

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

965 WRIT PETITION NO.1927 OF 2021

MANIK NAGU KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr.A.D. Sonwade, advocate for the petitioners.

Mr.P.K. Lakhotiya, AGP for respondent nos.1 to 4.

Mr.B.R. Surwase, advocate for respondent no.5.

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**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 08.04.2022

P.C. :

1. We have considered the submissions of the learned advocates for the appearing parties.

2. Issue is that the entire land of the petitioners has been completely submerged in the back waters of the dam constructed on river Manjara in district Latur.

3. Respondent no.5 submits that the land is under water and, hence, cannot be measured. Consequentially, the compensation cannot be computed. The learned A.G.P. representing respondent nos.1 to 4 submits that as the land is submerged in water, they do not have mechanism to measure the land and, hence, they are unable to measure

the land.

4. It appears that, these respondents are probably propounding the doctrine of impossibility. However, we will not countenance such act of the respondents.

5. The petitioners have their revenue records including 7/12 extracts and their lands were worthy of cultivation as mentioned in 7/12 extracts. They are agreeable for private negotiations for the acquisition of the lands, which were cultivable as per the 7/12 extracts.

6. We, in the light of above, permit these petitioners to prepare a comprehensive representation mentioning their individual portions of land based strictly on the 7/12 extracts and revenue record, to be forwarded to respondent no.5, on or before 20th April, 2022.

7. After receiving such representation, respondent no.5 would peruse the documents annexed and accordingly forward the proposal to the District Collector respondent no.3, on or before 31st May, 2022.

8. Since the petitioners are agreeable for private negotiations, we permit the District Collector to indulge in private negotiation with the petitioners by keeping in mind that the rate can be finalized with the indulgence of the

District Level Committee for finalization of the rates and these petitioners would be at liberty to negotiate without any fear or duress.

9. This exercise would be completed on or before 30th July, 2022. Thereafter, the sale deeds shall be executed between the parties and compensation quantified shall be paid at the time of registration of these sale deeds.

10. In the light of above, this petition is disposed off.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)

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