

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

CIVIL APPLICATION (O) NO.1605 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.82 OF 2018

(Loknayak Bapuji Aane Smarak Samiti thr. its Member, Mr. Amrut Govindrao Diwan
Vs. Union of India, thr. its Secretary, Urban Development Department, New Delhi and
others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Avinash V. Kale, Advocate for Petitioner.
Mr. N. S. Deshpande, DSGI for Respondent 1.
Mr. D. P. Thakare, Addl GP for Respondents 2 to 4 and 6/State.
Mr. J. B. Kasat, Advocate for Respondent 5.

CORAM: ROHIT B. DEO AND M. W. CHANDWANI, JJ.

DATE: 18th JULY, 2023.

Heard.

2. The petitioner is seeking leave to amend the prayer clause and incorporate prayer for constitution of High Power Committee to monitor the progress of irrigation projects of Type-2 and Type-3.

3. Considering the issues raised in the petition, we see no difficulty in permitting the petitioner to incorporate the prayer seeking constitution of a High Power Committee.

4. We allow the amendment application and permit the petitioner to incorporate an appropriate prayer clause, which shall be considered at a later stage on its own merit.

5. The petition shall be amended within a week and copy of the amended petition be supplied to the other side.

PUBLIC INTEREST LITIGATION NO.82/2018:

The State of Maharashtra is impleaded in the PIL through (1) Secretary, General Administration Department, Mumbai, (2) Secretary, Urban Development Department, Mumbai, (3) Secretary, Revenue and Forest Department, Mumbai and (4) Secretary, Irrigation Department, Mumbai.

2. The only affidavit which is filed on behalf of the State is affidavit dated 22.01.2019 which is filed on behalf of the Water Resources Department.

3. While we are consciously refraining from making certain observations, we must record that there is no attempt made by the State till date to seriously respond to the averments in the petition which touch issues of immense of public importance. Illustratively, the affidavit which is filed on behalf of the Water Resources Department makes no reference to the material averments in the petition, on the premise that the averments pertain to the VIDC which is the executing and implementing agency for the irrigation projects in Vidarbha. There is no gain saying that as the implementing agency, while the VIDC is tasked with execution of the projects, without the active assistance and support of the State, illustratively availability of the financial resources, there is precious little which any executing

agency can do.

4. Inasmuch as several Departments/Ministries of the State Government appear to be involved, it would be appropriate if the issue in the PIL is looked into by the Chief Secretary of the Government of Maharashtra.

5. We expect the Chief Secretary of the Government of Maharashtra to file a comprehensive affidavit addressing the issues and concerns raised in the PIL.

6. Stand over to 18.08.2023.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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