

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5247 OF 2007**Manohar S/o Bhaskar Patil and others Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.R.J.Nirmal, advocate for the Petitioners.
Mr.S.M.Ganachari, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**
Date : 30.06.2016.

PER COURT :

1. Heard.
2. Vide the present Writ Petition, the petitioners seek directions against the Respondents to continue execution work of 8 Lift Irrigation Scheme i.e. on-going Projects in Tapi Irrigation Development Corporation. According to the petitioners they are agriculturists, their lands are situated under the various Projects, particularly, the Lift Irrigation Schemes undertaken by Tapi Irrigation Development Corporation. The bonds are floated in the market. All the schemes are shown on-going schemes. In the Master plan 2005, 2007, they are described as on-going Projects.

Now the Government is trying to violate the mandate of directives issued by the Hon'ble Governor. According to the petitioners, priority be given to the said schemes and Respondents are not justified to cancel the 8 Lift Irrigation Schemes.

3. We had asked the learned A.G.P. to furnish the details of the present status of the said schemes. Along with the affidavit dated 9.6.2016 sworn by Sub-Divisional Engineer, Bodwad, Lift Irrigation Construction, Sub-Division Tahakali, Dist.Jalgaon the details of the 8 schemes are given. As far as Varangaon Talwel Parisar Sinchan Yojana is concerned, it is stated that the work of Lift system is 95% complete. The work of Ozarkheda Dam is 92% complete and work of electric supply is 85% complete. The work of distribution network is completely balance. Overall 51% of work is completed. The delay was because of the lack of funds, land acquisition problems etc. As far as Khurha Vadodha Islampur Lift Irrigation Scheme is concerned, over all 38% work of scheme is completed. After selecting the alternative sites because of wild life and forest area, the work of Bodwad Parisar Sinchan Yojana is not started. Alternative study is done and the scope of scheme is changed, revised administrative approval is accorded. Cabinet approval is yet to be received. Storage Tank Padmalaya-2 (Lift Irrigation Scheme) is also in progress. The delay is on account of lack of funds. CWC has accorded consent to this Project in

principle. It is further stated that the work of Bhagpur Lift Irrigation Lift Irrigation Scheme has not yet commenced, for that land is required to be acquired. The final award is declared and the amount is paid. Some 46 families are being affected by the said Project. Nashirabad Lift Irrigation Scheme was cancelled and separate AA for Nashirabad (Murdapur) height rising scheme was approved by the Government of Maharashtra recently. The scheme is yet to commence. Sulwade-Jamphal-Kanoli Lift Irrigation Scheme is not physically started. Design of various components of the scheme are in progress and planned to complete up to February 2016. The Prakasha Burai Lift Irrigation Scheme is commenced in February 2012 and the work is in progress.

4. In light of the above, it is clear that the schemes as referred to are not totally cancelled and in majority of the Lift Irrigation Schemes, the work is in progress and the said Projects are on-going Projects.

5. We accept the affidavit filed by the Respondents. In view of the above, the Writ Petition is disposed of. Rule disposed of. No costs.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.30.06.2016.
asp/office/wp5247.07

