

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9830 OF 2024

Digambar Suryabhan Kharade & Ors

...Petitioners

***Versus***

The State of Maharashtra through Secretary, Soil  
& Water Conservations Department & Ors

...Respondents

Mr. Balaji Shinde, a/w Ashwin R. Kapadnis & Vivek Rane, for the  
Petitioners.

Mr. Sachin H. Kankal, AGP for Respondents-State.

**CORAM : G. S. KULKARNI &**

**SOMASEKHAR SUNDARESAN, JJ.**

**DATE : SEPTEMBER 19, 2024**

**PC :**

1. We have heard learned Counsel for the petitioners on this  
petition. The substantive prayers as made in the petition read thus:-

*A) This Hon'ble Court may kindly allow present writ petition.*

*B) This Hon'ble Court by issuing appropriate writ, order or directions  
in the like nature, this Hon'ble Court be pleased direct the respondents  
to submit the proposal for acquisition land in Gut no. 99, 100/1,  
100/2,100/3, 100/4,100/5, 102, 103, and 104, situated at village  
Kasari, Tq.Barshi, Dist. Solapur, for Kasari percolation tank and also  
direct the respondents to pass award under the provision of the Right to  
Fair Compensation and Transparency in Land Acquisition,  
Rehabilitation and Resettlement Act, 2013 considering the present  
market price of land and pay amount of compensation to the petitioners*

*and for that purpose issue necessary orders.*

*D) By issuing appropriate writ, order or directions in the like nature, this Hon'ble Court be pleased direct the respondents to deposit the amount of compensation as well as rental compensation in this Hon'ble Court in respect of acquired land Gut no. 99, 100/1, 100/2, 100/3, 100/4, 100/5, 102, 103, and 104, situated at village Kasari, Tq. Barshi, Dist.Solapur in view of the Land Acquisition, Rehabilitation and Resettlement Act, 2013.*

*E) Pending hearing and final disposal of this Writ Petition, the Hon'ble Court be pleased to direct the respondents to deposit the amount of compensation in this Hon'ble Court.*

*F) Pending hearing and final disposal of this Writ Petition, the Hon'ble Court be pleased to issue prohibitory orders to prevent the respondents by interfering the possession of petitioner and further pass necessary order to stay the work of Kasari percolation tank at village Kasari, Tq.Barshi, Dist. Solapur.*

*G) Grant ad-interim relief in terms of prayer clause-D & E.*

*H) Any other suitable, equitable relief may be granted.*

2. After having heard the petition for some time, learned Counsel for the petitioners, on instructions, fairly states that he would not press for the prayers as made in the present petition. He would, however, request that liberty be granted to the petitioners to make a representation to the respondents on the petitioners' grievance that there is some encroachment on the petitioners' land and/or on excess land is being used by the respondents without having acquired it. If that be so, petitioners are free to make such representation and if the same

be made, let the same be decided in accordance with law. All contentions of the parties in that regard are expressly kept open. Disposed of in the above terms. No costs.

[ SOMASEKHAR SUNDARESAN, J.]

[G. S. KULKARNI, J.]