

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.192 OF 2012
IN
WRIT PETITION NO.5978 OF 2011

Vikram Daulat Patil

Petitioner

Versus

The State of Maharashtra and another

Respondents

Mr.G.S.Patil & Mrs.A.G. Patil advocates for the petitioner
Mrs. M.A.Deshpande, AGP for Respondent No.1 & 2
Mr. D.R. Shelke advocate for respondent No.3

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 4th AUGUST, 2015.

PER COURT :-

1 This is an application, seeking an action of contempt against the respondents, on account of alleged violation of directions, issued by the Division bench of this Court dated 10.8.2011.

2 The petitioner contends that, the representation made by the petitioner for grant of rental compensation and other benefits payable under the provisions of the Act was directed to be dealt with, by the Land Acquisition Officer, after issuance of notices to the acquiring body and after granting them opportunity of being heard. It is observed in the order passed by the Division bench of this Court that, "*It is needles to mention that if the representation of the petitioner is allowed, the payment to the petitioner may be made expeditiously.*" The Division bench of High Court, has not prescribed any time frame, for making the payment to the petitioner, in the strict sense. As such, there is no contempt, committed by the respondent authorities, in respect of the order

passed by the Division Bench.

3 An affidavit in reply has been presented on behalf of the acquiring body, wherein it has been stated that, the rental compensation has been paid to the petitioner by cheque or otherwise in the past. It is further stated that since they are claiming more rental compensation, together with interest, the arrears of rental compensation, legally permissible and if found due, may be paid to the petitioners on approval by the sanctioning authority. It is further stated that in respect of the payment of interest on the rental compensation, no policy decision in that respect has been taken by the State Government and it is further recorded that the orders regarding payment of interest on the rental compensation by the State Government are awaited. It has not been controverted that, the land acquisition officer has issued the directions, in respect of payment of rental compensation and the interest accruing thereon, together with benefits payable under the provisions of the Land Acquisition Act. The directions issued by the Land Acquisition Officer have not been subjected to challenge by the acquiring body.

4 In this view of the mater, the respondents are bound to pay the amount, as determined by the Land Acquisition Officer, in terms of the order, as undertaken by the acquiring body, in the affidavit in reply presented and more particularly para No.5 of the affidavit in reply. We accept the statement made by the acquiring body and dispose of the Contempt petition.

(P.R. BORA, J)

(R.M.BORDE, J)