

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

**CONTEMPT PETITION NO. 248 OF 2016
IN
WRIT PETITION NO. 9300 OF 2012**

Moreswar Vinayak Karve & Ors. ... Petitioners
V/s.
The Secretary R.C. Joshi Chief Secretary,
Department of Revenue And Forest & Ors. ... Respondents

Mr. Leena Patil for the Petitioners.
Ms. P.N. Diwan, A.G.P. for Respondent No. 6.
Mr. Gopal K. Hegde for Respondent No.5.
Mr. N.V. Walawalkar, Senior Advocate a/w Mr. Dinesh B. Khaire and
Ms. S.N. Saroj h/f Mr. Avinash B. Avhad for Respondent No.2.

**CORAM : A.A. SAYED AND
K.K. SONAWANE, JJ.**

DATE : 5th OCTOBER, 2018.

P.C. :

1 On 21.08.2018 we pass the following order :-

“1 The Contempt Petition alleges breach of the order dated 10 August 2015 passed by the Division Bench in Writ Petition No.9300 of 2012 whereby the Respondent No.1 was directed to pay the amount of compensation to the Petitioners within three months. The learned Counsel for the Petitioners submits that despite the aforesaid directions, the amount of compensation has not been paid till date.

2 We are informed by the learned Counsel for Respondent No.2 and the learned Counsel for Respondent No.5 CIDCO that the Respondent No.2 has recently filed a Review Petition against the order dated 10 August 2015 of the Division Bench. Inasmuch as the

Review Petition has been filed after about three years from the date of the passing of the order dated 10 August 2015 and no Application was filed before the Court for extension of time for payment of compensation, we pass the following order:

ORDER

i) Unless Respondent No.2 obtains appropriate favourable orders in the Review Petition, the Respondent No.2/Respondent No.5 CIDCO shall disburse the amount of compensation by 1 October 2018 to the Petitioners in accordance with the Statement of Account (signed by the Section Engineer, Sub Divisional Engineer and Executive Engineer) tendered across the bar and marked 'X'.

3 List the Contempt Petition on 3 October 2018. We make it clear that in the event the amount of compensation is not disbursed as stipulated above, (unless appropriate favourable orders are passed in the Review Petition), we would be inclined to take a serious view of the matter.”

2 We are told by the learned Senior Counsel for the Respondent No.2 that the Respondent No.2 has filed Review Petition being Review Petition (Stamp) No.21276 of 2018 challenging the order dated 10 August 2015 in Writ Petition No.9300 of 2012, however, the same has not been taken up for hearing so far. Though we were inclined to direct the Respondent No.2 to disburse the compensation amount to the Petitioners directly, learned Counsel for the Petitioners states that there are some complications as regards payment of taxes which may arise if

the Court directs the Petitioners to bring back the amount alongwith interest if the Review Petition is allowed. She therefore submits that instead of paying compensation amount directly to the Petitioners, the Court may direct the Respondent No.2 to deposit the amount in this Court with liberty to the Petitioners to withdraw the said amount. In the circumstances, we dispose of the Contempt Petition by passing the following order :

ORDER

- i) We record the statement of the learned Senior Counsel for Respondent No.2 that the amount of compensation shall be deposited in this Court within three weeks from today.
- ii) It will be open for the Petitioners to withdraw the amount of compensation deposited by the Respondent No.2 subject to furnishing an Undertaking that the amounts shall be brought back by the Petitioners alongwith interest if so ordered by the Court.
- iii) The Registrar to invest the amount in fixed deposit in a Nationalized Bank in the event no Application is made for withdrawal of the amount within three weeks from the date of deposit.
- iv) The Contempt Petition to stand disposed of.

(K.K. SONAWANE, J.)

(A.A. SAYED, J.)

Digitally signed
by Waishali
Sushil
Waghmare
Date:
2018.10.08
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