

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

**CONTEMPT PETITION NO. 373 OF 2016
IN
WRIT PETITION NO. 7397 OF 2015**

Maruti s/o Limbaji Kakde
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. P.B. Patil, advocate for petitioners.
Mr. P.S. Patil, AGP for the State.

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**CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.
DATE : 19th OCTOBER, 2016.**

PER COURT :

1. Petitioners allege violation of order passed by this Court on 23.03.2016. This Court while disposing of writ petition presented by petitioners has recorded assurance of respondent no. 1 and MIDC that if, at all, there are standing crops in the landed property, appropriate procedure, prescribed in law, would be adopted and petitioners would not be dispossessed without following procedure prescribed in law.

2. In affidavit-in-reply presented on behalf of respondent no. 4, it is stated in paragraphs 4 to 7 as below :

4. The deponent further says and submits that, the Sub Divisional officer, Partur has directed the present deponent to take possession of the land belongings to the petitioner as acquired by MIDC by following procedure. The copy of the order is enclosed herewith and marked as EXHIBIT

R-1. In pursuance to this, I have issued notices to the petitioners on 12-05-2016 asking them to remain present on 20-5-2016 for handing over possession. Notices were served on 19-05-2016. The copies of notices are annexed herewith and marked as EXHIBIT R-2 collectively. I further say and submit that, I have issued notices in respect of taking possession of the land to the Taluka Agriculture Officer, Circle Officer, Talathi and Respondent no. 7 office of MIDC. On that date Taba pavti, panchanama was carried out alongwith tipni mentioning all the details in respect of the land such as standing crops, number of fruit trees, Sagvan trees and bamboo trees etc. The copies of Taba Pavti, panchanama and Tipni is attached and marked as EXHIBIT R-3 collectively. I say and submit that, the entire procedure of taking over the possession was video graphed and in the said recording, it reveals that some of the petitioners were present. I crave leave of this Hon'ble High Court to procedure Video graphs recorded as and when required and/or directed by this Hon'ble High Court.

5. The deponent further says and submits that, the panchanama alongwith tipni/note was forwarded to Taluka Agriculture Officer for making valuation of standing crops, fruit trees. The Taluka Agriculture Officer, Partur submitted valuation report as sought by the office of the deponent on 24-5-2016. The copy of valuation report dated 24-5-2016 is annexed herewith and marked as EXHIBIT R-4. The deponent further says and submits that, similar request was made to the Range Forest Officer (South) asking for valuation of Sagvan trees and Bamboo, standing in the lands of the petitioners. A request letter submitted to the Range Forest Officer is produced alongwith this affidavit and marked as EXHIBIT R-5. The deponent further says and submits that, the said report will be forwarded to the acquiring body as soon as it is received.

6. The deponent further says and submits that, the deponent has taken all the care before taking possession of the lands from the petitioners. Notices were issued and served on the petitioners. Petitioners though were present when possession was taken on 20-5-2016, however, they refused to sign panchanama.

7. The deponent further says and submits that, on the earlier occasion also when notices dt. 1-3-2016 were issued to the petitioners for asking possession of the land dated 4-3-2016 the proceedings were postponed on the request made by petitioners. It is not true that the petitioners are forcibly driven out without following procedure. The petitioners requests were considered on the earlier occasion to postpone the proceedings of taking over possession of lands. The copy of notice dated 1-3-2016 and the request application made by the petitioners dated 4-3-2016 on which orders were passed by the concerned competent authority are annexed herewith and marked as EXHIBIT R-6.

3. In view of the contentions raised in the affidavit-in-reply, the grievance raised in the contempt petition does not deserve to be considered. Keeping the option to avail of appropriate alternate remedy available in law, if any, open for the petitioner, contempt petition stands disposed of.

(K. K. SONAWANE)
JUDGE

(R. M. BORDE)
JUDGE

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