

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

WRIT PETITION NO.15068 OF 2024

Dilip Mahadev Patil And Ors

... Petitioner

Versus

The State of Maharashtra Thr
Government Pleader And Ors

... Respondent

Mr G T Kanchanpurkar, for the Petitioner.

Mr Sachin Gite, for Respondent No.7.

Mr Aditya Deolekar, AGP for the State.

**CORAM : M.S. Sonak &
Jitendra Jain, JJ.**

DATED : 5 May 2025

PC:-

1. Despite our order of 7 April 2025, none of the Respondents have filed their affidavits. Paragraph 3 of our order dated 7 April 2025 reads as follows:

"3. Accordingly, concerned Respondents are directed to file and serve their response by 30 April 2025 without seeking any adjournments or giving any excuses. The concerned Respondents must appreciate that the grievance of the Petitioners is that the property in question was allotted to the Petitioners by way of rehabilitation. The Petitioners now complain that there is no water source or water supply to the properties as a result of which, there is no effective rehabilitation. Therefore, in a matter of this nature, the necessary affidavits clarifying the factual position and giving suggestions for some effective solution must be filed by 30 April 2025 without giving any excuses. This time, no affidavit is filed and served by 30 April 2024, we might consider requiring the Officers responsible for filing their reply to personally pay substantial costs to the Petitioners."

2. Mr. Deolekar, learned AGP, states that the Additional Revenue Secretary has written to the Krishna Valley Development Corporation informing them that the corporation has the responsibility to redress the Petitioners' grievance. The Executive Engineer of Krishna Valley Development Corporation, today represented by Mr. Gite, has written to Mr. Gite that they are making arrangements to supply water to the Petitioners' land, which will be subject to approval from the Government.

3. In short, as is the position in most cases, the State Officials wish to pass the buck to the Corporation, and the Corporation wishes to pass the buck to the State Government. This is most unfortunate. What is still more tragic is that no replies are forthcoming from any of the responsible officials, despite this Court's order. This Court had made it clear that a cost may have to be imposed on the officials if they failed to file their replies.

4. Accordingly, the Revenue Secretary of the State and the Executive Engineer of the Krishna Valley Development Corporation must personally pay Rs. 7,500/- each to the Petitioners within 15 days from today. The cost will have to be deposited in this Court. The Registry will accept the cost during vacation.

5. Now that the Revenue Secretary of the State Government and the Executive Engineer of the Corporation have not bothered to file replies or comply with Court

directions, we direct the Chief Secretary, State of Maharashtra, to personally look into this matter and file an affidavit, latest by 13 June 2025. We would appreciate it if the Chief Secretary called a meeting of all the concerned officials, including the Managing Director of the Corporation, so that this issue is sorted out as soon as possible. The corporation's Managing Director is also directed to file an affidavit indicating some concrete steps in this matter by 13 June 2025 at the latest.

6. Again, we note that the Petitioner's grievance is about allotting alternate land through rehabilitation. The land is allotted, but there is no water source or water supply on this land. In effect, the Petitioners complain that there is no rehabilitation, only lip service to the statutory requirement of rehabilitation. At least, in this matter, we expected the State officials to display a greater level of sensitivity. Instead, we find that the routine excuses of passing the buck are given. Officials are confident that such indolence or insensitivity will never be visited with any stern action.

7. Despite our earlier order, none of the officials has bothered to file any affidavit. The Chief Secretary is requested to inquire into this matter and fix responsibility on the officials who are expected to file their replies in terms of the Court directives. After fixing the responsibility, the Chief Secretary should consider whether any entries should be made in the confidential rolls of such officials so that some seriousness is induced regarding obedience to Court orders.

Besides, the Chief Secretary should consider whether any sensitisation workshop should be conducted for officials so that the plight of poor farmers in this state is not ignored. On this occasion, we have only imposed a nominal cost, but on the next occasion, if such an attitude persists, we will have to consider imposing an exemplary cost.

8. Again, we clarify that the Revenue Secretary and the Executive Engineer will have to pay this cost personally because the State Exchequer cannot be burdened by repeated lapses by its officials.

9. List the matter on 20 June 2025 for further consideration.

10. Mr. Deolekar and Mr. Gite are requested to immediately present the authenticated copy of this order to the Chief Secretary and the Managing Director so that there is no delay in complying with it.

(Jitendra Jain, J)

(M.S. Sonak, J)