



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 366 OF 2025

(Anu w/o Ashutosh Jha Vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Ekta Rai, Advocate for petitioner.

Mr. N.S. Rao, AGP for respondent Nos. 1 to 3, 6 and 8.

Mr. D.M. Ailani, Advocate for respondent Nos. 4 and 7.

CORAM : ANIL S. KILOR & RAJNISH R. VYAS, JJ.

DATED : 11-11-2025.

Heard learned counsel for the parties.

2. The petitioner, by way of present petition is praying for quashing and setting aside the order dated 27.2.2024, passed by the Hon'ble Minister of Agriculture, Animal Husbandry, Dairy Development and Fisheries rejecting the Revision Application filed by the petitioner.

3. It is the case of the petitioner that the petitioner was engaged in fishery business for which he had installed cages in Pench Reservoir, in the year 2017. It is further submitted that due to heavy rain on 28.9.2019, all the gates of the dam was opened by respondent No.1, resulting into sweeping away all the cages along with fishery, due to which, the petitioner had sustained heavy financial losses.

4. The petitioner therefore, made demand of damages to compensate the losses caused. It is the case of the petitioner that he suffered losses of around rupees seven crores whereas after visit on the spot by respondent Nos. 6 and 7, a panchanama was prepared assessing losses caused to the petitioner to the tune of Rs. 4,97,33,082/-.

5. It is submitted that respondent No.6, on 8.11.2019 send a proposal to respondent No. 5 for grant of compensation as referred above. However, respondent No. 5 did not act upon it and the amount was not paid to the petitioner. The petitioner, therefore, approached to the Hon'ble Minister by filing Revision Petition, which came to be dismissed, vide impugned order dated 27.2.2024.

6. Learned counsel for petitioner submits that impugned order is illegal and contrary to the policy of the State Government. It is argued that as per the policy dated 26.8.2021, more particularly, as per clause 7, the petitioner is entitled to receive damages from respondent authorities. It is further argued that Hon'ble Minister has not considered the Government Resolution dated 26.8.2021 in right perspective.

7. On the other hand, learned AGP for State argued that the contract was allotted to the petitioner for fishery business by installing cages in Pench Reservoir, in light of the policy dated 3.2.2016 whereas Government Resolution dated 26.8.2021 came subsequently, even after the incidence dated 28.9.2019. It is pointed out that though there is a mention in the Government Resolution dated 3.2.2016 that the policy decision from 1976 onward for grant of compensation in case of losses caused, will be applicable. The policy of 2015 says that in such cases, extension of one year shall be granted. Whereas, the petitioner is claiming damages in monetary terms for which there is no such provision. It is further argued that the petitioner needs to establish and prove the quantum of damages and for that purpose, the petitioner needs to lead evidence.

8. Having considered the rival contentions of the parties and going through the record and the impugned order, it is evident that the petitioner entered into a contract with respondent No. 4, in the

year 2017 and accordingly, installed cages in Pench Reservoir for fishing. Due to heavy rain on 20.9.2019, all the gates of the dam were opened by respondent No. 4 and thereby losses caused to the petitioner. However, to claim such damages, the Government Resolution on which the petitioner is relying upon is of 2021 which came into force much later after the incidence of 28.9.2019. The Government Resolution which was in force on the date of such incidence was of dated 3.5.2015 which permits extension of one year period of such contract, in such cases. Moreover, the agreement of the petitioner in this regards makes the petitioner disentitled to receive such damages. Thus, we do not find any error committed by the Hon'ble Minister in holding against the petitioner. However, the petitioner is at liberty to claim damages by filing civil suit if such mode is permissible under the law.

9. Accordingly we dismiss the petition with liberty to petitioner to file civil suit, if petitioner so desires and if such remedy is available, in accordance with law.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)