



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1543 OF 2017

Harish Ganpatrao Chavan And Others

VERSUS

The State Of Maharashtra And Others

- Adv. Yogesh Jadhav h/f. Mr. G. A. Nagori, Advocate for the Petitioners
- Mr. K. S. Patil, AGP for Respondent/s – State
- Mr. E. P. Sawant, Advocate for Respondent No. 5

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATE : SEPTEMBER 29, 2025

PER COURT:

1. By this petition filed under Articles 226 and 227 of the Constitution of India, petitioners seek direction to the respondents to initiate land acquisition proceedings as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Petitioners claim to have received information under Right to Information Act that percolation tank is constructed in their land bearing Gat No. 78, 79 and 80. However, no compensation is paid to the petitioners. Therefore, this petition is

filed for direction. The respondents contend that no percolation tank is constructed in the land of the petitioners.

3. Considering the rival claims we directed the Divisional Commissioner to conduct an enquiry and submit a report. The enquiry was conducted by the District Water Conservation Officer, Parbhani and he submitted a report along with his affidavit. Pursuant to the direction, the enquiry report is placed on record along with affidavit.

4. The District Water Conservation Officer, Parbhani, filed reply making following statement:

“the 142 works undertaken by the State Government were under National Agricultural Development Programme (NADP). The guidelines for the same were issued by the Government of India in August 2007. I say and submit that 142 works by the State Government were in respect of tank and as such the component of land acquisition was not included. All the lands for construction of village tanks were taken into possession by the agency / this office either by consent or upon execution of the gift deed by the agriculturalist. the entire process of construction of 142 village tanks was without consideration of land acquisition component and as such there was no financial outlay for the acquisition component. for construction of village tank at village Raipur the acquisition process was not undertaken as like other

141 village tanks. I say and submit that office of the deponent could lay hand on 141 gift deed executed by the concerned land owners but gift deed in respect of lands of the petitioner could not be located. the petitioner was public servant and knowledgeable person and he would have raised claim at the time itself. I say and submit that on perusal of annexures to the present Writ Petition it transpires that, the petitioners were cultivating the lands till 2014 - 2015."

5. It is further averred that the village tanks were constructed only after obtaining consent of the concerned agriculturalists / land owners. All these village tanks were constructed on the land of land owners who have executed gift deed for construction of tank. For that, no provision for land acquisition was incorporated in the estimate and subsequent administrative approval.

6. During the enquiry it is also revealed that petitioners have taken crops like Soya, Jowar, Cotton in their respective lands Gat Nos. 78, 79 and 80 since the year 2000-2001 onwards. Petitioners have also received compensation for natural calamities for the years 2015-2018, 2018-2019, 2019-2020 and 2021 for Gat No. 80. The details of the receipt of the said compensation is given in the enquiry report. Fact remains that the District Water

Conservation Officer, vide his report dated 10.04.2023, has stated that there is no need to acquire the land in the present matter.

7. In the backdrop of the aforestated facts, since this petition raises disputed questions of facts, and as the petitioners are cultivating the said lands in question, there is no substance in the petition. The Writ Petition, being devoid of merit, is **dismissed**.

8. Petitioners are at liberty to avail appropriate remedy in accordance with law.

[VAISHALI PATIL-JADHAV, J.] [NITIN B. SURYAWANSHI, J.]