



(( 1 ))

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

CONTEMPT PETITION NO.694 OF 2017 IN  
WRIT PETITION NO.8796 OF 2016

Dilip s/o Dagadu Khatake & others ... PETITIONERS

**VERSUS**

The State of Maharashtra & others ... RESPONDENTS

.....

Shri Sushant B. Choudhari, Advocate for petitioners  
Shri S.M. Ganachari, A.G.P. for State

.....

**WITH**

CONTEMPT PETITION NO.707 OF 2017 IN  
WRIT PETITION NO.8798 OF 2016

Manohar s/o Indrabhan Sarode & others ... PETITIONERS

**VERSUS**

The State of Maharashtra & others ... RESPONDENTS

.....

Shri Sushant B. Choudhari, Advocate for petitioners  
Shri S.M. Ganachari, A.G.P. for State

.....

**WITH**

CONTEMPT PETITION NO.708 OF 2017 IN  
WRIT PETITION NO.8799 OF 2016

Tatyaba s/o Haribhau Thorave,  
Died through L.Rs.  
Trimbak s/o Tatyaba Thorve & others ... PETITIONERS



(( 2 ))

**VERSUS**

The State of Maharashtra & others ... RESPONDENTS

.....

Shri Sushant B. Choudhari, Advocate for petitioners  
Shri S.M. Ganachari, A.G.P. for State

.....

WITH

CONTEMPT PETITION NO.709 OF 2017 IN  
WRIT PETITION NO.8797 OF 2016

Gangaram s/o Bhau Shinde & others ... PETITIONERS

**VERSUS**

The State of Maharashtra & others ... RESPONDENTS

.....

Shri Sushant B. Choudhari, Advocate for petitioners  
Shri S.M. Ganachari, A.G.P. for State

.....

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

DATED : 5th SEPTEMBER, 2018.

ORAL ORDER :

1. Heard learned counsel for the petitioners. The petitioners are before this Court with a grievance of non-compliance of this Court, dated 18.10.2016. Our attention was invited to the said order. The Division Bench, considering the grievance raised in the petition and the other factual aspects,



(( 3 ))

was pleased to direct the respondents No.1 and 2 to ensure proceedings for acquisition under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to declare the award as expeditiously as possible, preferably within a period of one year from the date of the order. The respondents were further directed to pay the amount of compensation so determined under the award that is likely to be passed in pursuance to the directions being issued in the instant petition to the petitioners as expeditiously as possible and preferably within a period of four months from the date of such determination and it was accordingly directed.

2. Thus, this Court directed the respondents No.1 and 2 to complete all the formalities firstly within one year and thereafter within four months the petitioners were expected to receive the benefits of the acquisition in terms of the quantification of the amount under the award.

3. On 29.11.2017, simple notice was issued to respondents No.3 making the same returnable on 24.1.2018. On 24.1.2018, notice was issued in Form-1 under Rule 9 of Chapter XXXIV of the Bombay High Court, Appellate Side, Rules, 1960, making the same returnable on 7.2.2018 and the respondents



(( 4 ))

were directed to remain present before this Court on each date of hearing unless they are exempted. This Court further directed that the respondents will not be entitled to seek reimbursement of T.A./D.A. from the public exchequer. On 12.2.2018, the District Collector was present in this Court and affidavit was filed. The notice issued on 24.1.2018 accordingly stood discharged. the Division Bench thought it fit to direct the District Collector to issue certain directions and the District Collector, Beed was directed to forward report about further progress in the matter to the office of the Govt. Pleader on or before 12.3.2018 and in turn, the office of the Govt. Pleader was directed to place on record such report showing the progress of the statement made in the reply that the proceeding will be initiated within three months and will be taken further to the logical end.

4. It may be useful to state here that, this Court was clear in observing the stipulation of period of three months for initiation of the proceedings and completing the proceeding and was also clear in stating that it should not be only an attempt on paper but the attempt must be of such nature that it will reach to its logical end.

5. Today the learned A.G.P. placed before us a report from the office of the Deputy Collector, Land Acquisition Office,



(( 5 ))

Beed. It is stated that, according to the letter dated 16.3.2018, it is stated in the report that, according to letter dated 16.3.2018, the acquiring body has submitted proposal on 19.3.2018 mentioning therein to publish a notice for direct purchase of land to be acquired through private negotiations. Then it is further stated that, legal search reports about the land to be acquired of the petitioners are received from the acquiring body through Advocate. Then it is further stated that, as per the provisions of Government Resolution dated 30.9.2015, Committee has been constituted under the Chairmanship of District Collector, Beed and after fixation of rate to be awarded to the petitioners demand proposal is being submitted to the Government within one month.

6. Thus, what emerges from perusal of the report is nothing but stating that the authorities are back to square one and have no regards either to the directions of the Division Bench in order dated 18.10.2016 or the latest directions of 12.2.2018. It may also be useful to refer the order of the Division Bench passed in the year 2016. The order in the present Contempt Petitions is passed on 12.2.2018 and still the Government wants the petitioners to wait for further indefinite period.

7. It may be further useful to refer to the certain



(( 6 ))

statements made in the affidavit-in-reply filed before this Court.

8. Now, in the first affidavit filed somewhere in the month of November 2017 through Shri Chandrakant Suryawanshi, Deputy Collector, Beed, a statement is made and the same reads :

"I say and submit that, the present deponent could not comply the order passed by this Hon'ble Court due to the reasons given in the above para. After receipt of new proposal from respondent No.3, acquisition proceeding will be initiated as per new act of 2013 and compensation amount will be paid to the petitioners."

9. Then there is another affidavit filed on behalf of the Executive Engineer, Small Scale Irrigation (Water Conservation), Division, Beed Shri Vasant Baburao Galphade, dated 27.1.2018 and it is stated :-

"I say and submit that, the matter is old one and therefore, requires three months time to collect all the documents and also to remeasure the land under acquisition. I undertake to complete all the required formalities under the Land Acquisition Act and submit the fresh proposal within a period of 3 months."

10. Then there is an affidavit-in-reply filed on behalf of



(( 7 ))

Collector, Beed himself in the month of February 2018 and it is stated that :-

"The undersigned authority already directed the respondent No.3 - Executive Engineer to submit proposal within 10 days from today. I most humbly say and submit that, after receipt of the proposal this office will initiate proceeding for acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and will declare the award as expeditiously as possible and preferably within a period of 3 months."

11. Thus, it seems that, the matter is just moving from one authority to another authority and every authority is seeking time and assuring that the exercise would be undertaken within stipulated period. So, what emerges is only of running paper horses and nothing more than that. If this Court was of an opinion that the matter must reach to the logical end, the authorities were certainly expected to exert more so as to comply the order of this Court in letter and spirit. We direct the District Collector, Beed to personally look into the matter and to complete all the formalities including quantification of the amount against compensation and disbursement to the petitioner and to submit such report before this Court. If such steps are not taken for any reason, we direct the Secretary of State Government,



(( 8 ))

Revenue & Forest Department to remain present before this Court on the next date.

12. Post the petitions for further orders on 10th October 2018.

13. Authenticated copy of this order be issued to learned counsel for the parties.

(MANISH PITALE)  
JUDGE

(PRASANNA B. VARALE)  
JUDGE

fmp/-