

AGK

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

**PUBLIC INTEREST LITIGATION NO.17 of 2024**

Mahadev Baburao Pednekar & Ors. ... Petitioners

**V/s.**

The State of Maharashtra, through  
Principal Secretary, Public Works  
Department, Kolhapur & Ors. ... Respondents

Mr. Chetan Patil with Mr. Vishwesh Gadage i/by Mr.  
Mandar G. Bagkar for the petitioners.

Mr. P.P. Kakade, Government Pleader, with Mr. O.A.  
Chandurkar, Additional G.P. and Mrs. G.R.  
Raghuwanshi, AGP for respondents - State.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &  
AMIT BORKAR, J.**

**DATED : OCTOBER 9, 2024**

**P.C.:**

1. By filing this public interest litigation petition, a concern has been raised that on account of faulty design and construction of a bridge on Vedganga river near Bastwade Village Km 19/000 on Bidri, Bastwade, Hamidwada, Arjunwada, Nandyal Road MDR-46, Taluka Kagal, District Kolhapur, it is not only that the floods cause damage and problems in the villages but even to the crops as well.

2. We have perused the affidavit filed on behalf of respondent Nos.1 to 3, dated 24th July 2024 which has been sworn in by one Chandrakant Annasaheb Patil, Deputy Engineer, Public Works Sub-Division, Kagal, District Kolhapur. It contains a report based on the study conducted into the causes of flood. The said report also suggests certain remedial measures.

3. A perusal of the said report clearly indicate that the respondents – State Authorities themselves admitted that as a result of floods the residents of villages are faced with enormous difficulties not only in relation to their habitation in the villages but also in relation to the crops.

4. In view of the aforesaid, it becomes imperative for the State Authorities to take remedial measures.

5. Learned counsel for the petitioners states that the measures suggested in the report are inadequate, and accordingly, he has prayed that a study may be ordered to be conducted by some independent agency, which shall go into the causes of flooding and also suggest appropriate remedial measures. He submits that the petitioners are ready to bear the costs of such study.

6. We do not see any impediment in directing an independent agency to conduct a study and make suggestions for taking appropriate remedial measures, so that the area which is regularly being affected by such flooding does not have to face such problems in future.

7. We, thus, direct that the Head of Department, Civil Engineering Department, Walchand College of Engineering, Sangli Miraj Road, Government Colony, Vishrambag, Sangli – 416 415 shall get such a study conducted by experts in the area in the said college and submit a report to this Court.

8. The study to be conducted under this order shall not only go into the causes of flooding, but shall also suggest appropriate remedial measures. While conducting the said study, report enclosed with the affidavit filed on behalf of respondent Nos.1 to 3, dated 24th July 2024, shall also be taken into consideration by the study group.

9. The petitioners are directed to make a deposit of Rs.1 lakh to the Head of Department, Civil Engineering Department of the aforesaid college within two weeks from today towards initial cost of the study to be conducted under this order.

10. We expect that the study under this order shall be conducted within eight weeks from today.

11. The Deputy Engineer, Public Works, Sub-Division Kagal, District Kolhapur shall coordinate between the Head of Department, Civil Engineering Department of Walchand College of Engineering, Sangli and the petitioners and shall provide all the cooperation and shall facilitate the study team to conduct the study and prepare the report.

12. Stand over to **18th December 2024.**

**(AMIT BORKAR, J.)**

**(CHIEF JUSTICE)**