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

**CONTEMPT PETITION NO. 705 OF 2016
IN
WRIT PETITION NO.7600 OF 2015**

Ishwar s/o Keshavrao Gaikwad,
Age: 60 years, Occ: Agri.,
R/o. Sukta, Tq. Bhoom,
Dist. Osmanabad.

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-32.
2. Shri. Prashant Narnaware,
Collector,
Age: 45 years, Occ: Service,
Collector Office, Osmanabad
Dist. Osmanabad.
3. Bharaskar S.B.
The Executive Engineer,
Minor Irrigation, Zilla Parishad,
Osmanabad, Dist. Osmanabad. ..RESPONDENTS

Mr P.K. Deshmukh, Advocate h/f Mr C.K. Thombre,
Advocate for petitioner;
Mr S.S. Dande, A.G.P. for respondent/State;

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

DATE : 19th OCTOBER, 2018

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ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. The grievance of the petitioner is of non compliance of the order of this Court dated 10th December, 2015. By order dated 10th December, 2015 the Division Bench of this Court directed respondent No.2 to take a decision on the application of the petitioner whereby the petitioner was claiming rental compensation. It was directed that such decision be taken as expeditiously as possible and preferably within a period of four months from today and then it was further directed that in the event of upholding of entitlement of petitioner to receive rental compensation by respondent No.2, respondent No.3 is directed to disburse the amount so determined as expeditiously as possible and preferably within a period of four months from the date of such determination.

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3. By way of order dated 6th September, 2018, we directed learned A.G.P. to file additional affidavit in reply by considering earlier affidavit in reply filed on behalf of the respondents. Mr. Dande, learned A.G.P. invited our attention to the latest affidavit in reply dated 15th October, 2018. It is submitted that the petitioner was found eligible for his claim against rental compensation along with other five claimants. It is also stated that an amount of Rs.26432/- is transferred in the account of the petitioner by RTGS. It is stated that whole project of Pazar Talav at Sukta Taluka Bhoom, the rental compensation comes to Rs.46902/-.

4. Learned A.G.P. invited our attention to the chart annexed to the affidavit in reply showing the quantification of the amount of each of the claimants. The petitioner's name find place at Serial No.1 and the amount to which he is entitled is to the tune of Rs.26432/-.

5. The statement is made in the affidavit in

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reply that the amount is deposited in the account of the petitioner by way of RTGS process and Mr. Deshmukh, learned Counsel appearing for the petitioner admits this fact. Learned Counsel for the petitioner then submits that there is delay in disbursement of the amount, as such, the petitioner is entitled for additional amount for the delay and as we find that the substantial compliance is made by the respondents and the amount is also received by the petitioner, we are unable to accept the submission of the petitioner by expanding the scope of contempt petition. If the petitioner is having any grievance in the nature of delayed payment and his entitlement to that effect, he is at liberty to avail appropriate remedies.

6. The petition is accordingly disposed of.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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