

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

CONTEMPT PETITION NO. 211 OF 2018

IN

WRIT PETITION NO. 11362 OF 2016

Dnyanobarao S/o Namdeorao Patil

Petitioner...

Versus

Shri. M. D. Singh,
Collector, Beed & Ors.

Respondents...

.....
Mr A. B. Kale, Advocate for the petitioner
Mr S. Y. Mahajan, AGP for respondent/State
.....

**CORAM : P. B. VARALE &
MANISH PITALE, JJ.**

DATE : 31ST AUGUST, 2018.

PER COURT:-

1. Heard learned counsel for the petitioner and learned Assistant Government Pleader for the State.

2. By this petition, the petitioner raises grievance about non-compliance of the orders passed by this Court on 13.04.2017 in Writ Petition No. 11362 of 2016 and order dt. 12.09.2017 in Civil Application No. 9417 of 2017, respectively. Our attention was invited to these orders placed on record.

3. By order dt. 17.04.2013 passed in Writ Petition No. 194 of 2013, the Division Bench of this Court taking note of the affidavit-in-reply filed by the Sub-Divisional Officer, Ambajogai that the proceedings for acquisition were earlier initiated, however, the proceedings lapsed by operation of law, and the State Government is in the process of initiation of fresh proceedings and those proceedings would be finalized within the stipulated time under the Act of 1894 and the amount of compensation would be paid to the petitioner, the petition was disposed of by directing the respondents to complete the proceedings for acquisition of land within time frame prescribed under the Land Acquisition Act, 1894 and to pay compensation to the petitioner as may be determined.

4. Similar order is passed in Writ Petition No. 11362 of 2016 on 13th April, 2017. The respondent-State by filing Civil Application No. 9417 of 2017 in Writ Petition No. 11362 of 2016, prayed for extension of time to comply with the order dt. 13.04.2017, and the prayer was allowed and the time was extended. Learned AGP by inviting our attention to the affidavit-in-reply filed on behalf of the Executive Engineer, Public Works Department, submits that, a demand was made to the State Government and the State

Government in the budget of financial year 2018-19 sanctioned the amount of Rs. 26,00,000/- only, however, deponent is arranging the amount under other heads and as on 02.07.2018 has deposited an amount of Rs. 1,00,00,000/- with respondent No. 2 to disburse the same to the petitioner on 21.06.2018. Then it is stated in para 6 of the said affidavit-in-reply that, vide a letter dt. 10.08.2018, respondent No. 3 has deposited the remaining amount of Rs.86,30,000/- with respondent No. 2 to disburse the same to the claimants. Copies of the communications are annexed to the affidavit-in-reply at Exh. R-1 & R-2, respectively.

5. Perusal of the communication dt. 02.07.2018 at Exh. R-1 shows that, the Executive Engineer, PWD, Ambajogai, forwarded the cheque dt. 21.06.2018 for an amount of Rs. 1,00,00,000/- to the Dy. Collector. Photo copy of the cheque is also placed on record. There is also a communication dt.10.08.2018 at Exh. R-2, showing that the cheque of remaining amount of Rs.86,30,000/-, bearing No. 822253, dt. 09.08.2018, is also forwarded to the Dy. Collector. Xerox copy of the said cheque is also placed on record.

6. In view of the above facts and considering the statement that respondent-authority is ready to disburse the amount to the

petitioner and the claimants, we direct the respondents to undertake the exercise of disbursement of the amount within four weeks from today.

7. As the grievance of the petitioner for non-compliance of the orders of this Court is now redressed, nothing survives for consideration in the present contempt petition. The Contempt Petition is accordingly disposed of.

[MANISH PITALE]
JUDGE

[P. B. VARALE]
JUDGE

Punde