

**W.P. No. 2415/2011**

**18.06.2014**

Shri M.K. Tripathi, Advocate for the applicant.

Shri Sanjay Dwivedi, Government Advocate for the respondents/State.

Heard counsel for the parties.

The relief claimed in this writ petition is limited to restraining the respondents from undertaking survey for construction of dam in Ganjal and Moran river. As regards this relief, the same is worked out as the survey work has already been completed long back. This is the statement made in the reply-affidavit filed by the respondents dated 22.7.2011. There is no reason to doubt the correctness of the said assertion.

Since this is a public interest litigation, without being hyper-technical about the manner in which the relief has been couched, we examined the grievance of the petitioner made by the counsel across the Bar that the proposed project would affect large number of villages. Even this aspect has been responded in the reply-affidavit filed by the respondents. It is stated that the assertion made by the petitioner that the project would affect 40 villages and 20 villages would be completely submerged is incorrect. The project, as approved by the competent Authority, is likely to affect only 11 villages.

Notably, the project has received approval of all the Authorities and including the Environment Ministry, Government of India. The reply-affidavit also mentions that after due approval, the proposed project was submitted for scrutiny of Central Water Commission.

Suffice it to observe that the work undertaken by the respondents-State is neither unilateral nor without following the due process. If any persons are affected by the project, they would be duly compensated and including rehabilitated by the State as per the extant policy. No information is furnished by the petitioner to indicate that the State has not fulfilled that obligation.

As a result, nothing more is required to be done in this petition. The same is dismissed.

(A.M.Khanwilkar)  
Chief Justice

(Alok Aradhe)  
Judge

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