

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

**WRIT PETITION NO. 11053 OF 2016**

**SHRIRAM RAMCHANDRA GADEKAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.K.D.Khade, Advocate for the petitioner.  
Mr.N.T.Bhagat, AGP for the respondent/State.

**CORAM : S.V.GANGAPURWALA &  
S.M.GAVHANE, JJ.  
DATED : 11.09.2018**

**P.C. :-**

Mr.Khade, learned counsel for the petitioner submits that the petitioner is owner of the Gat No.206. Due to non completion of the cross drainage and public road, the crop of the petitioner from Gat No.206 is damaged from time to time from the year 2013 to 2016. According to the learned counsel, the work of the bridge is completed in the month of November, 2017. Till the work was completed, the loss was caused of the crop of the petitioner due to the water logging, as the cross drainage was never completed. The 7/12 extract gives details of the crop sown by the petitioner. The application has been given by the petitioner. Earlier also the petitioner had filed the Writ Petition bearing No.8337 of 2012. This Court under order dated 23.12.2014 considered the grievance. It was observed by the Court that there was need of two such cross drainages but because of the obstruction of the adjacent owners, that

cross drainage was not constructed. The cross drainage is to be provided below public road. It is accumulated on one side of the road. The respondent Nos.1 to 5 therein directed to undertake the work and complete it before 31.03.2015. The learned counsel further submits that this Court further observed in the said order that if the petitioner is required to come again to the Court, then respondent shall be required to pay exemplary costs. The learned counsel submit that the work was not completed as such filed the present writ petition and perennially crops were damaged.

2. The learned AGP submits that the work of cross drainage could not be constructed in time because of the opposition of the adjacent land owners. In fact the work of cross drainage is completed in the month of October 2010. The learned AGP further submits that there was strong opposition of owner of the Gat No.206 and 207. The Tahasildar sought Police protection. So also the respondent convinced the adjacent land owners and therefore the work of bridge was completed in month of November 2017. The grievance of the petitioner is redressed. As the cross bridge has been completed the grievance of the petitioner does not survive. The learned AGP further submits that the land of the petitioner is on upstream side of cross drainage and Nala. Hence no question arises of damage to the crop of the petitioner.

3. We have considered the submissions. It is not disputed that now the grievance of the petitioner for

construction of cross drainage and bridge stands redressed. The same has been constructed.

4. The only grievance of the petitioner is with regard to the damage of crops as claimed by him. The respondent Nos.3 and 4 have filed affidavit contending that no question arises of the loss to the crop of petitioner.

5. We do not have any details before us, as to the manner in which the crops in the field of the petitioner are damaged. There are no authentic statistics placed before us nor the Court is expert in that regard. It is for the authority to consider the same.

6. The petitioner may file a comprehensive application with the respondent authority with regard to the loss claimed by him. The authority i.e. respondent No.2 shall consider the application of the petitioner and take decision on the claim of the petitioners loss of crops on its own merits preferably within six months from the date of receipt of the application, of course after calling of the report from the respondent Nos.4 and 5.

7. The Writ Petition is disposed of. No costs.

**[ S.M.GAVHANE, J. ]**

**[ S.V. GANGAPURWALA, J. ]**