

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
PUBLIC INTEREST LITIGATION NO.87 OF 2017**

Kishor s/o Jagannathrao Ghute Patil

Petitioner

Versus

The State of Maharashtra & others

Respondents

Petitioner is present party-in-person.

Mr.K.N.Lokhande, AGP for Respondents No.1 to 3.

Mr.S.G.Sangle, advocate for Respondents No.4 & 5.

**CORAM : PRASANNA B. VARALE &
AVINASH G. GHAROTE, JJ.**

DATE : 03rd October, 2019

PER COURT:

1 The grievance raised is in the form of public grievance for carrying out repairs and maintenance of the Gates of Terna Dam at Ter, Taluka and District Osmanabad, so as to avoid huge wastage of water.

2 Considering this grievance, notice was issued by this Court and Respondents were directed to file an affidavit-in-reply explaining the prevalent situation and the measures proposed to be undertaken.

3 In response to the notice, an affidavit-in-reply is filed on behalf of Respondent No.4- Mr.Ajit Nagnath Madane, Executive Engineer, Osmanabad Irrigation Division No.1, Osmanabad. In the affidavit-in-reply, the details, such as commencement of work of construction of dam, completion of the work, water storage capacity, beneficiary area, etc. are given. It is stated in the affidavit-in-reply that during the period 2013 to 2016, approximately 20,54,700 cubic meters of slit is removed from the dam's submergence by the local farmers. A reference is also made to gross water storage capacity of the dam for the period 15th October, 2010 to 2016. The relevant and material aspect is dealt with in paragraph no.4 onwards, which reads thus:

4 I respectfully submit that on 9th September 2017, when water level was 30 cm above the spillway crest, start of normal leakage was observed in 5 gates. This leakage is completely stopped by packing of jute bags between spillway crest and rubber seal of gates, on 10 Sept. 2017.

5 I say and submit that to ascertain the exact cause of leakage from the gates, an inspection by Executive Engineer, Main Gate Division No.4, Aurangabad has been carried out

on 18.11.2017. Hereto annexed and marked as "Exhibit-A is copy of Inspection report.

The remedial works suggested during the inspection are planned to be carried out.

I say and submit that further, aspect of design of installed gates raised in this inspection was referred to Central Design Organisation, Nashik. Accordingly Superintending Engineer (Gates), Central Design Organisation, Nashik, inspected the dam on 24.01.2018 and submitted his opinion vide letter dated 29.01.2018 and submitted his opinion vide letter dated 29.01.2018. A copy of said letter dated 24.01.2018, annexed hereto and marked as Exhibit-B.

6 I say and submit that in respect of leakage of Upper Terna Medium Project, immediate necessary preventive measures have already been taken on 10th September 2017 and for permanent long term preventive measures matter was referred to Godbole Gates Pvt. Ltd. vide Superintending Engineer and Administrator, Command Area Development Authority, Beed, letter dated 08.02.2018. Hereto annexed and marked as Annexure-C.

7 I say and submit that necessary inspection had been carried out by the manufacturer i.e. Godbole Gates Pvt. Ltd., Nagpur and remedial measures as suggested by it will be varied out in order to stoppage of leakages and resultant loss of water.

I say and submit that considering the facts and circumstances, and in view of the submissions herein above, present matter may kindly be disposed of as the deponent has undertaken remedial measures under guidance of technical authorities and agencies.

4 Thus, the affidavit-in-reply refers to the remedial measures taken till filing of the affidavit-in-reply in June, 2018. The learned AGP submits before us that there is further progress in the matter of permanent measures in the form of repairs to the gates. He placed on record the notification issued for floating e-tenders. The same is taken on record and marked "X" for identification. The approximate period to complete the work is of two months. The eligibility criteria refers to the expertise in the field. The learned AGP, on instructions, submits that now the process of selection of competent eligible tenderer is complete and the same would conclude in issuance of work order.

5 Accepting the statement made on behalf of the learned AGP, on instructions, we see no reason to keep the petition now pending as the purpose of approaching this Court, raising an issue of public grievance, is not only addressed to but is now redressed in view of the work order issued for carrying out repairs to the gates. As such, the PIL has served its purpose to the fullest and same is accordingly disposed of.

AVINASH G. GHAROTE
JUDGE

PRASANNA B. VARALE
JUDGE

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