

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO. 9860 OF 2013

WAMAN LAXMAN VADAK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Deshmukh H.D.
AGP for Respondents: Mr. V.D.Godbharale
Advocate for Respondent No.7 :Mr. Ashwin Hon

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: August 26, 2015

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PER COURT :-

1 In view of the provisions of The Maharashtra Management of Irrigation Systems by Farmers Act, 2005, the water resources in relation to the lift irrigation scheme, shall have to be managed and operated in consonance with section 43 of the Act by the lift irrigation water users association.

2 It is the contention of the petitioner that, a cooperative society registered under the provisions of The Maharashtra Cooperative Societies Act is managing the water resources distribution, which shall be the function of the the lift irrigation water users association, in view of section 43 of the Act. Section 72 of the Act provides that, any existing Water Users' Association in a delineated area constituted prior to the date of commencement of this Act, under any law for the time being in force, shall be deemed to have been constituted under the provisions of this Act. The cooperative society, registered under the provisions of the Maharashtra Cooperative Societies Act, we are afraid, cannot come

within the purview of section 72 of the Act, 2005. However, we deem it appropriate not to pronounce any decision in that regard, at this stage.

3 Since the petitioner is not a registered lift irrigation water users association, within contemplation of Act of 2005, we do not propose to issue directions, as requested by the petitioner, in the instant petition. It would be open for the petitioner and other farmers who are beneficiaries of the lift irrigation scheme, to tender an application, within contemplation of section 43 read with section 8 of the Act for registration of the lift irrigation water users association to the prescribed authority. On submission of an application, in accordance with the provisions of the Act and Rules, the prescribed authority shall deal with the application and pass appropriate order, in respect of grant of registration to such lift irrigation water users association. After registration of the association, it would be open for such association to take appropriate steps within contemplation of Act of 2005. In the event of denial of any right, it would be open for such association to approach this Court for redressal of its' grievances, in future.

4 With the directions as above, writ petition is disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)