

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

SUO MOTO CONTEMPT PETITION NO.248 OF 2013

High Court on its Own Motion
and Anr.

.. Petitioners

vs.

The State of Maharashtra and Ors.

.. Respondents

None for the petitioners

Mr.A.I.Patel, A.G.P. for the respondent nos.1 and 2

**CORAM : K.K.TATED, J.
DATED : 28/04/2015**

PC:

1 Heard the learned A.G.P. for the contemnor.

2 This Suo-Moto Contempt Petition is registered by the Registry for non-compliance of the order dated 9.10.2012 passed by this court (Coram: S.C.Dharmadhikari, J.) in Writ Petition No.7097 of 2012 directing contemnor to deposit a sum of Rs.3,77,08,829/- after adjusting the amount, if any, deposited in the Reference Court.

3 The learned A.G.P. for the contemnor filed additional affidavit of Sanjay Dnyandeo Pawar, Special Land Acquisition Officer No.6, Kolhapur.

4 The learned A.G.P. submits that they preferred Letters Patent Appeal (ST) No.35049 of 2012 challenging the order dated 9.10.2012 passed by learned single Judge in Writ Petition No.7097 of 2012. He submits that the Division Bench of this court by order dated 24.2.2014 granted stay of the order passed by this court on 9.10.2012 in Writ Petition No.7097 of 2012.

5 The learned A.G.P. submits that the Land Acquisition Reference No.67 of 2009 under section 30 of the Land Acquisition Act was finally decided on 18.3.2014 holding that the petitioner in Writ Petition No.7097 of 2012 i.e. Shri Swami Jagadguru Shankaracharya Peeth, Karveer are not entitled to any compensation as they failed to prove their ownership of a disputed land except Gat No.208. He submits that thereafter the said trust preferred First Appeal No.1642 of 2014 in this court. The same was admitted by this court on 1.7.2014. In that First Appeal they preferred Civil Application No.2163 of 2014. That application was withdrawn by the said trust.

6 The learned A.G.P. for the contemnor submits that in view of subsequent development i.e. LAR No.67 of 2009 under section 30 was dismissed by Reference Court on 18.3.2015 holding that the trust failed to prove their share in a compensation and the order passed by Division Bench in Letters Patent Appeal, the said order dated 9.10.2012 was not complied by the Contemnor i.e. deposit of Rs.3,77,08,829/-. He submits that in view of subsequent development in the matter, it is not necessary to deposit the said amount. He submits that as per the award passed by Land Acquisition Officer, compensation is already paid to the owner of the acquired land. He submits that in the interest of

Justice, this Hon'ble Court be pleased to dismiss the Contempt Petition in view of subsequent developments.

7 I have heard the learned A.G.P. at length. Considering the subsequent developments that the order dated 9.10.2012 in Writ Petition No.7097 of 2012 was stayed by the Division Bench in Letters Patent Appeal and L.A.R. No.67 of 2009 was decided by the Reference Court on 18.3.2014 holding that the trust failed to prove their ownership in respect of acquired property except Gat No.208, I do not find any reason to proceed with the present Suo Moto Contempt Petition.

8 Contemnor in paragraph 3 of the affidavit dated 27.4.2015 tendered unconditional apology for non-compliance of the order dated 9.10.2012 in Writ Petition No.7097 of 2012. The same is accepted.

9 In view of above mentioned facts and circumstances, Contempt Petition stands dismissed.

(K.K.TATED, J.)