

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

7 WRIT PETITION NO.10796 OF 2021

**DATTU PANDA AWACHARE ALIAS DATTATRAY PANDURANG
KHAROSEKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Dharashive M. L.
AGP for Respondents-State : Mr. S. R. Yadav-Lonikar.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 28.02.2022

PER COURT :-

1. By this petition, the petitioners put forth a grievance that because Kharosa Minor Irrigation No.2, Percolation Tank has been constructed, the back waters are entering the lands of the petitioners and as a consequence of which, they are unable to cultivate the lands. According to them, the back waters constantly remain in the land, which renders the land useless. It is, therefore, prayed that the competent authority should initiate acquisition proceeding.

2. The petitioners' further contention is that respondent

No.4, is an adjacent land owner and suffers the same grievance as the petitioner i.e. the accumulated water in the percolation tank percolates into the land of the petitioners as well as respondent No.4. Respondent No.3 forwarded the proposal of respondent No.4 and accordingly compensation has been paid to respondent No.4. It is conceded that no representation has been made to the District Collector and an advocate's legal notice dated 03.03.2021 is addressed to the Collector.

3. The learned AGP appears for respondent Nos.1 and 2 and opposes this petition.

4. Considering the directions that we are issuing in this matter, we do not find that notice is required to be issued to respondent Nos.3 and 4.

5. In view of the above, this petition is disposed off with the following directions :-

- (a) Liberty to the petitioners to tender a joint representation to the District Collector, Latur-respondent No.1 herein, on or before 15.03.2022.
- (b) We request the District Collector to consider the said representation and call for details of the

Kharosa Minor Irrigation No.2 Percolation Tank and decide the proposal of the petitioners.

- (c) In the event, the District Collector notices that the petitioners are identically situated as like respondent No.4 and that respondent No.4 has been granted compensation on account of the same cause, which is the grievance of the petitioners, the District Collector would direct respondent No.3 to forward the proposal of the petitioners.
- (d) The said proposal would be dealt with by the competent authority, in accordance with law.
- (e) We expect the District Collector to complete the entire exercise within 45 days from the date of receipt of the petitioners' representation.
- (f) It is made clear that we have not expressed any opinion on the merits of the claims of the petitioners.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-