

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.352 OF 2015

IN

WRIT PETITION NO. 4161 OF 2015

Sakharam S/o Ramji Thorat and others

-vs-

State of Maharashtra, thr.its Secretary, Deptt. of Revenue and Forest and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Amol Deshpande, counsel for the petitioners.
Mr.Prakash Tembhare, AGP for the respondent No.1.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 15.01.2016.

By this contempt petition, the petitioners seek action against the respondents for willful disobedience of the order of *status quo* granted by this Court on 24/07/2015 in Writ Petition Nos.4161 and 4172 of 2015.

The petitioners had filed the aforesaid writ petitions challenging the notification issued by the State Government under Section 4 of the Land Acquisition Act, 1894 on 01/09/2014. According to the petitioners, the respondents could not have issued the Section 4 notification under the Land Acquisition Act, as the Right to Fair Compensation and Transperancy in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was brought into force on 01/01/2014. The petitioners had sought a stay to the land acquisition process, initiated in pursuance of the Section 4 notification, dated 01/09/2014. In the said writ petitions, this Court had, by an order dated 24/07/2015, directed the parties to maintain *status quo*. It is the case of the petitioners that despite the order of *status quo*, a notification under the new Act of 2013 has been published. It is stated

that the respondents could not have violated the order of *status quo* and published the notification under the Act of 2013. The petitioners seek action against the respondents, as according to the petitioners, in view of the order of *status quo*, the respondents could not have initiated any steps under the Act of 2013.

The submission made on behalf of the petitioners is ill founded. The petitioners had in the writ petitions challenged the notification issued by the State Government under Section 4 of the Land Acquisition Act on the ground that the same could not have been issued after the new Act of 2013 came into force. Also, a stay was sought to the further proceedings in pursuance of the notification issued under Section 4. The order of *status quo* in relation to the prayers made in the writ petitions would not mean that the respondents were not entitled to take appropriate action under the provisions of the Act of 2013. We do not find that the respondents have in any way violated the order of *status quo* granted by this Court in the writ petition in which the challenge was to the notification issued under Section 4 of the Land Acquisition Act on the ground that the same could not have been issued after the coming into force of the Act of 2013, as the compensation payable under the old Act and new Act is different.

In the circumstances of the case, we dismiss the contempt petition with no order as to costs.

JUDGE

JUDGE