

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

WRIT PETITION NO.278 OF 2019

**RUSTUM DHONDIBA SAKHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Dnyaneshwar A. Bide, Advocate for the petitioner
Mrs.M.A.Deshpande, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 11.01.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. It is the submission of the learned counsel for the petitioner that the petitioner is before this Court with a limited grievance namely non decision on the representation submitted by the petitioner to respondent authorities dated 14.09.2018. Learned counsel for the petitioner inviting our attention to the various documents placed on record submitted that due to irregular work of Canal there was unnatural water flow in the agricultural field of the petitioner leading to damage to the standing crop and further leading the petitioner to suffer loss of agricultural yield.

Learned counsel invited our attention to the certain documents namely representations submitted to the Executive Engineer, Minor Irrigation Department Division dated 10.08.2010. Certain copies of photographs a representation submitted to the Executive Engineer on 05.08.2011. On backdrop of the submission of the learned counsel and on perusal of the documents placed on record alongwith representation submitted to the respondent authorities on 14.09.2018 what emerges is the submission of the petitioner is that there is loss to 81 orange trees standing in the agricultural field of the petitioner and the respondent authorities have only granted minimum amount of Rs.3,98,229/- showing the loss of 43 fruit bearing trees whereas there is loss of 81 fruit bearing trees in the field of the petitioner. Though this is submission made in the representation on the perusal of the material placed on record alongwith the petition itself it reveals that exercise of drawing spot panchanama was undertaken by the authorities. Copy of the panchanama is placed on record at Exh.C. It is not in dispute that the petitioner himself was present on the spot when the panchanama was drawn and the petitioner admits that there was a

substantial loss to 66 trees in the field and the panchanama states that 66 trees are completely destroyed and a general reference is made in the panchanama that there are other 10 to 15 trees which may suffer some loss.

3. In view of this fact without accepting the submission of the petitioner that there was complete loss except to 81 trees, we disposed of the petition with direction to the respondent authorities to decide the representation of the petitioner dated 14.09.2018. Needless to state on the merits of the representation and if needed by ascertainment and assessment of relevant record and if further needed by giving an opportunity of hearing to the petitioner as expeditiously as possible and not later than 12 weeks from the date of order of this Court.

4. With these directions and observations, the petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]