

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

CONTEMPT PETITION NO.43 OF 2018

Dr Mohammedali N. Wadwan, since deceased
through legal heirs Smt Saleema Mohammadali
Wadwan and others ... Petitioners
v/s
The State of Maharashtra and others ... Respondents

Dr Ramdas P. Sabban with Mr Pravin Sabban for Petitioners.
Mrs Kirti R. Kulkarni, AGP for Respondent Nos.1 to 4.
Mr Samir Kumbhakoni for Respondent No.5.

***CORAM : K.K. TATED AND
B.P. COLABAWALLA, JJ.***

DATE : JUNE 21, 2018.

P.C. :-

1. This Contempt Petition has been filed seeking to punish the Respondents under Article 215 of the Constitution of India for violating the order dated 23rd October 2015 passed in Writ Petition No.264 of 2009 passed by another Division Bench of this Court.

2. When this Contempt Petition came up on 6th March 2018, a statement was made before this Court by the learned counsel for Solapur Municipal Corporation (Respondent No.5 therein) that a

proposal to acquire the subject land was made by the Corporation to the Deputy Collector, Open Lands, Solapur. It was further recorded that this proposal was received in the Office of the Collector, Solapur on 26th February 2018 and immediately thereafter, the Collector had appointed the Deputy Collector and Land Acquisition Officer No.7, Solapur to determine the compensation in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The order further records that the Special Land Acquisition Officer would determine the compensation within a period of three months from the date of the order. Accordingly, the matter was stood over to 11th June 2018.

3. When the matter was called out today, as per directions of this Court on 6th March 2018, the Special Land Acquisition Officer has determined the compensation of the subject land at Rs.1,31,05,168/-. This is evidenced by a letter dated 12th March 2018 addressed by the special Land Acquisition Officer to the Solapur Municipal Corporation. This letter is taken on record and marked 'X' for identification.

4. We have been informed that the Solapur Municipal Corporation has already deposited an amount of Rs.39,31,550 with the VRD

Special Land Acquisition Officer. In these circumstances, the Solapur Municipal Corporation (for whose benefit the land is being acquired) is directed to deposit the balance amount with the Special land Acquisition Officer within a period of three months from today. Once this balance amount is received, the Special Land Acquisition Officer shall take further steps and complete the proceedings under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 including the payment of compensation to the Petitioner within a period of one month of receipt of balance money from Solapur Municipal Corporation. We expect that the authorities shall adhere to the time limit that has been indicated in this order in letter and spirit.

5. We further make it clear that if there is a delay in making payment of this amount to the Petitioner, the Petitioner shall be entitled to claim rental compensation as per law. In view of this subsequent development, nothing really survives in this Contempt Petition and the same is disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)