

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

WRIT PETITION NO.4734 OF 2024

Janardhan Krishnaji Jadhav

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Suryajeet P. Chavan, for the Petitioner.

Mr. V. M. Mali, AGP, for the Respondent-State.

Ms. Chaitrali A. Deshmukh (Through Video Conferencing) a/w Gautam R. Kulkarni, for Respondent No.2

Mr. Rajan Pandurang Davari, Executive Engineer, present, in Court.

**Coram: Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date: April 10, 2026

P.C.:

1. Heard Mr. Chavan, learned Counsel for the Petitioner, Ms. Deshmukh, learned Counsel for Respondent No.2 and Mr. Mali, learned AGP, for the Respondent-State.

2. By the present Writ Petition filed under Article 226 of the Constitution of India, the relief sought is that the Respondents be directed to immediately release 2 TMC of water in Krishna Canal to fulfill the needs of agriculturists dependent on Krishna Canal for drinking, irrigating their land and ancillary purposes.

3. An additional Affidavit dated 9th April 2026 has been filed by Mr. Rajan Pandurang Davari, Executive Engineer of Respondent No.2. In the said Affidavit, water which has been released by Respondent No.2 in Krishna Canal has been set out. The relevant information is as under:

अ क्र	वर्ष	पाणी वापर पाणी वापर (अघफू)
१	२०२०-२१	२.७९
२	२०२१-२२	२.७२
३	२०२२-२३	३.२८
४	२०२३-२४	२.३३
५	२०२४-२५	३.००

4. Mr. Chavan, learned Counsel for the Petitioner has pointed out an Affidavit-in-Reply of the Deputy Executive Engineer of Sangli, Irrigation Division dated 18th June 2004 in Public Interest Litigation No.128 of 2003 and more particularly Paragraph Nos.4 and 5, which reads as under:

“4. I say that the **State of Maharashtra has considered this problem and has issued directives to Krishna Valley Development Corporation by letter dated 11.3.2004. I say that as per this letter, the Corporation has been directed to take into consideration the availability of all the water upstream of Khodshi Bandhara and to so utilise the water every year so that at least 2.7 (Two point Seven) TMC of water is available at Khodshi Bandhara. Thus, atleast minimum of the reserved water for Krishna Canal**

2.7 (Two point Seven) TMC is to be made available at Khodshi. It has been further provided that in case of shortage in any year, the supply of water to Khodshi Bandhara be proportionately reduced. Hereto annexed and marked as EXHIBIT-2 is a copy of the said letter dated 11.3.2004, issued by the Government of Maharashtra.

5. I say that the abovementioned directive of the Government of Maharashtra would be followed by the Krishna Valley Development Corporation and all efforts would be made to plan the utilisation of water in such a manner that 2.7 (Two point Seven) TMC of water is made available at Khodshi Bandhara, for releasing the same in Krishna Canal.”

(Emphasis added)

5. Mr. Chavan, learned Counsel, also points out the Order dated 30th June 2004 passed by a Coordinate Bench of this Court in Public Interest Litigation No.128 of 2003. The said Order reads as under:

“1. Leave to add Krishna Valley Development Corporation as party respondent. Amendment to be carried out during the course of the day.

2. Heard the parties. Perused the affidavit filed on behalf of Krishna Valley Development Corporation. It is seen from the affidavit that the State of Maharashtra has considered problem of the agriculturists and has issued appropriate directions to Krishna Valley Development Corporation vide letter dated 11th March, 2004. **In para 5 of the affidavit, Krishna Valley Development Corporation, has specifically averred that the said directive of the Government of Maharashtra would be followed and all the efforts shall be made to plan to utilise the water in such a manner that 2.7 (Two Point Seven) TMC of water is made available at Khodshi Bandhara for releasing the same in Krishna Canal.**

3. In view of the affidavit filed on behalf of Krishna

Valley Development Corporation, the grievance of the petitioner does not survive.

. Petition is accordingly disposed of.

. Parties be given copies of this order duly authenticated by Sheristedar of this Court.”

(Emphasis added)

6. Although it is the contention of Ms. Deshmukh, learned Counsel for Respondent No.2 that Respondent No.2 has complied with these directions and in fact more than minimum 2.70 TMC of water has been released by Respondent No.2-Corporation, it is the contention of Mr. Chavan, learned Counsel for the Petitioner that the above Orders are passed in the year 2004 and now as more land has come under the cultivation and, therefore, requirement has increased.

7. Mr. Chavan, learned Counsel for the Petitioner, on instructions, submits that the Petitioner and other similarly affected agriculturists in representative capacity will file a representation with Respondent No.2 within a period of 1 week from today.

8. Ms. Deshmukh, learned Counsel, states that Respondent No.2 will take decision on the said representation within 2 weeks thereafter.

9. Accordingly, the Writ Petition is disposed of.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]