

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3251 OF 2014

Sarjerao Pandurang Surve

..... Petitioner

VERSUS

Sambhaji Mohan Surve

..... Respondent

Mr. Vijay Killedar for the Petitioner.

Mr.Sandeep S.Pingale for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 6th JUNE, 2018

P.C.

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 28th October, 2013 passed by the learned Tahsildar, Khanapur, Vita and the judgment and order dated 6th January, 2014 passed by the learned Sub Divisional Officer, Vita under section 49 of the Maharashtra Land Revenue Code, 1966.

2. Learned counsel appearing for the respondent states that the said impugned orders are already implemented by the respondent and the requisite pipeline is already laid.

3. Mr.Killedar, learned counsel appearing for the petitioner does not dispute this position. However, he makes a submission that the learned Tahsildar did not make any provision for payment of compensation for the damages caused to the land of the petitioner by reason of paying pipelines from the plot of the petitioner. Learned

counsel appearing for the respondent has no objection if the learned Tahsildar is directed to make an enquiry about the payment of the compensation contemplated under section 49(2)(iv)(a) of the Maharashtra Land Revenue Code, 1966 required to be paid if any, pursuant to the impugned orders which are subject matter of this petition. Statement is accepted.

4. The learned Tahsildar, Khanapur, Vita, is directed to decide the issue of compensation under section 49(2)(iv)(a) of the Maharashtra Land Revenue Code, 1966 after hearing both the parties and shall pass an appropriate order within 12 weeks from today.

5. Both the parties are directed to appear before the learned Tahsildar, Khanapur, Vita on 15th June, 2018 at 03.00 p.m.

6. The parties shall not be given any fresh notice of the hearing. If the said date is not convenience to the said learned Tahsildar, the parties shall be informed about the convenient date by the learned Tahsildar.

7. Writ petition is disposed of in the aforesaid terms. No order as to costs.

8. The parties as well as the learned Tahsildar to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]