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

908 WRIT PETITION NO.10466 OF 2023

**GURUDATTA SEVABHAVI SANSTHA BEED THROUGH ITS
SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Mr S. S. Thombre, Advocate for Petitioners;
Mr P. S. Patil, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 30th August, 2023

PER COURT:

1. The Petitioner has put forth prayer clauses (B), (C) and (D), as under :-

“(B) By issuing a writ of mandamus, orders, directions or any other appropriate writ in the like nature, quash and set aside the impugned order dated 1.7.2020 passed by Respondent No.2 and direct Respondent Nos.2 to 4 to make payment of pending bills of the fodder camps run by the petitioner societies at the respective locations and further restraining them from taking any adverse/coercive action against the petitioners;

(C) Pending hearing and final disposal of this writ petition, the impugned order dated 1.7.2020 passed by Respondent No.2 rejecting the application of the petitioners, requesting for payment of outstanding bills of fodder camps

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run by the petitioners societies, may kindly be stayed and for that purpose, issue necessary orders;

(D) Pending hearing and final disposal of this writ petition, the respondent Nos. 2 to 4 may kindly be directed to make payment of pending bills of the fodder camps run by the petitioner societies at the respective locations and further restraining them from taking any adverse/coercive action against the petitioners;”

2. Having considered the submissions of the learned Advocate for the Petitioners and the learned A.G.P., we have gone through the impugned order dated 01/07/2020, passed by Respondent No.2/ District Collector, Beed. Subsequent thereto, a communication dated 07/12/2022 has been received by the Petitioner No.1 from the Desk Officer, Maharashtra Government, informing them that, it's representation dated 03/11/2022 has been considered and disapproved.

3. Two Co-ordinate Benches of this Court have entertained such petitions viz. while dealing with Writ Petition No. 4756/2017, decided on 14/06/2017 and Writ Petition No.4066/2018, decided on 09/03/2021.

4. We have perused the data placed before us from page Nos.64 to 213 and 345 to 359. The said data indicates the number

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of cattle that were in the cattle camp on a particular date. On 10/05/2019, Petitioner No.2 informed the Tahsildar, Beed that, because of an unseasonal storm, rain and lightning, several farmers got apprehensive about the safety of their cattle and have taken them back on 09/05/2019. From the impugned order passed by the District Collector, we find that, he has made a mention of the counting of the cattle that was done on 11/05/2019 with a further observation that the number of cattle available on 11/05/2019 were taken into account for calculating the average presence of the cattle in the camp over 3 months.

5. We are of the view that the impugned order, which is a short order, does not take into account the data that is placed before the Court. The learned Advocate for the Petitioners submits that, the said data was tendered to the Tahsildar. He also submits that, every day, there was a daily inspection of the cattle camp and even the Tahsildar's office has the record. The records maintained by both the parties can be compared. The report of the Sub-Divisional Officer, Beed, dated 24/02/2021 gives an impression that, there is no dispute or description with regard to the number of cattle in the camp, whose daily record was maintained. All these factors need to be considered by the District

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Collector. He cannot pass an order taking into account the cattle available only on the last date in the camp, since by that time, the number of cattle had depleted owing to exodus of the cattle due to unseasonal rain, storm and lightning.

6. It is only for this reason that, we are interfering with the impugned order. **This petition is partly allowed.** The impugned order is set aside. The matter is relegated to the office of the District Collector, Beed, with the expectation that, he would consider the entire data that is placed before us, referred to in the foregoing paragraphs.

7. The Petitioners are at liberty to tender an affidavit along with a proper compilation of this entire data. They would sign each sheet of the data as authentication by them and tender this compilation of documents along with the affidavit to the District Collector, on or before 15/09/2023. Thereafter, the District Collector would consider the data and also take the assistance from the Revenue Officer concerned with this project, and pass a reasoned order within 45 days. If any payment is admitted by the office of the District Collector, the same may be made expeditiously. All disputed payments and issues may be

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considered by the Competent Civil Court, if the Petitioners approach the said Court by filing a Civil Suit for recovery of bills.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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