

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. OF 2024

IN

WRIT PETITION NO. (ST) 7876 OF 2024

DIST: Sangli

(Under Article 226 of the Constitution of India)

Rangrao Laxman More and Ors. ...APPLICANTS- INTERVENORS

IN THE MATTER BETWEEN

Pravinkumar Vasantrao Patil and anr. ... PETITIONERS

VERSUS

Special Land Acquisition Officer no. 1 and Ors. ...RESPONDENTS

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1. Rangrao Laxman More

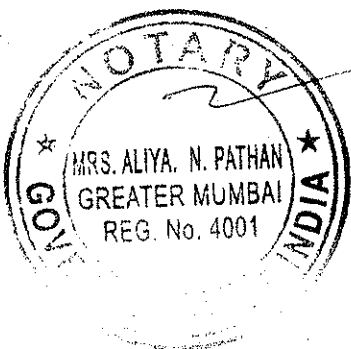
Age: 52 yrs. Occ. Agriculturist

2. Jittappa Baban Saymute

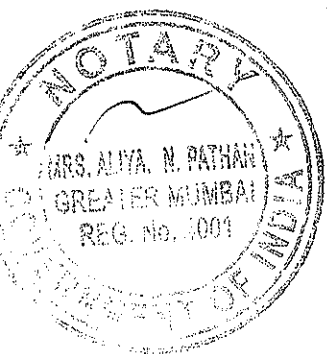
Age: 48 yrs. Occ. Agriculturist

3. Pravin Bapuso Gopugade

Age: 48 yrs. Occ. Agriculturist



4. Suraj Vasant Gopugade  
Age: 33 yrs. Occ. Agriculturist
5. Shridhar Vishwas Gavli  
Age: 51 yrs. Occ. Agriculturist
6. Dnyandev Tukaram Kamerikar  
Age: 52 yrs. Occ. Agriculturist
7. Akshay Jaysingrao Kharade  
Age: 31 yrs. Occ. Agriculturist
8. Jayshri Jaysingrao Kharade  
Age: 27 yrs. Occ. Agriculturist
9. Digvijay Dhanyakumar Chougule  
Age: 28 yrs. Occ. Agriculturist
10. Pratiksha Jitendra Salunkhe  
Age: 42 yrs. Occ. Agriculturist
11. Dhiraj Vasant Chougule  
Age: 32 yrs. Occ. Agriculturist
12. Bajirao Rajaram Chougule  
Age: 32 yrs. Occ. Agriculturist
13. Dipak Subhash Patil  
Age: 42 yrs. Occ. Agriculturist
14. Indrajeet Shankarao Chavan



Age: 32 yrs. Occ. Agriculturist

15. Kuber Jivandhar Koruche

Age: 35 yrs. Occ. Agriculturist

16. Prasad Kisanlal Mehta

Age: 62 yrs. Occ. Agriculturist

17. Malhari Bandu Sonar

Age: 59 yrs. Occ. Agriculturist

All R/o

C/o "Jivan Paraspar Sahayyak Mandal

Pani Puravtha Sanstha"

Having office at Kasbe-Digraj,

Tal. Miraj, Dist. Sangli

.....APPLICANTS - INTERVENORS

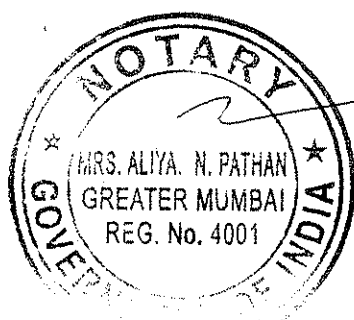
**IN THE MATTER IN BETWEEN**

1. Pravinkumar Vasantrao Patil

Age 45 yrs. Occ. Business.

R/o. Vitthal Nagar, Nagthane Fata,

Ankalkhop, Tal. Palus Dist. Sangli.



4

2. Santosh Bapusaheb Gopugade

Age 40 yrs. Occ. Agriculture

R/o. Kasbe Digraj,

Tal. Miraj Dist. Sangli.

.....PETITIONERS

### VERSUS

1. Special Land Acquisition Officer no. 1

Office – District Collector Office, Sangli.

2. Executive Engineer- National Highway Development

Office- Pitali Ganpati Compound Kolhapur.

3. The District Collector, Sangli

4. Ministry of Road Transport and Highway India

Regional Office for Maharashtra & Goa

Address- 508/509, 5<sup>th</sup> floor,

Kokan Bhavan, Sect. 6, CBD Belapur,

Navi Mumbai, Pin- 400614

Through Executive Engineer

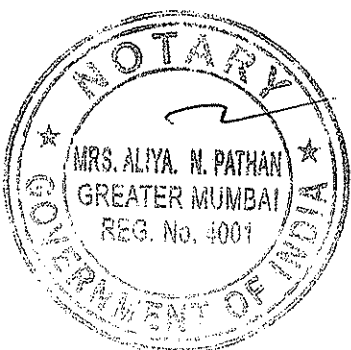
5. State of Maharashtra

Through Government Pleader High Court Bombay

6. The Union of India

Department of Road Transport and Highway

Through Central Government Pleader,

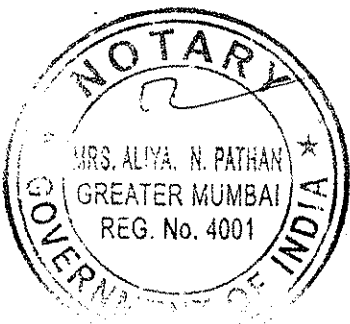


(Bombay High Court)

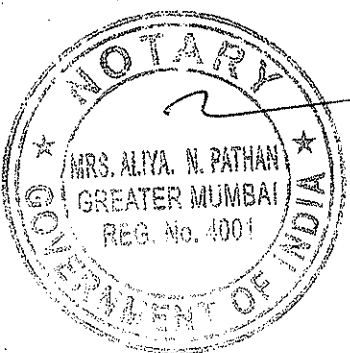
....RESPONDENTS

**MOST RESPECTFULLY SHEWETH**

1. The Applicants are citizens of India; they are farmers by occupation and solely depended upon the irrigation facilities provided to their agricultural lands. They are members of "Jivan Paraspar Sahayyak Mandal Pani Puravtha Sanstha" having office at Kasbe-Digraj, Tal. Miraj, Dist. Sangli. The Applicant No. 1 and 2 are Chairman and Secretary of the said Society. The said Society is established to provide irrigation facilities to the Applicants and other several members.
2. The present Applicants are supporting the above-said Writ Petition as they are also aggrieved by the proposed acquisition which is the subject matter of the above-said Petition.
3. The above-said Petition has been filed by the Petitioners who are aggrieved by the proposed acquisition of their lands viz. G.NO.1479, 1481/1, 1482, 1483, 1607, 1418, 1617, 1607, 1606/1, 1606/2, 1589, 1599, 1598, 1591, 1604, 1605, and 1590, which are situated at village KASBE – DIGRAJ in Miraj Taluka, District Sangli. The said lands are sought to be acquired for the proposed toll Naka on Peth- Sangli Road.

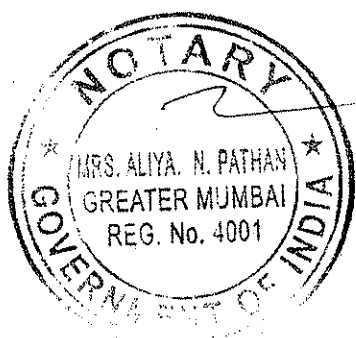


4. The Applicants state that some of their lands are well irrigated and have crops such as sugarcane and turmeric. Even though the said lands are well irrigated, in the revenue record those are wrongly recorded as non-irrigated. The Applicants state that by implementing scheme number 3, one "JIVAN PARASPAR SAHAYYAK MANDAL, which is a water supply society, the said lands are irrigated by installing huge pipeline. In fact, in G. No.1479 and 1481, there is a main tank as well as a chamber, from where the water is distributed to various fields. There are about 1000 members of said Society and they have around 1700 Acres of irrigated lands from said scheme. The Applicants state that the said proposed acquisition has been shown to be acquired as per Govt. Notification dated 7<sup>th</sup> December 2023, to the extent of 4H.829R.
5. The Applicants state that some of them have also made representation to the Respondents thereby objecting the proposed acquisition. The said representations have been annexed to above-said Petition on Page no. 19 dated 14/02/2014.



6. The Applicants state that they are concerned for their livelihood which they earn from their agricultural land. Because of the proposed acquisition the above-said irrigation scheme which is in existence since last 60 years will be severely disturbed and damaged and it will cause irreparable loss to the Applicants. The said scheme has been using the Siphon Technology that saves the electricity consumption. There is a report called for by the said Society from third party Engineers about the proposed threat which is likely to be caused to the said scheme. There are observations made in the said report and it says in Para 3 that if the proposed acquisition takes place for Toll Naka then it will cause serious damage to the water distribution chamber. Further it speaks about the proposed damage to the Lift Irrigation system as it will be contrary to the Siphon Water Supply principle. Here to annexed and marked as – Annexure A-1 is the true copy of said report dated 15/06/2024 submitted by Rajarambapu Institute of Technology to that effect.

7. The Applicants respectfully submit that that there is lot of hue and cry because of the proposed acquisition, as number of





families are likely to be affected. There are various alternate lands available for the installation of said Toll Naka.

8. The Applicants therefore pray that...

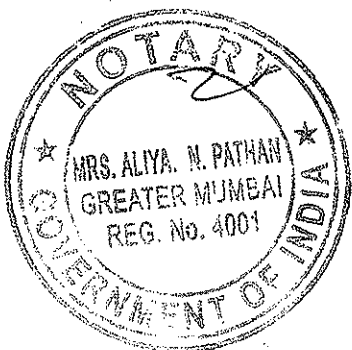
- A. The records and proceedings may be called for.
- B. That this Hon'ble Court be pleased to grant and allow the present Interim Application and permit the Applicants to be joined as party Respondents 7 to 25 to the above-mentioned Writ Petition.
- C. Any other further relief in the facts and circumstances in favour of the Applicants may be kindly granted.

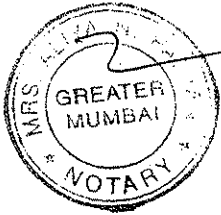
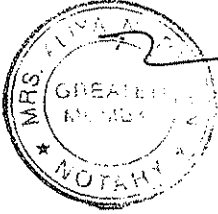
PLACE: MUMBAI

DATE: 16 / 07 / 2024



Advocate for Applicants



**VERIFICATION**

I, Dyandev Tukaram Kamerikar, Age 52 yrs., the Applicant  
No. 6 above named for myself and for the other Applicants, do  
hereby state and declare on solemn affirmation that contents  
in Para No. 1 to 8 as well as the annexure to the said  
Application are true to my personal knowledge and the  
contentions in the rest of the paras hereinabove are my legal  
submissions and humble prayers which I believe to be true  
and correct.

Solemnly affirmed at: Mumbai

On this the 16<sup>th</sup> day of July, 2024

Explained and interpreted By me;

*[Signature]*  
Advocate for Applicant

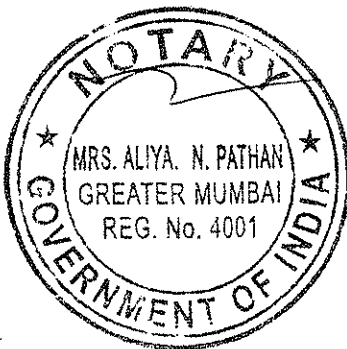
Applicant No. 6

Before Me.

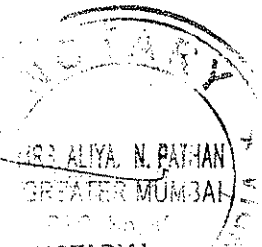
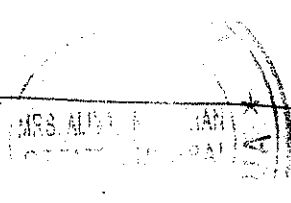
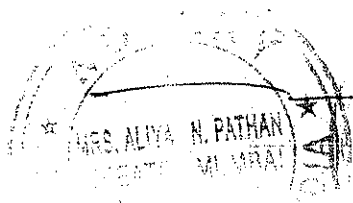
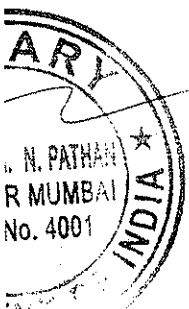
**BEFORE ME**

*A. N. Pathan 16/07/2024*

MRS. ALIYA N. PATHAN  
NOTARY  
GREATER MUMBAI  
GOVT. OF INDIA



NOTARY REGISTER Sr. No. 458  
DATED: 16/07/2024





# RAJARAMBAPU INSTITUTE OF TECHNOLOGY

An Autonomous Institute. Affiliated to Snijaji University, Kolhapur

Approved by AICTE New Delhi, DTE, Govt. of Maharashtra  
UAPC Approved Institute, Dist. Sangli, Maharashtra



DTE Code  
ENR214 158211

Ref: RIT/ Civil/ 1521 19/2024

Date: 15/06/2024

To,  
Chairman ,  
Jivan Paraspar Sahayyak Mandal,  
Kasabe Digraj Scheme No. 3.  
Tal: Miraj, Dist: Sangli.

Subject : Third Party Report for irrigation scheme of Jivan Paraspar Sahayyak Mandal,  
at Kasabe Digraj, Scheme No. 3. Tal: Miraj, Dist: Sangli.

Ref. No. : Your letter Ja. 132/2024, Dated: 03/06/2024.

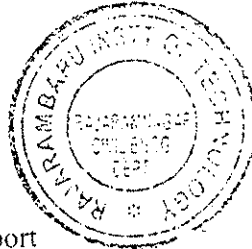
Respected sir,

With reference to the above mentioned subject, we have carried out the Third-Party Inspection of the irrigation scheme of Jivan Paraspar Sahayyak Mandal, at Kasabe Digraj, Scheme No. 3, Tal: Miraj, Dist: Sangli by inspecting it on Monday, 03/06/2024 in presence of Secretary and Chairmen. The third-party inspection report is enclosed with this letter for your kind reference and necessary action.

Kindly requested to acknowledge the same.

Looking forward to your interaction and association with our department in future for consultancy works.

  
15/6/24  
Dr. P B Salgar



  
Head,  
Dept. of Civil Engineering

Encl: 1. Third Party Inspection report  
2. Map

Page 1 of 4

## Third Party Inspection Report

**Site:** irrigation scheme of Jivan Paraspar Sahayyak Mandal, at Kasabe Digraj, Scheme No. 3,  
Tal: Miraj, Dist: Sangli.

### 1. INTRODUCTION

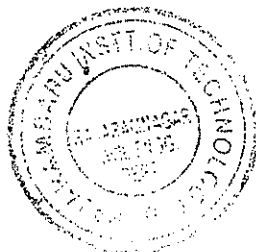
- A. **Name of Project:** irrigation scheme of Jivan Paraspar Sahayyak Mandal, at Kasabe Digraj, Scheme No. 3, Tal: Miraj, Dist: Sangli.
- B. **Location of Project:** Kasabe Digraj
- C. **Name of the scheme in which the project sanctioned:** Jivan Paraspar Sahayyak Mandal, at Kasabe Digraj, Scheme No. 3.
- D. **Type of Scheme:** Agricultural Irrigation scheme.
- E. **Area under Jurisdiction:** 1700 Acre
- F. **Nos. of Share Holders:** 1000 nos.
- G. **Age of construction work:** 60 Years

### 2. SCOPE OF WORK

- 1. Type : one Stage , jack well at Krishna river
- 2. Motor : 100 HP 2 Nos. and 120 HP 1 no.
- 3. Pipe size and length : 18" and 10000 feet.
- 4. Water distribution type: Syphon process

### 3. OBSERVATIONAL REMARKS

- This irrigation scheme is distributed across the Peth-Sangli Road. The road extension and widening work is in process. (Figure 1)
- The distribution chamber is present at 3.5 m distance from road. Already distribution chamber is very close to road side. (Figure 2)



- In case of any additional road widening process (e.g. Toll plaza) the distribution chamber will be hampered. Also, main and distribution pipe lines will be get disturbed by road widening.
- The pipeline is on left and right side of highway. The water flows with syphon and gravity principle which is getting affected by road widening process. The disturbance in pipeline alignment may cause disturbance in the syphon water supply principle of lift irrigation which leads to many losses to the farmers.

#### 4. SITE PHOTOGRAPHS

The photographs indicating the factual condition of the site are provided at the end of this document for your reference.



Dr. P B Salgar



Head,  
Dept. of Civil Engineering

## Photographs

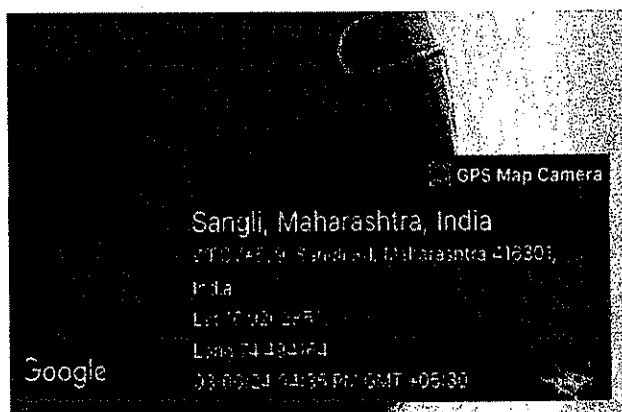


Photo 01: Distribution chamber Internal view

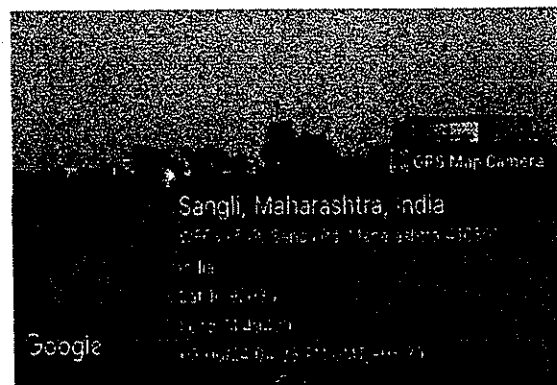


Photo 02: Distribution chamber location

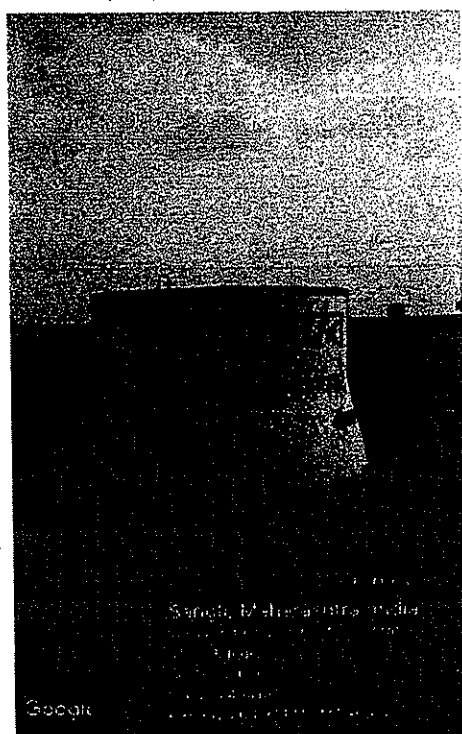
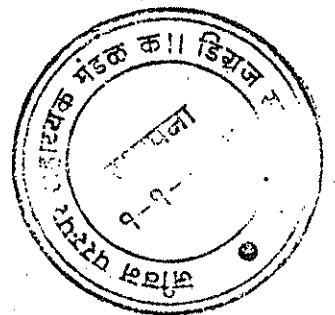
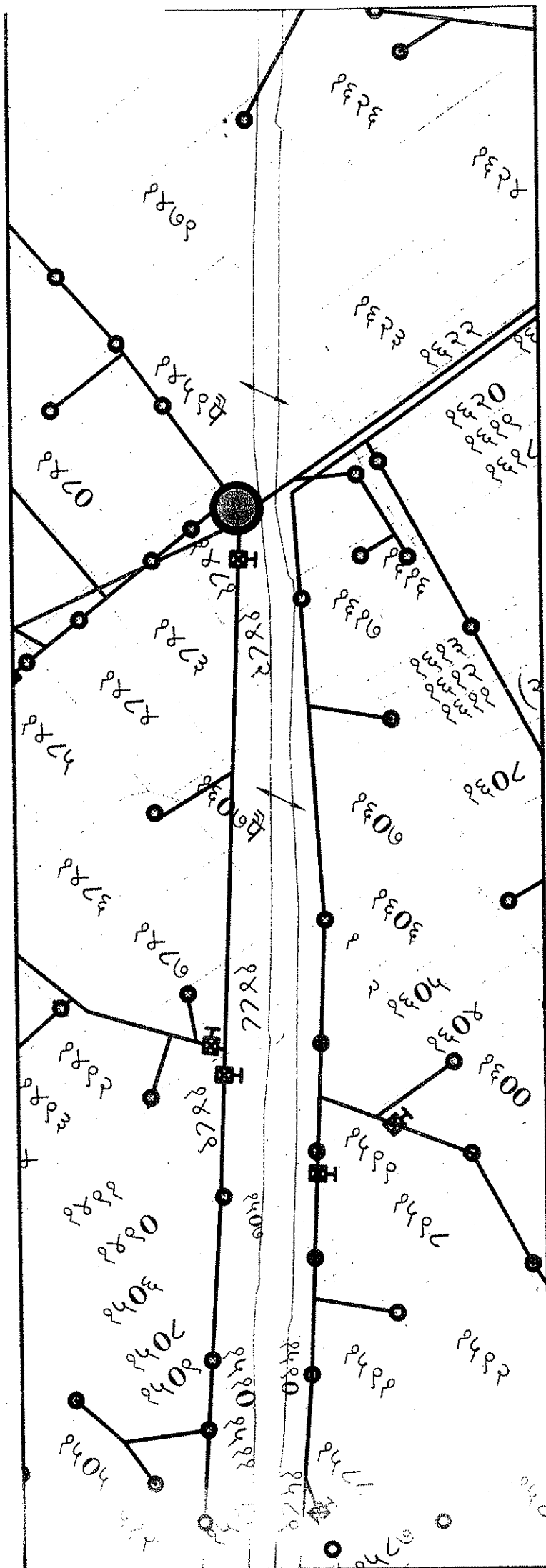


Photo 03: Distribution chamber

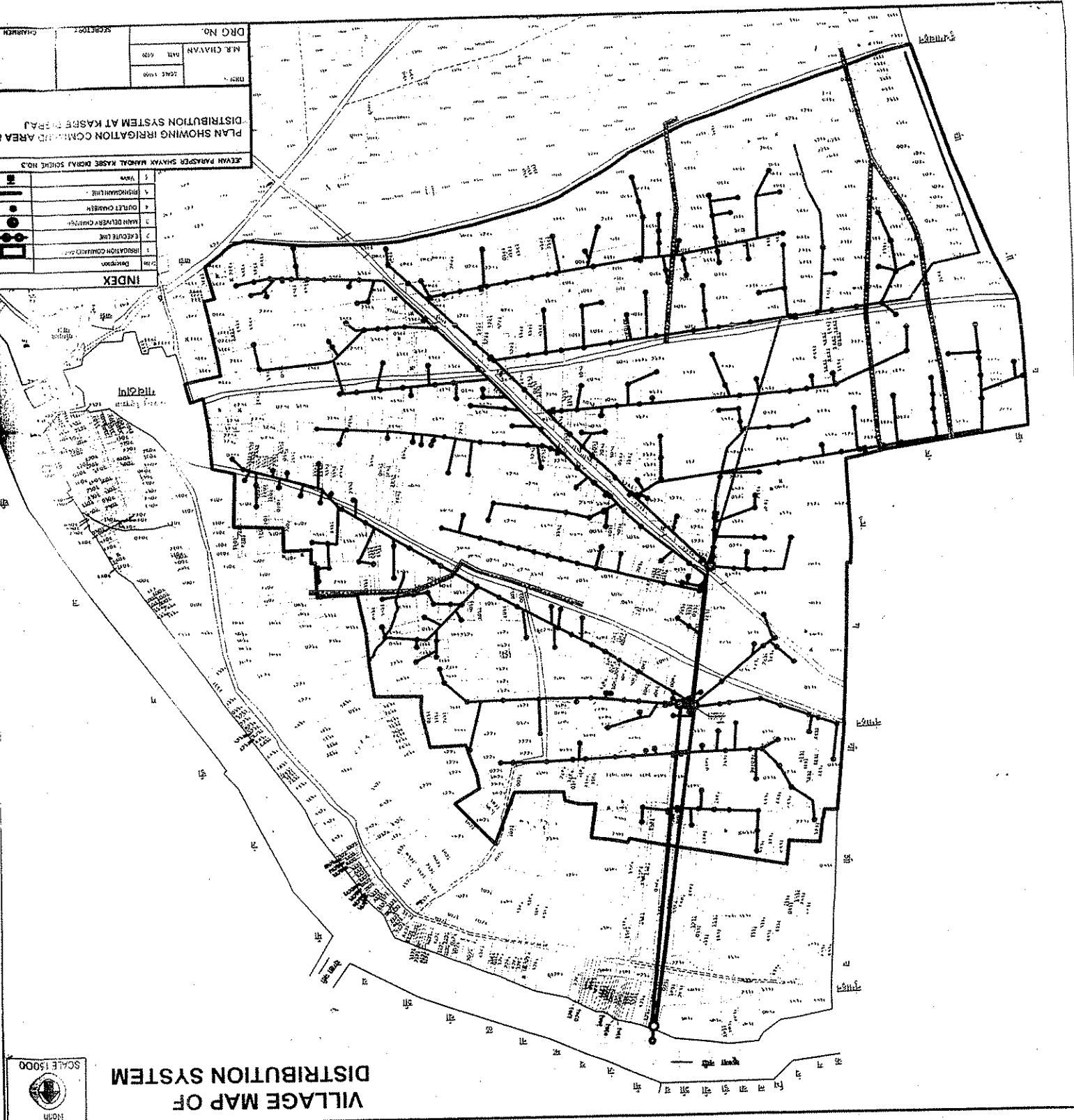


Photo 04: Distribution chamber Inlet outlet





# VILLAGE MAP OF DISTRIBUTION SYSTEM





No. of 20

\_\_\_\_\_ } Appellant/s  
 \_\_\_\_\_ } Applicant/s  
 \_\_\_\_\_ } Petitioner/s

Versus

\_\_\_\_\_ } Respondent/s  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ }

Dated this            day of            20

Advocate for Applicant/s / Defendant/s / Plaintiff/s / Petitioner/s /  
Appellant/s / Respondent/s / Complainant/s