

**ORDER BELOW EXH. NO.99 IN R.C.S. NO.367/2023**  
**(Old R. C. S No.549/2018)**  
**(Vyankuram Chilme and others Vs. Harishchandra and others. )**  
**CNRNO.MHLA170001022023**

Plaintiffs have filed this application submitting that, the Honourable High Court Bombay, Bench at Aurangabad has passed order in Writ Petition No. 4245/2019 on 02/04/2019 giving directions to deposit the compensation amount of acquired land in Gat No. 34-B situated at Budodha, Tq. Ausa, in the competent Civil Court as per provisions under Section 3(H)(4) of the National Highway Act, 1956. The said order was passed directing defendant No. 5 to deposit the compensation amount. However, defendant No. 5 willfully and purposefully disobeyed the order of the Honourable High Court.

In view of order passed by this Court below Exh. 30 on 05/12/2025 defendant No. 5 is directed to deposit the compensation amount in the Court, still defendant No. 5 failed to follow the order. Defendant No. 5 has purposefully not followed the order of Honourable High Court and thereby failed to perform his statutory duties which is against Rule of Law. This act of defendant No. 5 causing delay to deposit compensation amount in the Court is not protected by the institutional immunity. Therefore, defendant No. 5 is personally liable to deposit the compensation amount. Defendant No. 5 by taking disadvantage of his post has tried to make the order of the Court ineffective which is not permissible according to the Law. The Land Acquisition Reference cannot be proceeded as the compensation amount is not deposited in the Court.

Therefore, this Court has inherent powers under Section 151 of the Code of Civil Procedure to fix the liability upon defendant No.5. It is prayed by plaintiffs that, defendant No. 5 be held personally accountable and he be directed to deposit compensation amount in view of order passed below Exh. 30 dated 05/12/2025 within specific time period exemplary costs be imposed on defendant No. 5. Hence, plaintiffs prayed to allow their application.

2. Defendant No.5 failed to file his say till 02/03/2026. Hence, No say order is passed against him.

3. Heard learned counsel for plaintiffs. Perused the record. It is clear from the order passed by Honourable Bombay High Court, Bench at Aurangabad in Writ Petition No. 4245/2019 on 02/04/2019 that, defendant No. 5 being State Authority is directed to deposit the compensation amount of the acquired land in Gat No.34-B situated at Budodha, Tq. Ausa in the competent Civil Court. Defendant No. 5 is also directed to deposit the compensation amount in this Court in view of order passed below Exh.30. However, defendant No. 5 has not deposited the said compensation amount in the Court till today. Therefore, defendant No. 5 is liable to deposit the compensation amount in this Court. Hence, I pass following order:-

**ORDER**

1. The application is allowed.
2. Defendant No. 5 (Sub-Divisional Officer Ausa-Renapur and Competent Authority of Land Acquisition National Highway- 361) is directed to deposit the compensation amount in this Court within 10 days from this order.
3. Issue letter to defendant No. 5 (Sub-Divisional Officer Ausa-Renapur and Competent Authority of Land Acquisition National Highway- 361).

Date : 07.03.2026.  
Place : Ausa.

( P. I. Mokashi )  
Civil Judge Senior Division,  
Ausa.