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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.280 OF 2013

Dhondu Ganpat Ghonge & Anr.

..Petitioners

-Versus-

Dadabhau Joshi & Ors.

..Respondents

.....

Mr. Sanjiv A. Sawant a/w Abhishek Deshmukh for the Petitioners.

Mr. V. S. Gokhale, AGP, for the Respondent No.3.

.....

**CORAM: A. S. OKA AND
REVATI MOHITE DERE, JJ.**

DATE :- 24th JUNE 2015.

PC.:

Heard the learned counsel appearing for the petitioner. The breach alleged is of the order dated 06th September, 2012 passed by this Court in Writ Petition No.4926/2012 filed by the petitioners. In clause (3) of the said order, 1st and 2nd respondents were directed to handover the possession of the land to the petitioners within a period of 8 weeks from the date of the order.

2] There is a reply filed by Shri Dadabhau Sayaji Joshi, the District Resettlement Officer, which is affirmed on 30th July, 2013. In the said reply, it is stated that as per the Award, land admeasuring 55 Ares held by the petitioners was acquired. Therefore, an order was passed on 2nd May, 2013 by the Deputy Director of Resettlement (Land) Pune and the land admeasuring 80 Ares was ordered to be allotted to the petitioners. The

possession of the said land was handed over on 8th May, 2013. There is an affidavit filed by Tushar Eknath Thombare, the Deputy Collector (Rehabilitation) Pune which is affirmed on 3rd February, 2014. In the said affidavit, it is reiterated that the possession of the area of 80 Ares has been handed over to the petitioners.

3] The grievance of the learned counsel appearing for the petitioner is that “Sankalan Register” shows that an area of 1 H and 60 Ares was proposed to be allotted to the petitioners, but what is allotted is much less than the said area.

4] The order of the Division Bench of which breach is alleged does not lay down that any particular area should be allotted to the petitioners. The direction is to allot a land for rehabilitation and to place the petitioners in possession thereof.

5] Therefore, a substantial compliance has been made of the said order as indicated in both the affidavits. If the grievance of the petitioners is that their entitlement for the allotment was much higher, it is for the petitioners to challenge the order dated 2nd May, 2013.

6] Suffice it to say that no case is made out to proceed against the respondents under the Contempt of Courts Act, 1971. By granting the liberty as aforesaid, the petition is disposed of.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)