

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

63 WRIT PETITION NO.514 OF 2018

CHAYA SOPAN YEOLE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. Taur Mahesh S.

AGP for Respondents State: Mr. K. B. Jadhavar

CORAM : S. V. GANGAPURWALA &

A. M. DHAVAL, JJ.

DATE : 29th January, 2019

PER COURT :

1. Heard learned Advocate for the petitioner. Leave to add Taluka Agriculture Officer as party respondent. Leave AGP waives service for the added respondent.

2. Mr.Taur, learned Advocate for the petitioner submitted that the petitioner had applied for compensation on account of death of her husband Sopan due to natural calamity. Husband of the petitioner got drowned in the river because of sudden increase in the water level. It is on account of natural calamity and disaster, husband of the petitioner died. Claim of the petitioner is negated on the ground that death of husband of the petitioner is not on account of natural calamity. Case of the petitioner is squarely covered by the scheme introduced by the Government on account of death caused of natural calamity and disaster.

3. We have also heard the learned A.G. P. The learned A. G. P. submits that death of husband of the petitioner is covered by Gopinath Munde Shetkari Apghat Vima. It has been stated on affidavit by the respondent No.3. It is not a case of flood. Prior to the relevant date, rain recorded in the circle is 21 Millimeter which cannot be termed as torrential rain or it would give rise to the flood situation. Chart showing rain received prior to relevant date is placed on record. Naturally, meager rain received would not give rise to the flood situation. However, case of the petitioner can be certainly considered under Gopinath Mundhe Shetkari Apghat Vima and respondent No.3 has already directed the concerned Taluka Agriculture Officer to include the name in the list by letter dated 03.10.2016.

4. In view of the above, the respondents shall take decision on the claim of compensation of the petitioner on account of death of her husband under Gopinath Mundhe Shetkari Apghat Vima, expeditiously, preferably within three months.

5. Writ petition is accordingly disposed. No costs.

(A. M. DHAVAL, J.)

(S. V. GANGAPURWALA, J.)

JPC