

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

CONTEMPT PETITION NO. 378 OF 2024

Shri. Rajkumar Chandrasen Chavan ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

Mr. Harshad Inamdar a/w Deepa Devadiga & Harshita B. Jangid
i/by Yogesh Dandekar, for the Petitioner.
Mrs. Neha S. Bhide, Govt. Pleader a/w O. A. Chandurkar, Addl.
Govt. Pleader & G. R. Raghuwanshi, AGP for the Respondent –
State.

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

DATE : 13th DECEMBER, 2024

P. C.

1. Pursuant to our order dated 24th July, 2024, an affidavit-in-reply by State authorities has been filed, according to which, in terms of the decision taken in a meeting held on 5th January, 2021, the subject project has been handed over to the Soil and Water Conservation Department of the State on 27th January, 2021.

2. Affidavit-in-reply also states on 25th March, 2021, a revised estimate of the project was sent to the Additional Commissioner and Chief Engineer, Soil and Water Conservation

Region, Pune. However, another revised estimate has been sent again on 1st August, 2024 by the District Water Conservation Department to State Water Conservation Officer.

3. From the affidavit as aforesaid, it is clear that the State authorities do recognize the need of construction of the water tank and completion of the subject project. The land for the said purpose was acquired way back in the year 1998. It is thus very astonishing to note that despite the need of the project being acknowledged and land having been acquired way back in the year 1998 by spending substantial public money, the project has not even been initiated even after lapse of such a long period of about 26 years. Such a situation cannot be appreciated and accordingly the Court expects that approval and sanction of estimate and other requisite administrative, technical or any other requirements shall be completed by the respective State authorities within the shortest possible time.

4. We require that the Additional Chief Secretary/Principal Secretary of the department concern shall be apprised of the concerns of the Court expressed in this order forthwith by the

learned AGP and thus the Government shall take expeditious decision in the matter.

5. We may also point out certain observations made by the Court in its order dated 21st August, 2019 passed in Public Interest Litigation No.23 of 2011, for non-compliance of which the instant contempt petition has been filed. The Court observed in the said order dated 21st August, 2019 that **"having spent ₹18.31 lakhs way back in 1998 to acquire land, it would be waste of public money if the percolation/minor irrigation tank is not constructed. It ill-serves the public if the land remains vacant. It is the duty of the State to ensure that within its means water resources are made available to the citizens."** We, thus, direct that at the time of consideration of the entire matter by the State Government, the said observations, apart from all other relevant aspects, shall be borne in mind.

6. We direct that the State shall file an additional affidavit giving details of the decision which might be taken for farthing the requisite steps to be taken for commencing the

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construction of the project at the earliest. The said affidavit shall be filed by the next date of listing.

7. Stand over to **8th January, 2025**. To be placed **high on board**.

[AMIT BORKAR, J.]

[CHIEF JUSTICE]