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

75 WRIT PETITION NO. 5717 OF 2024

KISHOR GABAJI SALVE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

....

Ms Sunita G. Sonawane , Advocate for Petitioner;

Mr S. K. Tambe, A.G.P. for Respondent Nos.1 to 4

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 18th June, 2024

PER COURT:

1. The grievance of the Petitioner is that the Revenue Authorities permitted Respondent No.5/Agency, to excavate the minor minerals from the land adjacent to the agricultural field of the Petitioner. Though the Petitioner's land is not dug out by the said Agency, the excavation of minor minerals from the adjacent land has affected the Petitioner's agricultural yield.

2. The learned A.G.P. submits that the Petitioner will have to prove that the cause of loss of agricultural yield is on account of excessive excavation of minor minerals by the said Agency. If the loss is established by leading oral and

(2)

documentary evidence, the Civil Court would be in a position to quantify compensation to be paid to the Petitioner. For the said purpose, the Petitioner will have to establish the loss caused.

3. The learned Advocate for the Petitioner strenuously submits that, the District Collector can look into this issue.

4. We find that there are several disputed issues. If the direct effect of the excavation of minor minerals, is that the land of the Petitioner is affected, the Petitioner will have to establish such claim and the Civil Court would be in a position to quantify the compensation.

5. In view of the above, since the Writ Petition would not be the remedy, inasmuch as, moving the representation to the District Collector would not fetch any respite to the Petitioner, that **this Writ Petition is disposed off.** If the Petitioner approaches the Civil Court for damages, the disposal of this Writ Petition would not be an impediment.

(Y. G. KHOBRADE, J.)
sjk

(RAVINDRA V. GHUGE, J.)