

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
51 WRIT PETITION NO.10112 OF 2018**

NARAYAN BABURAO BAGAL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep N. Lute, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. S. S. Deve, Advocate for Respondent No.5.

...

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATED : 25th MARCH, 2019.

PER COURT:-

1. Mr. Lute, learned counsel for the petitioner submits that the representation given by the petitioner with regard to the compensation of trees is not at all considered. The possession is taken by respondent in the year 2014 and the inspection is made in the year 2017 and in that Pomegranate trees are reported to be poor. The learned counsel submits that as per the consent Award the valuation for the trees was to be made subsequently. However, the condition has not been visualized as it was on the date the possession was obtained by the respondent.

2. We have heard Mr. Deve, learned counsel for respondent and learned A.G.P.

3. The report of the Taluka Agricultural Officer states that the condition of Pomegranate trees is poor. The height is given. The spread is also given.

4. Except the report there is no other material before us to conclude about the valuation of the trees. We can only go as per the report on record. It is not also case that there are some other contrary reports.

5. In view of that, it would not be possible for us to exercise our writ jurisdiction.

6. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE