

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4795 OF 2010

Dhiren Pravinchandra Dalal	}	
and Anr.	}	Petitioners
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

**WITH
WRIT PETITION NO. 4502 OF 2010**

Kishankumar Jugalkishore	}	
Kedia	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr.Nitin Mulye for the petitioners.

Ms.Kirti Kulkarni-AGP for respondent nos. 1 to 5
in WP/4795/2010 and for respondent nos. 1, 2
and 4 in WP/4502/2010 (State).

Mr.Sanjay Kshirsagar for respondent nos.5 and 6
in WP/4502/2010.

Mr.Hiramani Pralhad N., Tahsildar, Divisional
Commissioner Office, Pune present.

Mr.Rajendra Dhodapkar-Executive Engineer,
Pune Irrigation Division, Pune present.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE :- APRIL 23, 2019

P.C. :-

1. The complaint in this petition is that one establishment, namely, the fourth respondent to this petition has not abided by the directions to take anti-flooding measures.

2. On this petition, an order came to be passed after hearing both sides on 10th April, 2019. Pursuant to that order, the learned AGP produced the necessary records. The Executive Engineer, Irrigation Department, Pune Irrigation Circle is present in court. It is stated that the matter is pending with the State Government. This Executive Engineer has to forward his remarks and report to the Government, after which, the State Government will take a final decision.

3. It is stated that within a period of two weeks from today, the Executive engineer will forward his report. It is stated that within two months thereafter, the Government will take a final decision.

4. We are sorry, we cannot accede to the later request of the learned AGP. The Monsoon and rains do not wait for anybody. It is the Government which is in-charge of taking and ensuring anti-flooding measures. It must first put the anti-flooding measures in place in its own properties and then ensure that all private

persons having properties in the vicinity of the river belt do not obstruct the smooth flow of water and the direction in which it has been hitherto flowing. It is that which will ensure that in the event there are heavy rains, there will be no flooding. These measures have to be taken with the co-operation and coordination of all concerned. In the event somebody has not complied with the measures, then, the statutory enactments are in place which also ensure infliction and imposition of penalties.

5. Let the necessary be done by the Government at its end and we do not grant time to the Government beyond 30th May, 2019. It will pass its orders before that date. The Hon'ble Supreme Court's order is clear and we do not think that anybody will not be heard though affected by such measures. Let the Government ensure that as well.

6. The writ petitions are disposed of by clarifying that we have not expressed any opinion on the rival contentions.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)