

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

CONTEMPT PETITION NO. 502 OF 2016

IN

WP/6312/2015

PRABHAKAR UPENDRARAO KULKARNI AND OTHERS
VERSUS
MILIND VASANTRAO KULKARNI AND OTHERS

...

Advocate for Petitioners : Halkude S.S.
Adv. for Respondent no.1 : Mrs. Kalpalata Patil
Bharaswadkar

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CORAM : R.M.BORDE AND K.L.WADANE, JJ.

DATED : 11th APRIL, 2017

O R D E R :

The petitioners make grievance in respect of non-observance of the directions issued by this Court in Writ Petition No. 6312 of 2015 decided on 21.1.2016. This Court while disposing of the petition, issued following directions.

"5) Considering the above, we pass the following order :

[a] Respondent State and Acquiring Body shall initiate acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2015, within a period of 3 months.

[b] The land which the Acquiring Body proposes to release, such action also shall be taken within a period of 3 months from today.

[c] The amount of Rs.20 Lakhs deposited by the Acquiring Body is allowed to be withdrawn by the petitioners, on furnishing solvent security of the like amount. The said amount will be adjusted in the amount of compensation payable to the petitioners.

[d] It is made clear that the petitioners are at liberty to agitate their legal rights in appropriate proceedings.

[e] With these directions, Writ Petition is disposed of."

2. It is the contention of the petitioners that so far as direction contained in para 5(b) are concerned, the same has not been complied with and no action has been taken in respect of release of the property. The acquiring body was expected to take action in respect of release of the

property which the acquiring body proposes to release within three months from the date of the order i.e. 15.3.2017. It is pointed out that the meeting of the acquiring body and the Government was held on 15.3.2017 and a resolution has been adopted in the afore said meeting, a copy of which is placed on record along with the proceedings of the meeting and the same is marked 'X' for identification. The acquiring body has resolved to return 2.17 hectares of land out of total 3.17 hectares land from Survey No. 114 of village Loha, subject to condition that no liability is fastened on the State Government and after entering into negotiations with the agriculturists. It would be open for the petitioner to enter into negotiations with the acquiring body and if the parties reach an agreement the land as proposed shall be released. In the event of failure to reach agreement, it would be liability of the acquiring body to initiate acquisition proceedings and declare the award and pay compensation to the petitioners.

3. The counsel appearing for the acquiring body, on instructions, states that appropriate steps would be taken within a period of two months from today. In the event of failure to reach agreement the acquiring body shall have to comply with the directions contained in para 5(b) of the order.

4. In view of above, the Contempt Petition stands disposed of.

(K.L.WADANE, J.)

(R.M.BORDE, J.)

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