

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2060 OF 2021

Shrikant s/o Ambadas Dutonde

Vs.

Shantaram s/o Devidas Dutonde and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. S. Moon, Advocate for petitioner.

Mr. Abdul Subhan, Advocate for respondent No.1.

CORAM : AVINASH G. GHAROTE, J.

DATE : 07/12/2021

Heard Mr. Moon, learned counsel for the petitioner.

2. The petition challenges the order dated 12.06.2019, passed by the Naib Tahsildar (Revenue), Akola granting permission to lay an underground pipeline from the agricultural field of the petitioner bearing Gat No.48.

3. The learned counsel for the petitioner takes objection to this order contending that in case the petitioner is permitted to have water from the said pipeline as contemplated by Section 49 (7) of the Maharashtra Land Revenue Code, the petitioner would have no objection.

4. The impugned order however, indicates that the permission granted is not for an open water course but is a permission for an underground sealed pipeline, considering which, it would be well nigh impossible for water to be provided therefrom to each and every field

owner, through whose field the said pipeline passes. There are no details available as to the origin of the pipeline or its destination, nor the diameter of the pipeline or the purpose for which, it is being laid, is mentioned in the petition. The impugned order grants compensation to the petitioner for the purpose of laying the pipeline, considering which, I do not see any infirmity in the impugned order.

5. The petition is without any merit and is dismissed. No costs.

6. Needless to mention that while laying down the pipeline, the authorities shall ensure that there shall be minimum damage to the agricultural field of the petitioner.

JUDGE

Sarkate