

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

WRIT PETITION NO. 8207 OF 2022

Anil Sambhaji Pharate

.Petitioner

Vs.

The State of Maharashtra & ors.

.Respondents

**WITH
WRIT PETITION NO. 8210 OF 2022**

Yogesh Mansingh Bhoite

.Petitioner

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. S. M. Sabrad a/w. Mr. Amey Sawant & Ms. Neha Zanje, for the
Petitioners in both matters

Ms. M. S. Bane, AGP, for the State

**CORAM : M. S. SONAK &
JITENDRA JAIN, JJ.**

DATE: 07.03.2025

P. C.

1. Mr Sabrad, learned Counsel for the Petitioners, points out that the Petitioners' lands are submerged due to the dam backwater. The State is neither acquiring such lands nor compensating the Petitioners. He points out that in similar circumstances, this Court, in the case of Dhun Singh Bhoite vs.

The State of Maharashtra in W. P. NO. 4090 of 2000, has issued directions to the State to acquire the lands and pay compensation.

2. Considering the submissions made and the issues raised in this Petition, right from 18.07.2022, Co-ordinate Benches have made orders directing the State Government to file replies. The first such Order was made on 18.07.2022, directing the State Government to file a reply within three weeks. On 08.09.2022 and 30.09.2022, the State applied for an Extension to file a reply. No replies were filed, but since the matter could not reach on the adjourned dates, the State did not even bother to seek any extension of time to file replies.

3. On 24.07.2023, another Co-ordinate Bench, by way of last chance, directed the State to file their replies before 07.08.2023 and serve the same on the Advocates for the Petitioners. Despite such a clear and categorical order, neither did the State file any reply nor bother to seek any extension of time.

4. The matter could not reach on the following several dates on which it was posted. The matter was taken up on 03.01.2025, on which date again, at the request of Ms. Bane, learned AGP be granted additional time up to 17.01.2025. Even this order, has

been flouted with impunity.

5. Thus, in a case where the Petitioners, who are citizens of this country, and who claim that they are suffering because their properties have been submerged and they have not been paid any compensation to date, the State Government, for the last three years, is flouting directions of this Court to file Affidavit-in-reply. This is most unfortunate.

6. In such circumstances, we direct the Revenue Secretary (State of Maharashtra) to personally pay Rs. 25,000/—to each of the Petitioners. These costs must be paid within two weeks from today.

7. Further, within two weeks from today, the State is granted yet another opportunity to file their Affidavits, but by clarifying that if no Affidavits are filed, this Court is not going to beg the State to file any Affidavits but will consider disposing of the Petitions at the admission stage on the premise that the State accepts all the statements made by the Petitioners in their respective Petitions.

8. We request Ms. Bane, learned AGP, to immediately place a copy of this Order before the Revenue Secretary. Revenue

Secretary must first pay the costs, and after that, he is at liberty to institute an enquiry and fix responsibility on the officers responsible for not filing the reply despite several directions of this Court. After such compliance and fixing of responsibility, the Revenue Secretary is at liberty to recover the costs from the officers found responsible.

9. If the State desires, the affidavit-in-reply must be filed and served on or before 21.03.2025. The costs of Rs. 25,000/—to each Petitioner must also be paid on or before 21.03.2025 without giving any excuses.

10. List these matters on 28.03.2025 at 2.30 p. m. for final disposal at the admission stage. If the Petitioners wish to file any re-joinder, they should file the same by 26.03.2025 by giving an advance copy to learned Counsel for the Respondents.

11. At this stage, Ms. Bane learned that AGP for the Respondent – State states that we should direct the Collector to pay the costs because the Revenue Secretary may not be aware of what is happening in his department. If this is so, a copy of this Order must be placed before the Chief Secretary. It is for the Chief Secretary to decide whether the Revenue Secretary should pay the

costs for not being aware of what is happening in the Revenue Department or the Collector should pay the costs. But the costs must be paid by the next date by the Officers by not burdening the State exchequer or taxpayers for the repeated lapses of the officials.

12. All concerned should act on the authenticated copy of this order.

(JITENDRA JAIN, J.)

(M. S. SONAK, J.)