

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

**CONTEMPT PETITION NO. 217 OF 2016
IN
WRIT PETITION NO. 4661 OF 2015**

Kashibai W/o Apparao Patil ...PETITIONER

versus

Shri Panditrao Pole ...RESPONDENT

.....

Mr. N.P. Patil, Jamalpurkar, Advocate for petitioner
Mr. B.V. Virdhe, AGP for respondent

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**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 15th JUNE, 2016.

Order :-

1. Present contempt petition is filed for non compliance of order dated 30-04-2015 passed by this court in writ petition no. 4661 of 2015.
2. Mr. N.P. Patil, Jamalpurkar, learned counsel for petitioner submits that application under section 28A of the Land Acquisition Act, 1894 (for short "Act of 1894") is filed on 04-02-2013. This Court vide order dated 30-04-2015 in writ petition No. 4661 of 2015 had directed the authority to decide said application within a period of six months from the date of order and the petitioner if held entitled to receive the enhanced amount is upheld, then respondents are directed to disburse the amount in accordance with such determination, as expeditiously as possible, preferably within a period of four months from the date of order. The respondents have not yet decided the application under

section 28A of the Act of 1894 till now.

3. Learned Assistant Government Pleader submits that order passed by the Reference Court pursuant to application under section 28A of the Act of 1894 is stayed by this Court.

4. According to petitioner, this Court in said appeal has allowed the applicant to withdraw 100% of the amount. There would not be impediment for the authority to decide the proceedings in accordance with order passed by this Court on 30-04-2015. The order passed by this Court in the writ petition is passed during same period as order in appeal. In case, the amount is determined and the respondent is required to pay the amount, respondent can rely upon the Government Resolution dated 29-08-2015 seeking security as contemplated in said Government Resolution.

5. The respondent – authority shall decide the application filed by the petitioner under section 28A of the Act of 1894 within four months from the date order and comply the order dated 30-04-2015 passed by this Court in writ petition No. 4661 of 2015.

6. Contempt petition stands disposed of accordingly. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]