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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NPO.166 OF 2012
IN
WRIT PETITION NO.894 OF 1996

Dynamic Logistics Pvt. Ltd.

..Petitioners.

V/s.

Angna Ram and Ors.

..Respondents.

Mr.Madhav Jamdar for the petitioners.

Mr.Parag Vyas AGP for respondent Nos.1, 3, 4 and 5.

Mr.Nitin P. Deshpande, AGP for respondent No.2.

CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.

DATED : 13TH OCTOBER, 2015

P.C. :-

1. Heard the learned counsel appearing for the petitioners. The petitioners are not a party to the Writ Petition No.894 of 1996 which was disposed of by the order dated 9th November, 2000. The petitioners in the said writ petition were Dattatraya Dagdi Phuge and others. The petition was in respect of the land bearing Survey No.150 situated at Bhosari, Tahsil Haveli, District Pune. The said petition was confined to the land claimed by the petitioners therein. The breach alleged is of the said judgment and order dated 9th November, 2000. The contention is that under award dated 31st March, 2012 no compensation was payable in respect land Survey / Gat No.78/1/1/3 held by the petitioners.

2. The learned counsel appearing for the petitioners submitted that directions issued under order 9th November, 2000 were in respect of the lands which are the subject matter of the notification dated 13th September, 1990. He invited our attention to the public notice at Exhibit-B and submitted that even the respondents have understood the order to mean that it was applicable to all lands which were the subject matter of the notification dated 13th September, 1990.

3. We have considered the submissions. We have perused the affidavit and also perused the order date 9th November, 2011. Though additional compensation at the rate of 12% p.a was specifically made payable to the petitioners in Writ Petition No.894 of 1996, the learned counsel appearing for the petitioners is relying upon the observations in paragraph 15 of the said judgment in the writ petition. The direction was to issue a public notice to all the concerned landholders. However, we find there is no specific direction issued that in case of every land covered by the notification dated 13th September, 1990, the additional compensation has to be awarded. Only direction is to hear the land holders and to pass an appropriate award. As stated earlier, the specific direction issued that the interest at the rate of 12% shall be paid is confined to the said writ petitioners.

4. Therefore, on the basis of allegations made in this petition, it cannot be held that there is a deliberate or willful disobedience of the order dated 9th November, 2000.

5. We, therefore, discharge the notice issued under Contempts Act. We make it clear that the petitioners can always adopt appropriate remedy. All contentions on merits are kept open.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)