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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION (L) No. 46 OF 2016
IN
WRIT PETITION (L) No. 1256 OF 2016

Dr. Sanjay Lakhe Patil ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Dr. Sanjay N. Lakhe-Patil, the Petitioner in person.

Mr. A. B. Vagyani, Govt. Pleader a/w C. P. Yadav, AGP , for the
Respondent – State.

Ms. Swati Sawant i/b S. K. Legal Associates, for MWRRA –
Respondent Nos. 5 and 6.

CORAM : V. M. KANADE, &
M. S. SONAK, JJ.

DATE : AUGUST 1, 2016

PC.

1. Notice be issued to Mr. C. A. Birajdar, the Executive Director, Godavari Marathwadi Irrigation Development Corporation, Aurangabad, directing him to remain present personally or through advocate on 9th August, 2016, at 11.00 a. m. Learned Government Pleader to inform him about the issuance of the notice.

2. Today, the Petitioner – Dr. Sanjay Lakhe- Patil, who is appearing in person has filed a detail affidavit dated 29th July, 2016, and he has also submitted the copy of the Godavari Study Group Report. He has relied upon certain conclusions, which were arrived at by the said Committee. He has also invited our attention to paragraph 10(g) of the order dated 19th September, 2014 in Case No. 1 of 2014, passed by the Maharashtra Water Resources Regulatory Authority (MWRRA), in which following directions have been given:

“10 Determinations:

(a) ...

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(g) On the upstream projects in Nashik & Ahmednagar Districts, the diversion of monsoon flows through canals, flood canals, rivers and streams for Kharif use outside the project command, or for filling tanks and farm ponds is to be allowed only after the Paithan reservoir reaches its full design capacity. “

It is submitted that water is being released through canal, river and stream and this should not done before filling up of Paithan reservoir

as per the said direction. He has invited our attention to the various orders, which are passed from time to time.

3. On the other hand, Mr. A. B. Vagyani, learned Government Pleader submitted that the situation in Marathwada area has improved. He has shown us the a copy of chart showing the average rainfall by the end of July, 2016. During the last two days there is sufficient rainfall in the entire districts of Marathwada. He has submitted that 8 TMC water has been released from Sunday onwards to Jayakwadi dam and it would be continuously released. In our view, since the situation of average rainfall has improved in a couple of days, we will re-examine the situation on the next date. We direct the learned Government Pleader to take instructions and inform this Court about the steps taken by them to ensure that Paithan reservoir is filled to its full design capacity before the release, as per the directions given in paragraph 10(g) of the order of MWRRA dated 19.9.2014. We direct the Respondents to release the water to Jayakwadi dam till next date. S. O. to 9th August, 2016 (to be placed on the supplementary board).

[M. S. SONAK, J.]

[V. M. KANADE, J.]