

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

**WRIT PETITION NO.7108 OF 2022**

**JAGANNATH KISAN THORAT  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND OTHERS**

...

Advocate for the Petitioner : Shri Sikchi Aditya N.  
AGP for Respondents 1, 3 to 5/State : Shri S.K. Tambe  
Advocate for Respondent 2 : Shri A.D. Pawar

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**CORAM : RAVINDRA V. GHUGE  
&  
Y. G. KHOBRADE, JJ.**

**DATE :- 13<sup>th</sup> June, 2023**

**Per Court :-**

1. We have considered the submissions of the learned Advocates for the respective sides. There are innumerable disputed issues involved in this matter, including, the size of the parcel of the land that has been acquired or whether it is submerged. Two joint measurements are on record, which vary with each other. The Petitioner desires that there should be re-measurement of the land. Respondent No.2/ Executive Engineer, Minor Irrigation Division, Dhule, has taken a specific stand that the land of the Petitioner need not be acquired as it is not

submerged in the irrigation project since there is no storage of water to it's full capacity as on date.

2. The learned Advocate for the Petitioner submits that liberty may be granted to the Petitioner to avail of a remedy as may be permissible in law.

3. In view of the above, **this Writ Petition is disposed off** with liberty as may be permissible in law.

*kps*

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)