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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.846 OF 2016**

|                                   |                 |
|-----------------------------------|-----------------|
| Shri Devdatta Jaywantrao Nikam    | ... Petitioner  |
| Versus                            |                 |
| The State of Maharashtra and Ors. | ... Respondents |

Mr. T.D. Deshmukh a/w Mr. Samrat K. Shinde for the Petitioner.  
Mrs. M.P. Thakur, AGP for the Respondent No.1.  
Ms. Swati Sawant i/by S.K. Legal Associates for the Respondent No.2.  
Mr. Vijay D. Patil for Respondent Nos.3 to 5.  
Mr. N.V. Walawalkar, Senior Advocate a/w Mr. S.R. Nargolkar i/by Mr. Swapnil Mohite for the Respondent Nos.6 and 7.

**CORAM : A.S. OKA &  
C.V. BHADANG, JJ.**

**DATE : 9<sup>th</sup> FEBRUARY, 2016**

**PC.**

1           The learned counsel appearing for the Respondent No.2 on instructions states that the Respondent No.2 will recall the orders dated 27<sup>th</sup> October, 2015, 5<sup>th</sup> January, 2016 and 8<sup>th</sup> January, 2016. She further states that on 17<sup>th</sup> February, 2016 at 3.00 pm, the parties will be heard on the original application dated 4<sup>th</sup> September, 2015 filed by Shri Rajendra Shivajirao Nagawade and Shri Shrinivas Baburao Ghadge (the Respondent Nos.6 and 7). She further states that the parties which were before the Respondent No.2 when the aforesaid orders were passed will be heard. We accept the statements.

2           The parties which were before the second Respondent and which are represented in this Petition need not be issued notice of the date fixed for hearing but all other parties will have to be served with the notice.

3           The learned counsel appearing for the second Respondent states that the second Respondent shall endeavour to pass an order as expeditiously as possible and preferably within a period of one week from 17<sup>th</sup> February, 2016.

4           We may note here that if certain quantity of water is already released on the basis of the order dated 27<sup>th</sup> October, 2015, the said fact will be taken into consideration by the second Respondent while passing the order.

5           Hence, by accepting the statements made on instructions by the learned counsel appearing for the second Respondent and subject to the observations made above, the Petition is disposed of.

6           We make it clear that the issue of legality and validity of the action of the second Respondent of withdrawing the aforesaid orders is expressly kept open which can be agitated by the parties in appropriate proceedings.

7           We direct the second Respondent to ensure that all the concerned parties are given adequate opportunity of being heard.

8           Considering the issue involved the Respondent No.2 shall pass an order as expeditiously as possible and in any event within a period of two weeks from 17<sup>th</sup> February, 2016.

9           All contentions on merits are kept open.

10          Rule is accordingly disposed of.

**(C.V. BHADANG, J )**

**(A.S. OKA, J )**