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

WRIT PETITION NO.605 OF 2019

Shri Pandit s/o Sambhaji Magne,
Age: 60 years, Occ: Agri.,
R/o. Kolkalgaon, Tq. Nilanga,
District Latur

..PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary
Revenue and Forest Department,
Mantralaya, Mumbai
2. The Divisional Commissioner
Commissioner Office, Aurangabad
Division, Aurangabad
3. The Executive Engineer
Latur, Minor Irrigation Division,
Latur
4. The Sub Divisional Engineer
Minor Irrigation Sub Division
Nilanga

..RESPONDENTS

Mr Dnyaneshwar B. Gaikwad, Advocate for petitioner;
Mr S.S. Dande, A.G.P. for respondent/State

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 1st MARCH, 2019

ORAL ORDER :

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Heard learned Counsel appearing for the petitioner.

2. Though the petitioner is approaching this Court with prayer clauses (C) and (D), we are unable to entertain the petition on the backdrop of these prayers for the simple reason that the petitioner firstly has submitted some representation in the year 2003, 2009 and last representation is of the year 2017 but these representations are raising grievance in piecemeal. The prayer clause (D) is seeking directions to reconstruct K.T.O. Kamblewadi Bandhara, Taluka Nilanga, District Latur properly and then activate the same.

3. Now, this prayer is to be considered on assessment of the technicalities, such as, whether it is feasible to reconstruct the dam, whether reconstruction would be on the same place, or whether the place is suitable or not, whether it is

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economically viable, whether it would serve larger interest or whether it is only for stoppage of water. All these technicalities are to be considered and decided by those authorities/persons who are having expertise in the field. Certainly this Court cannot claim such expertise in this field and these issues will have to be left to the discretion of the expertise.

4. On these grounds, though we are not inclined to entertain the petition as it is, but for the submissions of learned Counsel that though the last representation was filed in the year 2017 and though earlier representations were in piecemeal, the petitioner would undertake an exercise of filing a proper comprehensive detailed representation so as to raise grievance of the petitioner before the authorities within stipulated period, as issued by this Court and in turn, the authorities be directed to decide the representation on merit, we are inclined to accept the submissions of learned Counsel for the

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petitioner and accordingly, we dispose of the petition at admission stage. As such, issue notice to the respondent, returnable forthwith. Learned A.G.P. waives service of notice for all respondents.

5. A statement is made by learned Counsel for the petitioner that the petitioner would file a comprehensive detailed representation to respondent Nos. 2,3 and 4 within two weeks from today. We direct respondent Nos. 2,3 and 4 that in case, such representation is submitted to them within two weeks from today, these authorities to decide the it within six weeks from the date of its receipt by them, needless to state on its merits and considering the record available with them.

6. With these directions, the petition is disposed of.

(S.M.GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE