

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

Contempt Petition No. 478 of 2013
(In Writ Petition No. 8292 of 2011)

District : Osmanabad

Madhukar s/o. Kisanrao Joshi,
Age : 72 years,
Occupation : Advocate & Agri.,
R/o. Kallamb, Taluka : Kallamb,
District : Osmanabad.

.. Petitioner.

versus

1. K.M. Nagargoje,
District Collector, Osmanabad,
District : Osmanabad.
2. Anil Mathewad,
Special Land Acquisition Officer,
Minor Irrigation, Latur.
3. R.B. Karpe,
The Executive Engineer,
Jayakwadi Project Drainage
Construction Division
(Terna Project Campus),
Old Ausa Road, Latur,
Taluka & District : Latur.

.. Respondents.

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*Mr. A.M. Karad, Advocate, holding for
Mr. M.S. Karad, Advocate, for the petitioner.*

*Mr. V.H. Dighe, Asst. Government Pleader, for
respondent no.2.*

Mr. T.B. Bhosale, Advocate, for respondent no.3.

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 11TH JANUARY 2016

PER COURT :

1. Heard the learned Counsel for the petitioner, the learned Asst. Government Pleader for respondent no.2 and the learned Counsel for respondent no.3.

2. It is submitted that subsequent to filing of the Contempt Petition, award has been passed under Section 28A of the Land Acquisition Act, 1894, on 30th July 2015. It is also submitted that instructions are given to the acquiring body to remit the amount.

3. This Court vide order dated 23rd January 2013, in Writ Petition No. 8292 of 2011 had directed to decide the proceedings under Section 28A of the Land Acquisition Act within six months and further, in case, respondents come to the conclusion that the petitioner is entitled to enhanced amount of compensation, the same shall be disbursed within the said period. Almost three years have lapsed, the amount is not yet paid to the petitioner. Even the award under Section 28A is passed on 30th July 2015 i.e. six months back.

4. Considering the fact that the award has been passed, though belatedly, we do not propose to take any action, at present, for non-

payment of amount of compensation to the petitioner within the stipulated period specified in the order dated 23rd January 2013. However, we direct respondents to pay the amount as determined under Section 28A of the Land Acquisition Act, to the petitioner expeditiously and in any case, within three months from today.

5. With the above observations and directions, the Contempt Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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