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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.71 OF 2009
IN
MISC. CIVIL APPLICATION NO.1102 OF 2008
IN
WRIT PETITION NO.320 OF 2001

Su Motu Contempt

-vs-

Superintending Engineer, Pench Project Irrigation Dept. Vainganga Nagar, Ajni, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Smt Sangita Jachak, Assistant Government Pleader for
petitioner/State.

Shri S. G. Jagtap, Advocate with Shri Amit Kukday, Advocate for
respondent No.1.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : August 05, 2021

In Writ Petition No.320/2001 this Court on 22/04/2002 had issued directions calling upon the Madhya Pradesh Electricity Board, Maharashtra State Electricity Board as well as the State Irrigation Department to vacate the Reserve Forest land after noticing that people were residing in the forest area for carrying out maintenance work at the Totladoh Dam and Pench Reserve. On 23/04/2009 after noticing that the aforesaid directions were not complied with, this Court initiated *su motu* contempt proceedings and issued notice to the concerned parties. In the said order it was observed that the staff

necessary for carrying out maintenance work of the Dam could be accommodated during the duty hours with all necessary conveniences but however no residential activity was permitted.

After notices were issued, various affidavits have been placed on record. It is seen that about 15 hectares land had been put for residential use. The entire land of 15 hectares has been handed over to the Forest Department on 30/08/2018 by the Irrigation Department through its Assistant Engineer. Thereafter in the affidavit filed on behalf of the Superintending Engineer of the Irrigation Department dated 29/07/2021 the following statements have been made :

‘It is submitted that with due respect to the orders of this Honourable Court, the staff of maintenance and operation although are looking after the work related to the dam no staff is residing at the premises of 0.29 HR, since more than 12 years where structures are lying. Thus no structures are utilized for domestic residential purposes and not family is residing there.’

It thus becomes clear on perusal of these affidavits that none of the structures are being utilized for residential purposes and it is only for maintenance and emergency work that the said area is being utilized. The same is under the control of the Forest Department. We accept the statements made in the

affidavits on record and find that the order passed on 22/04/2002 is complied with in its letter and spirit. In that view of the matter we do not find it necessary to keep the present proceedings pending and hence they stand disposed of.

JUDGE

JUDGE