

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CONTEMPT PETITION NO.641 OF 2017 IN
WRIT PETITION NO.5072 OF 2016

Ramnath s/o Trimbak Korde ... PETITIONER

VERSUS

Shri Shivaji Jondhale & others ... RESPONDENTS

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Ms Bhagyashree S. Karhale, Advocate for petitioner
Shri S.S. Dande, A.G.P. for State
Shri S.G. Sangle, Advocate for respondent No.3
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WITH

CONTEMPT PETITION NO.642/2017 IN W.P. NO.5071/2016 WITH
CONTEMPT PETITION NO.644/2017 IN W.P. NO.5052/2016 WITH
CONTEMPT PETITION NO.645/2017 IN W.P. NO.11599/2016
WITH
CONTEMPT PETITION NO.646/2017 IN W.P. NO.5073/2016 WITH
CONTEMPT PETITION NO.647/2017 IN W.P. NO.5068/2016 WITH
CONTEMPT PETITION NO.648/2017 IN W.P. NO.5050/2016 WITH
CONTEMPT PETITION NO.649/2017 IN W.P. NO.5066/2016 WITH
CONTEMPT PETITION NO.650/2017 IN W.P. NO.5051/2016

CORAM: PRASANNA B. VARALE AND
MANISH PITALE, JJ.

DATED : 29th AUGUST, 2018.

ORAL ORDER :

1. Contempt Petition No.643/2017 is de-tagged from the bunch of these Contempt Petitions.

2. This is a bunch of contempt petitions. The petitioners submit in the contempt petitions that the order of this Court, dated 4.5.2016 is not complied with.

3. Perusal of the order of this Court, dated 4.5.2016 shows that the Division Bench of this Court was pleased to direct the respondent authorities to decide the applications filed by the petitioners claiming rental compensation on its merits within a stipulated period of 9 months from the date of order. This Court further made it clear that the authorities, if come to conclusion that the petitioners are entitled for rental compensation, the respondent authorities shall pay the same within period of six months from determination of the amount, however, the petitioners shall not be entitled for interest on the said amount from the year 1989 to 2013.

4. Mr. Sangle, the learned counsel appearing for respondent No.3, by inviting our attention to the affidavit-in-reply, submitted that, necessary steps were taken by the office of the deponent. Then it is submitted that, the proposal was submitted to the Superintending Engineer, Minor Irrigation, (Local Sector), Circle, Aurangabad in the month of November

2017 and then it was submitted to Chief Engineer, Minor Irrigation (Water Conservation), Pune and on 27.4.2018, the sanction was accorded. It is also stated that, some of the proposals were sanctioned by the Superintending Engineer, Aurangabad on 3.5.2018. Then at para No.7 of the reply, the modality is referred to and it states that, after receiving sanction from State Government, the amount would be routed through the office of Divisional Commissioner to the office of Collector and who, in turn, would allocate the said entitlement to the office of deponent. Then it is stated that, on receiving amount from the office of Collector, Jalna, the office of deponent would disburse the amount immediately. As such, the respondent No.3 submits that, now it is for the other authorities namely the Divisional Commissioner and the Collector to take appropriate steps and there is no willful disobedience or non-compliance of the order by the respondent No.3.

5. In view of the statements made in the affidavit-in-reply, we direct the respondents to complete all the formalities within four weeks from to day.

6. It will not be out of place to state that, the Division Bench, while disposing the Writ Petitions, in clear and

unambiguous words, observed that, "to pay the rental compensation is obligation of respondent authorities".

7. In view of these facts, we direct the respondents No.1 to 3 to take all necessary steps and complete the procedure and to see that the order of this Court is complied with in letter and spirit. If such an exercise is not undertaken by the respondents within four weeks from today, the respondents No.1 to 3 to remain present personally in this Court on the next date.

8. S.O. to 26th September 2018.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-