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

**CONTEMPT PETITION NO. 366 OF 2015
IN WP/2713/2001**

**DATTU SONABA KASABE
VERSUS
MAHESH PATHAK AND ANOTHER**

...

Advocate for Petitioner : Shri Latange V.P.
AGP for Respondents: Shri D.R.Korde.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th October, 2015

Per Court:

1 While issuing notice to Respondent No.2, this Court had noted in it's order dated 15.07.2015 as under:-

“1 Respondent No.2/ Manager of the Government Milk Scheme, Ahmednagar was the Petitioner in Writ Petition No.2713/2001. This Court by it's oral judgment dated 04.09.2014 had partly allowed the writ petition and had directed the payment of compensation in paragraph 18 which reads as follows:-

“18. In the peculiar facts recorded above and since the respondent is in litigation with the petitioner from 1993 onwards, I am inclined to follow the view of the Apex Court in the case of Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub Division, Kota (supra). In this view of the matter, the Writ Petition is partly allowed. The impugned Award is, therefore, quashed and set aside, but with the direction to the petitioner to pay Rs.1,75,000/-

(Rs.One Lakh Seventy Five thousand only) as a lump sum compensation to the respondent within a period of twelve weeks from today.”

- 2 *It is submitted that till today the said payment has not been made. The present Petitioner has no knowledge as to whether, the present Respondent No.2/ Petitioner in Writ Petition, has approached the Honourable Supreme Court. The Petitioner further submits that in the absence of any orders from the Apex Court, the original Petitioner/ Respondent No.2 herein was duty bound to implement the order of this Court.*
- 3 *In the light of the above, issue show cause notice only to Respondent No.2 returnable on 10.08.2015.*
- 4 *Respondent No.2 shall file an affidavit in reply.”*

2 The learned AGP appears on behalf of the Respondents and places on record a communication dated 12.10.2015. Relying upon the said communication, it is submitted that the order passed by this Court dated 04.09.2014 has been sent to the Finance Department for implementation. The decision on the said count is awaited. The same is likely to be taken in the near future.

3 Shri Latange, learned Advocate for the Petitioner, submits that if this Court could pass an order/ issue a direction to the Respondents to decide the said aspect within a period of eight weeks, this petition could be disposed of since the Petitioner would then receive the amount as has

been awarded by this Court as compensation.

4 The learned AGP is agreeable in the light of the said communication.

5 The communication dated 12.10.2015 placed before this Court is taken on record and marked as Exhibit X for identification.

6 In the light of Exhibit X and the statement made by the Respondents that they would take a decision on payment of compensation within a period of twelve weeks from today, this Contempt Petition is disposed of by the consent of the Petitioner.

7 Needless to state, in the event the Respondents do not take any decision as has been recorded above, the Petitioner would be at liberty to take recourse to available legal remedies including the remedy of filing a contempt petition.

(RAVINDRA V. GHUGE, J.)