

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

1003 WRIT PETITION NO. 10419 OF 2017

DADARAO VITTHALRAO WARNE AD ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr. Thombre Chandrakant V.
AGP for Respondent Nos 1 to 6 : Mr. P.K. Lakhotiya

...

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JULY 27, 2018

O R D E R :

It is the contention of the petitioners that the river Manyad is flowing adjacent to the land of the petitioners. Because of the flood problems the water enters the agricultural field of the petitioners. Due to that the land of the petitioners is inundated. Time and again, the petitioners approached the respondents for compensation for damages caused due to flood. On 16.3.2007 panchanama was prepared by the Circle Agricultural Officer. The report was submitted to District Superintendent and the Agricultural Officer, Nanded explaining the heavy loss.

2. Learned counsel submits that in view of Government Resolution dated 17.9.2014 the petitioners are entitled for compensation.

3. Learned counsel submits that, time and again representation is made, however, of no avail. The learned counsel placed on record the report and the communication made by the Tahsildar to the District Collector stating about the valuation of that "part of land" merged into the river. The valuation of Gut No. 106 to the extent of 97 Are is Rs. 7,05,500/- and for Gut No. 107 to the extent of 1 H 7 Are is to the tune of Rs. 7,53,500/- total Rs. 14,59,000/-. The loss is sustained by the petitioners since 1983. It is submitted that even the Collector has recommended the same.

4. Respondents are required to act diligently and in tune with the concept of 'Welfare State'.

5. Considering the reports submitted by the Tahsildar to the Collector, respondent nos. 1 and 2 shall take decision with regard to the amount of compensation

payable to the petitioners, within the period of 6 months and in case the decision is taken with regard to the quantum of compensation payable, then the same shall be paid to the petitioners within three months thereafter.

6. The writ petition accordingly is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

mahajansb/