard Mr. Kale, the learned Counsel appearing for the petitioner. The petitioner is before this Court with prayer (B). Perusal of the petition and the documents show that the petitioner is under impression that as purpose for which the land is acquired is completed by the construction of dam and the land of the petitioner is not needed for any other purposes by the respondent-authorities. In the fitness of things, the decision dated 19.12.2015 be quashed and set aside and the authorities be directed to forward the proposal for release of petitioner's unutilized land situated at village Mangalwadi, Tq. Raver, Dist.

Jalgaon from survey No. 86/1B and survey No. 86 admeasuring areas 6A 11R. In response to the notices issued to the respondent authorities, the respondents filed affidavit-in-reply through respondent No. 2 and 3 and respondent No. 4 and 5 respectively. A consistent stand is taken by these respondents and same is reflected in para 5 of the affidavit in reply filed on record by respondent Nos. 2 and 3. The statements made in para 5 read thus -

With reference to the contentions in para 2 of the petition it is submitted that they are all misleading and, therefore, are denied. It is submitted that land survey no.86/1 and 86/2 of village Mangalwadi, Taluka Raver was not acquired for the purposes of construction of Hatnur dam. However, the said land came to be acquired for the purposes of extension of eight gates of the said dam. Presently, the construction work of eight gates of the said dam is in progress and for the purpose of base of the earth-dam and for its protection the black soil from the said land is required and for feasibility of the said black soil a sample of soil from the said land is sent by the construction agency to MERI, Nashik for testing purposes. It is, therefore, false to contend that the soil of the said land is not suitable for construction of the dam.

2. In view of the facts that the respondent authorities needs the land for construction of dam and the work is in progress and

respondent authority being expert in the field, we see no reason not to accept the statement of respondent authority. As such, the petition deserves to be dismissed and accordingly, the Writ Petition is dismissed.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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