



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

WRIT PETITION NO. 9742 OF 2025

Harishchandra Kashinath Dilwale And Others

VERSUS

The State Of Maharashtra And Others

Mr. N. R. Thorat, Advocate for petitioners

Ms. S. S. Joshi, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 07th November, 2025

PER COURT :-

1. Present petition has been filed for direction to the respondent-authorities to take decision on the application dated 23.10.2024 and direction for the compensation to be paid because of the damages that have been caused alternatively, it is also prayed that compensation of Rs. 5,00,000/- per year, per acre for each petitioner for last 20 years of land and for loss of crop that had affected since last 20 years.

2. Heard learned Advocate for the petitioner and learned AGP for respondent Nos. 1 and 2. No necessity to issue notice to other respondents.

3. The first and foremost fact that is required to be noted here

is that even as per the prayers, it can be seen that the petitioners have tried to contend that they are suffering since last 20 years, but they have not approached this Court at earlier point of time.

4. The petitioners contended that the farmers having lands in Esarvadi Tq. Paithan, Dist. Chhatrapati Sambhajanagar and Pimpalwadi Tq. Paithan Dist. Chhatrapati Sambhajanagar. The lands of the petitioner were not acquired by the respondent authorities. According to the petitioners, every year their land remain under water of Nathsagar Dam constructed in Paithan Dist. Chhatrapati Sambhajanagar. The petitioners are unable to cultivate their land and sometimes their crops get damaged due to water and, therefore, their income affected. It is then stated that Nathsagar Dam at Paithan had created in the year 1965 but at that time, the land was not acquired. The acquisition ought to have been undertaken by the respondent authorities, taking into consideration the fact that the joining lands are also affected. According to the petitioners, similarly situated persons had received notice from the respondent authorities in the year 1984 that they should not cultivate the crop. However, no such notice was even given to the petitioners. The petitioners had then made an application on 23.10.2024 to the respondent authorities for grant of compensation however that has not been decided. Hence, they are before this Court.

5. Here, two photographs have been shown and the 7/12 extracts have been produced only on the basis of photographs that too it is not stated when they have been taken. It cannot be concluded that the same situation as is in the photographs is prevalent through out the year and since last 20 years when it comes to the point of damages then it would be a question of fact which would then be disputed as to who is responsible for causing damages. It cannot be stated that the water logging would have been caused due to the mismanagement of the Dam Authorities considered under the writ jurisdiction of this Court and, therefore, for the prayer that has been made, we are unable to agree to the submissions on behalf of the petitioners that this is a case for exercise of powers under Article 226 of Constitution of India. Petition stands dismissed.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi