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

PUBLIC INTEREST LITIGATION NO. 23 OF 2012

**BABANRAO DATTATREY YADAV
VERSUS
THE STATE OF MAH AND ORS**

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**Advocate for Petitioner : Mr.N.V.Gavare h/f Dasalkar Rajendra V. Mete
Akshaykumar J. For Petitioner
Mr.Ashutosh Kumbhakoni,Advocate General
with Mr.A.B.Girase, Govt.Pleader with Mr.Akshay Shinde for
respondents 1 to 4.
Adv.Mr.M.S.Deshmukh h/f Mr.V.D.Gunale for R.5.
Adv.Mr.S.G.Sangle for R.6 to 11.
Adv.Mr.V.S.Kadam for R.12.**

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**CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 26/07/2017

PER COURT :-

There is a note which is taken on record and marked "X" for identification prepared by learned Advocate General. Ordinarily the note as tendered would have been taken as a Written Submission. There are affidavits placed on record and the note emphasizes the main and salient points highlighted in this affidavit. Finally the State Government has said that it has come to a conclusion that in Vishnupuri project the total eleven barrages have been constructed on the Godavari river more particularly on the down stream of Jaikwadi dam. The conclusion after two committees examined the

grievance and complaint that the parties like the petitioner have, are that the overall quality of the construction is satisfactory. There are no leakages. However, whether it is the committee of Shri M.K.Kulkarni or the Dr.Chitale committee report or other agencies who have inspected the site all forwarded their opinion that the deficiencies if at all are in quality control tests. The settled norms were not adhered to. That is how based on the contents of the Modak committee report, now the State Government has decided to take disciplinary action. That disciplinary action would be taken by parent department viz. The Department of Water Resources, Government of Maharashtra. We hope and expect that the necessary action in terms of the Maharashtra Civil Services (Discipline and Control) Rules or other applicable service rules would be initiated swiftly and expeditiously. The Learned Advocate General assures that within a period of four weeks, if the departmental proceeding are not already initiated, they would be initiated.

2] Thereafter Special Investigation Team of the water resources department had conducted and carried out technical audit of not only the subject irrigation project but various irrigation projects. As far as the Vishnupuri Project is concerned, it is stated that a technical audit will be carried out and separately in terms of Government Resolution Dated 09/03/2017.

3] In the event any public spirited citizen/resident of this region/the entire State including the petitioner has any subsisting grievance or issue to be raised, it is assured by the learned Advocate General that the technical audit which will be carried out in terms of this Government Resolution and comprising of a team, will take note of all of them in the event they are forwarded in writing. Meaning thereby any written representation or complaints to this technical audit team can be forwarded and they would be duly considered. It is only in the event, the team deems fit and proper, it can request such of these complainants to appear before it and elaborate their grievances. When such assurances are given by the learned Advocate General, we do not see any reason not to accept them. We do not see any reason for anybody to have any subsisting grievances once the barrages being inspected, reinspected and all the complaints, save and except the above, have been looked into and more or less redressed. We do not see any necessity for keeping this PIL pending. It is disposed of.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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