

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 360 OF 2016
IN
WRIT PETITION NO. 1025 OF 2008

Subhash Vithal Deshmukh and others .. Petitioners

VS.

The State of Maharashtra and others .. Respondents

Mr. A.B. Kale, Advocate for the petitioners
Mr. D.R. Kale, A.G.P. for the respondent/State

CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 27-06-2017

ORAL ORDER :

1. Heard both sides.
2. We do not find any reason to proceed in civil contempt.
3. The directions of this Court are to compute and calculate the interest under section 34 of the then Land Acquisition Act, 1894 and pay the same to the petitioners. There is also direction to pay the rental compensation. These directions appearing at page 83 and

84 of the paperbook read as under :-

“ **ORDER**

(A) The impugned order dated 25th May 2007 passed by the Special Land Acquisition Officer, Minor Irrigation, Latur, is quashed and set aside.

(B) The Respondents Authority shall calculate the benefit to the Petitioners under Section 34 of the Land Acquisition Act from the date of notification under Section 4 of the Act till the date of compensation, and pay the same to the Petitioners.

(C) The Respondents Authority shall also calculate the rental compensation payable to the Petitioners as per the Government Resolution, as the possession has been taken prior to the notification under Section 4 of the Land Acquisition Act.

(D) The aforesaid calculation shall be made expeditiously, preferably within three months from the date of this order and the amount shall be paid to the Petitioners as arrived at, preferably within three months from the date of decision by Collector.

(E) Rule accordingly made absolute. No costs.”

4. In the circumstances, we do not think that the delay on the part of the respondents alone, can be construed as deliberate or intentional act much less willful disobedience to the orders of this Court.

5. In the circumstances, the Contempt Petition is misconceived. It is disposed of.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/