

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 25 OF 2022

- | | | |
|-------------------------------------|---|------------------------------|
| 1) Ashish Vijay Joglekar |] | |
| Age- 35, Occupation – Business |] | |
| Residing at 401, Vinayak Apartment, |] | |
| Bazarpeth, Dist Ratnagiri 415 605 |] | <u>...Petitioner.</u> |

Versus

- | | | |
|--|---|-------------------------------|
| 1) State of Maharashtra Through |] | |
| its Principal Secretary, Mantralaya, |] | |
| Mumbai |] | |
| 2) The State Disaster Management |] | |
| Authority Through the Chief Secretary, |] | |
| State of Maharashtra Mantralaya, |] | |
| Mumbai |] | |
| 3) The District Disaster Management |] | |
| Authority District – Ratnagiri |] | |
| 4) The Collector, District-Ratnagiri |] | |
| |] | <u>...Respondents.</u> |

WITH

PUBLIC INTEREST LITIGATION NO. 67 OF 2021

- | | | |
|---|---|------------------------------|
| 1) Mr. Owais Anwar Pechkar, |] | |
| Age- 31 years, Occ – Advocate, Having |] | |
| office at :- 1007, Satra Plaza, Sector 19D, |] | |
| Palm Beach Road, Vashi, Navi Mumbai- |] | |
| 400703. |] | <u>...Petitioner.</u> |

Versus

1. The Union of India,
Through the Secretary/Director Ministry
of Jal Sakti, Department of Water
Resources and River Development. E-
Gov Cell, 6th Floor Cabin, Sharam Shakti
Bhawan, Rafi Marg, New Delhi – 110001.]
2. The State of Maharashtra Through the
Chief Secretary, Chief Minister's Office.
Mantralaya, Madam Cama Road,
Hutatma Rajguru Square, Nariman Point,
Mumbai – 400032.]
3. The State of Maharashtra,
Through Secretary, Water Resource
Department, Mantralaya, Madam Cama
Road, Hutatma Rajguru Square, Nariman
Point, Mumbai 400032.]
4. The State of Maharashtra,
Through Secretary, Relief and
Rehabilitation Department, Mantralaya,
Madam Cama Road, Hutatma Rajguru
Square, Nariman Point, Mumbai 400032.]
5. Disaster Management Unit, Relief and
Rehabilitation Unit, Government of
Maharashtra, 1st Floor, Mantralaya
(Main), Madam Cama Road, Mumbai,
400032.]
6. The State of Maharashtra,
Through the Secretary, Urban
Development Department, Mantralaya,
Madam Cama Road, Hutatma Rajguru
Square, Nariman Point, Mumbai 400032.]

7. The State of Maharashtra, Through its Secretary, Planning Department Mantralaya, Madam Cama Road, Hutatma Rajguru Square, Nariman Point, Mumbai 400032.]
8. The State of Maharashtra, Through its Secretary, Soil and Water Conversation Department, Mantralaya, Madam Cama Road, Hutatma Rajguru Square, Nariman Point, Mumbai 400032.]
9. The State of Maharashtra, Through its Secretary, Environment and Climate Change Department. Mantralaya, Madam Cama Road, Hutatma Rajguru Square, Nariman Point, Mumbai 400032.]
10. The State of Maharashtra, Through its Secretary, Revenue and Forest Department. Mantralaya, Madam Cama Road, Hutatma Rajguru Square, Nariman Point, Mumbai 400032.]
11. The State of Maharashtra, Through Secretary, Public Works Department, Mantralaya, Madam Cama Road, Hutatma Rajguru Square, Nariman Point, Mumbai 400032.]
12. The State of Maharashtra, Through Guardian for Ratnagiri. Mantralaya, Madam Cama Road, Hutatma Rajguru Square, Nariman Point, Mumbai 400032.]
13. Office of the Principal Chief Conservator of Forests (Head of Forest Force) M. S. Nagpur, 3rd Floor Van Bhavan, Ramgiri Road Civil Lines Nagpur 440 001.]
14. Maharashtra State Power Generation Co. Ltd. Hongkong Bank Building, M.G. Road, Fort, Mumbai- 400 001]

15. The Executive Director,
Kokan Irrigation Development
Corporation, Sinchan bhavan, Bara
Bungla Kopri, Thane (East) Thane.
400603]
16. The Collector & District Magistrate,
District Collector Officer, Ratnagiri, Pin
Code: 415612, Phone – 02352-223573.]
17. The District Health Officer,
District Collector Officer, Ratnagiri, Pin
Code:- 415612.]
18. The Chief Executive Officer, Zilla
Parishad, Ratnagiri.]
19. The Superintendent of Police, Jail Rd,
Police Head Quarters, Ratnagiri, 415612.]
20. The Chief Officer, Chiplun Municipal
Council, Chiplun, Dist:- Ratnagiri 415605.] **...Respondents.**

None for the Petitioners.

Mr. R. P. Kadam, 'B' panel Counsel, AGP for the Respondent-State.

Mr. Vijay Killedar a/w Shivraj Jagadale for the Respondent No. 1-UOI.

*Mr. Eshan Nayak h/f Datta Pawar for the Respondent-Chiplun Nagar
Parishad.*

Mr. Rakesh Bhatkar, as Amicus curiae.

Mr. Pankaj Das (through VC) for the Respondent No. 18- ZP Ratnagiri.

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : November 27, 2025.

ORAL JUDGMENT (PER: M. S. KARNIK, J.)

1. None for the Petitioners. There was no appearance on behalf of the Petitioners on the last date as well.
2. On 21st July 2022, a detailed order was passed by this Court in these PILs. For the facility of convenience we reproduce the order:

"1. Learned advocate for the petitioner has placed on record photographs to demonstrate the water logging situation in Chiplun this monsoon.

2. On December 20, 2021, the following order was passed by us in Public Interest Litigation No. 67 of 2021.

"1. After our last order dated December 13, 2021, a praecipe has been moved by Ms. Salunkhe, learned AGP for the respondents indicating therein that the report of the Central Water and Power Research Station, Pune (CWPRS) is still awaited and that because of a misunderstanding, a submission was made by her before us on that day that the report of the CWPRS, having since been received, was under consideration of the State Government.

2. Be that as it may, we are of the opinion that the State Government must pursue the matter with all earnestness to obtain the report of the CWPRS at the earliest so that based on its contents, immediate action can be taken to avoid a repeat of the calamity which is sought to be addressed by this PIL petition. In the event the report is obtained at least by the middle of January, 2022, the State Government shall devise ways and means for tackling the problem of flooding in the concerned area so that the local people are not inconvenienced during the next monsoon.

3. We, accordingly, encourage the State Government in the concerned department to approach the CWPRS for submission of the report as early as possible, preferably by January 15, 2022.

4. This writ petition shall be listed on January 17, 2021

for reporting developments."

3. Pursuant to the aforesaid order, an affidavit-in-reply dated January 15, 2022 is filed by Executive Engineer, Irrigation Division, Ratnagiri on behalf of respondents no. 3 and 15 placing on record a letter dated January 13, 2022 issued by the Central Water & Power Research Station (hereafter "CWPRS", for short). Vide the said letter, the CWPRS submitted a short technical note on 'numerical model studies conducted for evolving flood protection measures for river Vashishti near Chiplun Town, Maharashtra'. This note is in the nature of a preliminary study conducted by CWPRS indicating that further studies on the subject matter are underway.

4. Further report about the study conducted by CWPRS into the subject matter be placed on record as and when it is received. In the past, on July 23, 2021, Chiplun experienced an extreme flood situation. We hope and trust that the CWPRS while conducting a detailed study will submit a comprehensive report suggesting appropriate measures peculiar to the flood prone area of Chiplun.

5. Mr. Kakade, learned Government Pleader placed on record the action taken report of Water Resources Department, Government of Maharashtra prepared post the July 2021 flood situation in Chiplun, for prevention of loss of life and property. In brief, the measures are:

(i) The Action taken for removal of silt and island from Vashishti river which obstructs the flow of the river. The quantity of silt removed from government land in Vashishti and Shiv rivers. The report indicates that at present, due to monsoon season, the work of desilting has been stopped with effect from June 19, 2022 and the remaining work of Phase 2 will resume after monsoon.

(ii) Item 2 of the report then lists out the details about the Real Time Data Acquisition System (hereafter "RTDAS", for short). Three Automatic Water Level Recorders (hereafter "AWLR", for short) and 9 Automatic Rain Gauge Stations (hereafter "ARS", for short) are installed in Ratnagiri district at various locations. A proposal for additional equipments, which includes ARS and River Gauges (SRG+ARG) devices for Ratnagiri district has been submitted. In fact, the

proposal has been sanctioned by the Water Resources Department vide its communication dated July 19, 2022.

(iii) Item 3 of the report then speaks about the formation of a committee for the study of the effect of Kolakewadi Dam (stage III) Generation discharge i.e. Koyna Avjal during flood. The study conducted by the committee has resulted in the Chairman of the committee having instructed MAHAGENCO, Pofali to take necessary precautions and actions regarding Koyna electricity generation water during heavy rainfall period vide letter dated July 6, 2022. A detailed report and recommendations of the study committee are to be submitted to the State Government by the end of August 2022.

(iv) The action taken report then speaks about the mathematical model study by CWPRS, Pune. It states that the CWPRS, Pune has suggested some flood prevention measures based on the model study and suitable catchment treatment also.

(v) Item 5 of the action taken report mentions about the monsoon reporting by flood control cell for each major river which has been executed and monitoring work that is going on continuously. The report concludes by indicating that due to action taken by Water Resources Department regarding removal of silt, it has been noticed that despite heavy rainfall upto now, no flood like situation has arisen in Chiplun. Similarly, due to installed RTDAS system and separate flood control cell for Chiplun along with MAHAGENCO, Pophali and concerned other departments, with a good co-ordination and communication, local people get early warning about forecasting of rainfall and water levels to enable them to take preparatory measures.

6. Learned Government Pleader, Shri Kakade, then brought to our notice a note prepared about the activities taken under monsoon preparedness by district administration, Ratnagiri. The note is taken on record.

7. On or before the next date, learned Government Pleader

to place the action taken report and the note submitted during the course of hearing by way of an affidavit.

8. *It is with the assistance of the senior advocate Mr. Apte, petitioner- Mr. Pechkar and learned Government Pleader, Mr. Kakade that we have gone through the action taken report and the note regarding the activities taken under monsoon preparedness by district administration, Ratnagiri. We find that adequate measures and safeguards are enlisted in the said note indicating the activities taken under monsoon preparedness of the district administration, Ratnagiri. We called upon Mr. Apte as well as Mr. Pechkar to submit any other suggestions that they may have, over and above those spelt out in the note so submitted by the learned Government Pleader.*

9. *Mr. Pechkar made an attempt to submit that the defective sewage system in the area of Chiplun is a major reason for the flood like situation. However, this concern can be dealt with by the administration after the monsoon is over. Learned Government Pleader assures us that the administration is well prepared to deal with the flood situation, if it so arises. Mr. Apte as well as Mr. Pechkar expressed satisfaction over the preparedness and measures undertaken by the administration to counter a flood like situation, if it so arises in the ensuing monsoon season to effectively prevent loss of life, limb and property. We hope and trust that the administration shall carry forward the measures enlisted in the note at the ground level, if the occasion so arises.*

10. *Liberty to the petitioners to apply, in the event, the situation in Chiplun during this monsoon calls for immediate attention of this Court.*

11. *Shri Ram Apte invited our attention to the Maharashtra State Disaster Management Plan of 2019 (hereafter "Plan of 2019") at Exhibit 'F'. In response, the Government Pleader submitted that it is the Plan of 2019 which is now in place. He assures the Court that the Maharashtra State Disaster Management Authority will ensure that the said Plan of 2019 is implemented effectively."*

3. We find that a detailed action report has been prepared by the Water Resources Department, Government of Maharashtra, following the July 2021 flood in Chiplun, aimed at preventing loss of life and property.

4. In paragraph 11 of the aforesaid order, the stand of the Government Pleader that the Maharashtra State Disaster Management Plan of 2019 ("Plan of 2019") is in place is recorded. Learned AGP assured the Court that the Maharashtra State Disaster Management Authority is taking every possible step for the effective implementation of this plan.

5. Since there has been no appearance on behalf of the Petitioner, we inquired with Mr. Bhatkar, learned Advocate practicing in this Court who hails from Chiplun, regarding the flood situation during the monsoons of 2023, 2024, and 2025.

6. Mr. Bhatkar submitted that although there were water logging issues, the situation during these monsoons was not as severe as the July 2021 floods. He also informed the Court that the authorities actively managed the situation to protect life and property and were present at the ground level, monitoring the situation. We appreciate the assistance of Mr. Bhatkar. There is nothing on record post 21st July 2022 detailing any flood like situation during the monsoon of 2023, 2024, and 2025.

7. In such view of the matter, it is evident that the Maharashtra State Disaster Management Authority is taking steps to ensure the effective implementation of the plan of 2019, as assured by the learned AGP.

8. Learned AGP, on instructions from Mr. Rajesh S. Jadhav, Assistant Police Inspector, Chiplun Police Station, who is personally present in Court, submitted that the flood situation is under control. During the July 2021 floods, the police undertook various initiatives to provide maximum assistance to those affected.

9. Considering the current situation and the fact that the Disaster Management Plan is in force, functioning effectively, we see no reason to keep this PIL pending. We direct the authorities to ensure that all measures envisaged by the Disaster Management Plan, as well as any other relevant policies or norms for controlling floods, are fully functional and effectively implemented. The authorities must also monitor the situation before each monsoon season.

10. No purpose will be served by keeping these PILs pending. Both the Public Interest Litigations stand disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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ASHOKRAO
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