

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14707 OF 2017

BHASKAR MOHANRAO KAWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri A.T.Kanwale h/f Shri V.S.Undre
AGP for Respondents 1 & 2 : Shri G.D.Wattamwar
Advocate for Respondents 3 & 4 : Shri Ram Deshpande

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CORAM : PRASANNA B. VARALE & RAVINDRA V. GHUGE, JJ.
Dated: September 10, 2018

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PER COURT :-

1. The petitioner is before this Court with a limited prayer, namely; direction to respondent No.3 to decide his representations dated 4.1.2017 and 17.10.2017 respectively.
2. Notice was issued on 20.12.2017 by this Court. The learned AGP appeared and waived service for respondents 1 and 2. Shri Deshpande, learned counsel has appeared for respondents 3 and 4.
3. On perusal of the representation dated 4.1.2017, placed on record at Exhibit "C", it appears that the petitioner is owner of certain agricultural lands in Gut Nos.369 and 366 as well as Gut No.364. It is submitted in the representations that the petitioner is in possession of the lands and is also cultivating the lands. The grievance of the

petitioner seems to be of not taking steps so as to verify the area merged in the water. The petitioner submitted in the representations that the agricultural lands could not be cultivated by the petitioner due to the water overflowing from the tank constructed nearby the agricultural lands. The petitioner in the representations requested respondent No.3 / Executive Engineer, Minor Irrigation, Osmanabad Division, Osmanabad to take necessary steps to measure the lands and forward the proposal to the department so also grant compensation by acquisition of the lands.

4. Shri Deshpande, learned Advocate, on instructions submits that on receiving the representations, the Executive Engineer immediately requested the Taluka Inspector of Land Records ("TILR") to undertake the exercise of the measurement of the land. On 24.10.2017, respondent No.3 / Executive Engineer requested the TILR to measure the lands. Again a reminder was forwarded on 24.8.2018. As no steps were taken, again a reminder dated 5.9.2018 was sent to the TILR.

5. Considering the limited grievance raised by the petitioner and considering the submission of Shri Deshpande that respondent No.3 forwarded the communication to the TILR to do the needful and till date the communication is pending compliance with the TILR, we are of the opinion that the petition itself can be disposed off by issuing

necessary directions to the respondents. Accordingly, we direct the District Collector, Osmanabad to appraise the Tahsildar, Tq. Washi, District Osmanabad and the Tahsildar, in turn, shall immediately establish contact with the TILR and apprise him about the communication submitted by the Executive Engineer, Minor Irrigation Division, Osmanabad on 24.10.2017, 24.8.2018 and 5.9.2018. The District Collector, Osmanabad shall also intimate the Tahsildar and the Tahsildar, in turn, shall intimate to the TILR to undertake the exercise of measurement, if not taken till date, and to complete the same within four weeks from today and submit the report to respondent No.3 / Executive Engineer. Respondent No.3 on receipt of such report of TILR to take appropriate decision and communicate the same to the petitioner four weeks from the date of receipt of the report from the TILR. We are also of the opinion that such an exercise would not cause any prejudice to the respondents and would only meet the ends of justice.

Ajay
Kishanrao
Losarwar

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6. With these directions, the Writ Petition is disposed off.

(RAVINDRA V. GHUGE, J.)

(PRASANNA B. VARALE, J.)

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