

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8207 OF 2022

Anil Sambhaji Pharate .. Petitioner

V/s.

The State of Maharashtra Thr Its Water .. Respondents
Resource Dept. and Ors

WITH

WRIT PETITION NO. 8210 OF 2022

Yogesh Mansingh Bhoite .. Petitioner

V/s.

The State of Maharashtra Thr Its Water .. Respondents
Resource Dept. and Ors

Mr. Suresh Sabrad, Mr. Amey C. Sawant, Ms. Neha Parte, Mr. Pratik Sabrad and Ms. Eshwaree Kudalkar, for the Petitioner.

Mr. Kedar B. Dighe, Addl. GP, a/w Ms. M. S. Bane, AGP for the Respondent /State.

Mr. Divyesh K. Jain, i/b Mr. Nitin Gaware Patil, for Respondent No. 6 in both the Petitions.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.

DATE : 6TH APRIL 2026.

PC:

1. The petitioners in these petitions are seeking compensation as they are deprived of enjoyment of their land due to submergence in the context of K. T. Weir Dam at Khorawadi, Dist Pune.

2. Respondent No. 6, i.e. the Maharashtra Krishna Valley Development Corporation, was added as a respondent during the pendency of this petition.

3. It is brought to our notice that said Respondent No. 6 Corporation filed its affidavit in reply in these petitions to which the petitioners also filed their rejoinder affidavits. Today, the Registry has not been able to send the physical papers pertaining to these petitions and we find that in the digital copy shared with this Court, the copy of the reply of Respondent No. 6 Corporation is not on record. The Registry is directed to ensure that the complete papers are sent to this Court on the next date of hearing.

4. The Learned counsel for the petitioner shared his copy of the papers, to assist this Court. In this backdrop, the learned counsel appearing for Respondent No. 6 invited attention of this Court to Paragraph 4 of the joint affidavit in reply filed in both the writ petitions. The contents of the said para read as follows:

4. The deponent states that, K. T. Weir at Khorawadi was constructed in the year 2000. Since the year 2000, the petitioner has not lodged any complaint up to 2018, which indicates that no water had accumulated or spread on Gat Nos. 6 and 7 owned by the petitioners during this period. This observation is further corroborated by satellite imagery obtained from Google Maps, which clearly shows that up to 2018, there was no evidence of submergence on the said land. However, subsequently, between 2018 and 2020, a new road bridge connecting Baramati to Karathi was constructed by the Public Works Department. This construction caused affluxes (obstruction to water flow), which resulted in water spreading over the said land (Gat Nos. 6 and 7). I say that, the claim of the petitioner for compensation for the loss of their lands will have to be raised with the appropriate authority in the Public Works Department. Additionally, over the preceding 25 years, the Bhima River has flooded multiple times, causing significant erosion of the land. This repeated erosion

over the years is also a contributing factor to the land being submerged under water. Hereto annexed and marked as EXHIBIT "R-1" is the copy of images of Google Map.

5. On the basis of the aforesaid stand taken in the reply affidavit, learned counsel appearing for Respondent No. 6 submits that the prayer for compensation to the petitioners can be entertained for a period from 2018 onwards and that the Public Works Department would be responsible for payment of compensation in the light of the new road bridge constructed by the Public Works Department connecting Baramati to Karathi, resulting in affluxes (obstruction to water flow), causing submergence of lands of the petitioners.

6. We find that the Public Works Department is not a party to this petition, although the State Authorities from District Pune are Respondent Nos. 1 to 5 and they have filed their reply affidavit.

7. Despite the fact that the petitioners by filing their rejoinder affidavits have denied the stand taken by the Respondent No. 6 Corporation, we are of the opinion that the Public Works Department of respondent State of Maharashtra should be joined as a party respondent in this petition. It appears that the submergence of lands of the petitioners cannot be denied and equally, their right to be compensated for the same cannot be denied. But, there may be some controversy as to the department of the State which shall bear the financial implication of such compensation payable to the petitioners.

8. We are of the opinion that the plight of the petitioners ought to be addressed at the earliest, but the same cannot be done in the absence of the Public Works Department.

9. In that light, the petitioners are directed to add the Public Works

Department as a party respondent in both the writ petitions. The amendment be carried out forthwith.

10. Issue notice to the newly added respondent, i.e. Public Works Department in both the writ petitions returnable on 5th May 2026, under the caption “For Directions.” Learned AGP waives notice on behalf of the newly added respondent.

11. The newly added respondent shall file a reply affidavit before the next date of listing.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)