



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10330 OF 2023

RATNAPRABHA KALYAN SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Mahesh Deshmukh a/w. Ketan Pote
i/b. A.P Avhad

AGP for Respondents/State : Mr. V.M. Kagne
Advocate for the Resp. Nos.2 & 5 : Mr. S.G. Bhalerao

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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.

DATE : 4th September, 2024

PC. :-

1. Leave to add the GMIDC, Sinchan Bhawan through its Executive Engineer, Paithan as Respondent No.5. Addition be carried out forthwith. Mr. Bhalerao waives services of notice on behalf of the added Respondent.

2. The prayers put-forth by the Petitioners read as under:

“B. By issuing Writ of Mandamus or any other appropriate writ or directions Respondents may kindly be directed to acquire lands of the Petitioners as those lands submerges in the water of the Jaikwadi Dam, Paithan, Dist. Aurangabad.

C. By issuing the Writ of Mandamus or any other appropriate writ or directions Respondents may kindly be directed to pay the

compensation to the Petitioners for the loss caused to them due to over/excessive water in their standing crops.

D. Pending hearing and final disposal of this Writ Petition, the Respondents may kindly be directed to pay compensation to the Petitioners for loss caused to them due to over/excessive water in their standing crops.”

3. The details of the lands of the Petitioners and the area purportedly affected due to the back waters of the Jayakwadi dam, are set out on page nos.14 to 21 in the petition paper book. A detailed representation dated 27.12.2022, is addressed to the Executive Engineer, GMIDC, Sinchan Bhawan, Aurangabad.

4. The learned advocate for the Petitioners points out a GR dated 21.09.2012 and prays that the claims of these Petitioners be considered by the Appropriate Authority. According to the Petitioners, their lands are submerged all round the year and more so, when the inflow of the water in the Jayakwadi dam crosses 80%.

5. In view of the above and considering similar orders passed earlier by this Court as well as the Coordinate Bench in Writ Petition Nos.535/2021 and 14902/2017, let the claims of the Petitioners be considered by the added Respondent No.5, within 180 days, considering the urgency clause set out in the GR dated 21.09.2012. The due procedure

laid down in law shall be followed and all stake holders shall be granted adequate opportunity of hearing. A reasoned order be passed.

6. With the above directions, **this Writ Petition is disposed off.**

7. We have not expressed any opinion about the claims made by these Petitioners and the Authorities are at liberty to independently consider the same, on the merits.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]