

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 1988 OF 2017

CHANDRAKANT BALAJI UNDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr.Talhar Ajay G.
AGP for Respondents 1 and 2: Smt Vaishali Patil

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 16th FEBRUARY, 2017

O R D E R :

Mr. Talhar, learned counsel for the petitioners states that respondent nos. 1 to 4 be directed to take immediate decision on the representation made by the petitioners on 19.5.2016 thereby requesting the respondent authorities to release the water from Bhandardara Dam from its command area through pipeline instead of releasing it through river.

2. Learned A.G.P. appears for respondent nos. 1 and 2.

3. To release the water from Dam through pipeline or through river is a policy decision of the State Government. The State Government has to take in to consideration all the relevant aspects, so also the reports of the Expert Committee and thereafter has to take a decision. It would not be possible for this Court to consider the said aspect. As far as the question of deciding the representation is concerned, it is for the petitioners to move the authorities concerned dealing with the said subject. The representation appears to have been addressed to the Hon'ble Chief Minister and not to the concerned Ministry. The petitioners may approach the concerned Department for its suggestion.

4 If the concerned Department is a decision making authority, then the concerned Department would consider the representation if made on its

own merits expeditiously.

6 Petition disposed of. No costs.

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)

dbm/wp1988.17