

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1138 OF 2018

Ramesh Ramrao Mohite and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. A.B. Kale, Advocate for Petitioners
Mr. S.P. Tiwari, Assistant Government Pleader
for Respondent Nos. 1 to 3
Mr. S.C. Arora, Advocate for Respondent No. 4

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

DATE : 24th APRIL, 2019

ORAL ORDER:

1. Mr. Kale, the learned Counsel for the petitioners submits that because of the faulty construction of Sai barrage of land situated in Mahapur, Tal. and Dist. Latur, the respondents are required to either acquire the land or to pay compensation for damages for the same.

2. The respondent No. 4 has filed the affidavit. The stand taken by respondent No. 4 is that no loss has been caused to the petitioners nor the petitioners land is affected because of the construction of Sai Barrage.

3. Whether the damage is caused to the land of the petitioners or not is a disputed question of fact. It would not be possible to inquire into such disputed nature of question in the Writ Petition.

4. The petitioners may take appropriate proceedings as may be permissible in law. In that event, all the contentions of the respective parties are kept open.

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

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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