



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8861 OF 2022

Balu s/o Sahebrao Bankar
Age 38 years, occ. Agri.,
R/o Devlana, Tq. Kannad
Dist. Aurangabad.

.. Petitioner

versus

1. The District Collector, Aurangabad
Tq. & Dist. Aurangabad.
2. The Sub-Divisional Officer
Kannad @ The Land Acquisition Officer
Kannad, Tq. Kannad, Dist. Aurangabad.
3. The Executive Engineer,
Irrigation Department,
Godawari Project – 1, Aurangabad
Tq. & Dist. Aurangabad.

.. Respondents

Mr. V. A. Bagal, Advocate for the Petitioner.
Mr. V. M. Kagne, AGP for Respondent Nos. 1 and 2.
Mr. S. G. Sangle, Advocate for Respondent No. 3.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 25th APRIL, 2024.

ORAL JUDGMENT : (Per Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. The Petitioner has put forth prayer clauses B and C, which read as under :-

B) By issuing of writ of mandamus or any other direction or writ of like nature, the Respondent No. 2 and 3 may kindly be directed to grant/disburse compensation to the petitioner towards the loss of standing crops in the non acquired land due to the excess water of the dam and the respondent no. 1 and 2 may kindly be directed to initiate land acquisition process to acquire land of petitioner under gone the water of dam within stipulated period.

C) Pending hearing and final disposal of this writ petition, the Respondent No. 2 and 3 may kindly be directed to grant/disburse compensation to the petitioner towards the loss of standing crops in the non acquired land due to the excess water of the dam and the respondent no. 1 and 2 may kindly be directed to initiate land acquisition process to acquire land of petitioner under gone the water of dam within stipulate period.

3. The grievance of the Petitioner is that due to heavy rainfall, the water accumulated in the Laghu Bruhat tank which overflowed and such overflowing water submerged a portion of the

Petitioner's land, in 2010. The water body was constructed in 2008. The assessment of the crop loss of the Petitioner was carried out by following the due procedure laid down in law and the compensation amount of Rs. 1,33,520/-, was quantified by the appropriate authorities.

4. It is the further grievance of the Petitioner that the said amount has still not been paid to him. His first representation is dated 21.09.2010, addressed to the competent authority. Thereafter, he approached this Court in Writ Petition No. 12047/2018. By order dated 22.02.2019, his representation was directed to be decided.

6. Now, when the controversy is put to rest insofar as quantification of compensation amount is concerned, the issue that needs to be considered is as regards the interest component, since the loss of crop caused to the Petitioner dates back to 2010.

7. Having heard learned Advocates for the respective sides, we are of the view that an interest component of 6% per annum on the amount of Rs. 1,33,520/- payable as in 2010, be calculated from

the year 2011 till it is actually paid. The amount shall paid to the Petitioner within 90 days from today.

9. Insofar as the representation dated 26.07.2022, made by the petitioner alleging a similar situation in 2021, let the competent authority deal with the said representation within 90 days and if any compensation amount is quantified, the same shall be paid within 45 days, thereafter.

10. In view of the above, **the Writ Petition is partly allowed.** Rule is made absolute in the above terms.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

dyb