

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CONTEMPT PETITION NO.215/2016
IN
WRIT PETITION NO.3471/2012**

Dnyaneshwar Yeshwant Kulkarni,
died, through L.Rs.
GPA Shyam Dnyaneshwar Kulkarni.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri G.S. Patil, Advocate for petitioner.
Shri A.R. Kale, AGP for respondent nos.1 to 3.
Shri D.R. Shelke and Smt.S.D. Shelke, Advocates for
respondent no.4.

.....

**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 05.08.2016

ORDER :

1] The petitioner is alleging breach of the order passed by this Court in Writ Petition No.3471/2012. After declaration of the award, the petitioner has not been paid the amount of compensation and the same has

- 2 -

been deposited in the Court of Civil Judge, Senior Division, Aurangabad, by the Deputy Collector, Land Acquisition, Aurangabad. The petitioner had tendered the authorization / registered Power of Attorney executed by his brothers, whose names do appear in the award passed u/s 28-A of the Land Acquisition Act. However, under misconception, the concerned officer has deposited the amount in the Court.

2] We are satisfied as regards the entitlement of the petitioner to receive the amount of compensation. The entitlement of the petitioner has not been objected by any of his brothers or any member of his family. In this view of the matter, we permit the petitioner to withdraw the amount of compensation deposited in the Court of Civil Judge, Senior Division, unconditionally. The petitioner shall tender certified copy of Power of Attorney on record before the Court.

3] This Court had directed issuance of notice to respondent no.3. The respondent has presented the affidavit in reply and has tendered unconditional apology for the lapses on her part. It is contended that the lapses are unintentional and because of misunderstanding

- 3 -

entertained by the officer relating to legal aspects. The unconditional apology tendered by the respondent no.3 is accepted. The notice for breach of the order passed by this Court, alongwith notices issued earlier, stand withdrawn. The contempt petition is disposed of.

(K.L. WADANE, J.)

(R.M. BORDE, J.)