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

CONTEMPT PETITION NO.511 OF 2016 IN  
CONTEMPT PETITION NO.181 OF 2014 IN  
WRIT PETITION NO.3051 OF 2013

Gopichand s/o Pandurang Patil (Lute)  
and another ... PETITIONERS

**VERSUS**

The State of Maharashtra and others ... RESPONDENTS

.....  
Shri S.K. Adkine, Advocate for petitioner  
Shri Y.G. Gujarathi, A.G.P. for State  
.....

CORAM:    T.V. NALAWADE AND  
                  SUNIL K. KOTWAL, JJ.

DATED :    15th FEBRUARY, 2018.

ORAL ORDER :

1.            This petition is filed in respect of the order made by this Court in Writ Petition No.3051/2013. The order was in following terms :

4. Section 15A of the Land Acquisition Act, 1894 has been inserted by the Maharashtra Amendment Act. Once the appropriate Government can call for the record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation

thereto as it may think fit, then, we are of the opinion that the Writ Petition itself can be disposed of by directing that the petitions and the annexures and documents forming part of the compilation shall be treated by the appropriate Government as Applications and the request to intervene and exercise its powers under section 15A of the Land Acquisition Act, 1894. The State to consider these Writ Petitions by styling them as proceedings or Applications in terms of Section 15A of the Land Acquisition Act, 1894 and pass such orders, as are permissible in law.

5. The orders be passed as expeditiously as possible and within a period of two months from the date the copy of this order is placed before the appropriate Government.

2. It was brought to the notice of this Court that the Government made compliance of the order of this Court on 5.1.2015. By this order, a direction is given to the Collector, who is the authority to make enquiry and make appropriate order. The order made by the Government is self explanatory, which is at Page 53 :

१. अर्जदार यांचा अर्ज मान्य करण्यात येत आहे.

२. सदर प्रकरण जिल्हाधिकारी नांदेड यांच्याकडे परत पाठविण्यात येत आहे. जिल्हाधिकारी नांदेड आणि भूसंपादन अधिकारी यांनी प्रस्तावित जमिनीच्या भूधारकांपैकी जे भूधारक भूसंपादनामुळे भूमिहीन व अल्पभूधारक होणार असतील त्यांच्या जमिनीच्या भूसंपादन प्रकरणात निवाडा पारित करू नये.

जिल्हाधिकारी नांदेड भूसंपादन अधिकारी व भूसंपादन यंत्रणा यांना भूमिहीन व अल्पभूधारक होणार असणाऱ्या भूधारकांच्या जमिनीऐवजी दुसऱ्या पर्यायी जमिनीचा शोध घ्यावा. अशी पर्यायी जमीन उपलब्ध झाल्यास ती जमीन भूसंपादित करण्यात यावी व भूमिहीन व अल्पभूधारक होणार असलेल्या भूधारकांची जमीन भूसंपादन प्रस्तावातून वगळण्यात यावी. पर्यायी जमीन उपलब्ध न झाल्यास महाराष्ट्र शासन, महसूल व वन विभाग शासन निर्णय दि. २९.०१.१९८१ व दि. २४.०६.१९९६ मधील तरतुदीनुसार भूमिहीन व अल्पभूधारक होणाऱ्या भूधारकांची जमीन संपादन करण्यासाठी सक्षम अधिकार्याची परवानगी घेऊन सदर जमिनीच्या संपादनाची कार्यवाही भूसंपादन अधिनियम, १८९४ मधील तरतुदीनुसार पूर्ण करावी.

३. खर्चाबाबत आदेश नाहीत.

3. The aforesaid order made by the State Government shows that the matter is now pending before the competent authority created under the Land Acquisition Act. In view of this circumstance, this Court holds that, nothing survives in the present matter. If the petitioner wants any direction against the authority created under the Land Acquisition Act, that will be a fresh cause of action and contempt proceedings cannot be entertained on the basis of previous order of this Court. So, the petition is disposed of.

( SUNIL K. KOTWAL )  
JUDGE

( T.V. NALAWADE )  
JUDGE