

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

2 WRIT PETITION NO.3890 OF 2019

DADARAO VITHALRAO WARNE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. C.V.Thombre, Advocate for Petitioners.
Mr. S.B.Yawalkar, AGP for Respondents-State.
...

**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 2nd July, 2019

PER COURT :-

1. Mr. Thombre, the learned counsel for the petitioners submits that in fact the petitioners are entitled for compensation of Rs.14,59,000/-. Right since 1983, the crops of the petitioner are damaged. The same is also recommended by the Collector. The panchnamas are prepared by the Circle Agricultural Officer. According to the learned counsel, the petitioner is given compensation of an amount of Rs.36,375/- relying on the Government Resolution. The same is inappropriate.

2. The learned AGP accepts notice for all the respondents-State and submits that considering the relevant

aspects of the matter, the compensation is rightly given to the petitioners.

3. The petitioners are claiming damages / compensation on account of loss of the crops. The same would be a disputed question of fact. It would not be possible in the writ jurisdiction to evaluate the damages and / or loss of the crops. The petitioners can approach the competent civil Court for the said purpose. If the petitioners approach the competent Civil Court, all contentions of the respective parties are kept open.

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

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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vmk/-