

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

CONTEMPT PETITION NO.291 OF 2018

Babasaheb Laxman Malshikre .. Petitioner

V/s.

Sanjay Patil, Deputy Collector and Ors. .. Respondents

Mr.Gaurav Potnis i/b Ms.Pallavi Potnis for the Petitioner

Mrs.P.N.Diwan, A.G.P. for the Respondent nos.1 and 2

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

DATED : AUGUST 10, 2018

P.C. :

1 Heard.

2 By this Contempt Petition, Petitioner alleges that though this court by order dated 22.02.2016 in Writ Petition No.11315 of 2013 directed Special Land Acquisition Officer to pay compensation immediately, they failed and neglected to do so. Operative part of the order dated 22.02.2016 reads thus:

“O R D E R

(i) We direct the respondents to pay the compensation

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amount payable to the persons entitled to compensation under the award dated 22nd May 2012 (Exh.J to the petition) within a period of three months from today;

(ii) In addition to the amount payable under the award dated 22nd May 2012, the persons who are held entitled to receive the compensation shall be entitled to interest on the amount payable under the said award at the rate of 15% per annum from the date of the award till the date on which the compensation is offered to them;

(iii) As soon as the amount is received by the office of the Special Land Acquisition Officer No.13, Pune, an intimation of the date fixed for receipt of the amount shall be issued to the persons who are held entitled to receive the compensation under the said award. The Special Land Acquisition Officer shall ensure that the amounts are paid to the persons concerned on the date fixed for payment of compensation, subject to the persons concerned establishing their identity and signing necessary receipt;

(iv) The petition is disposed of in the above terms.”

3 The learned counsel for the Petitioner submits that in the present proceedings, though this Special Land Acquisition Officer received compensation from Executive Engineer, Ujani Dam, Bhimanagar, Tq. Mhada, Dist. Solapur on 16.07.2016, he issued notice for payment on 06.08.2016 and called upon the Petitioner to submit certain documents though same were not necessary. He submits that inspite of that, Petitioner submitted all those documents on 26.08.2016. Thereafter, Respondent made payment on 28.01.2017 i.e. after more than five months. He submits that Special Land Acquisition Officer filed his Affidavit-in-Reply. There is no explanation, why his office took more

than five months to make payment when same was deposited by the acquiring body. Therefore, this Hon'ble Court be pleased to take action against the Respondent Special Land Acquisition Officer as per the Contempt of Court Act for violating the orders passed by this court on 22.02.2016.

4 On the other hand, the learned A.G.P. for the Respondent vehemently opposed the present Contempt Petition. She submits that Special Land Acquisition Officer filed their Affidavit-in-Reply dated 31.03.2018. She submits that in the present proceedings, office of the Special Land Acquisition Officer received cheque of Rs.1,72,48,000/- from the Executive Engineer, Ujani Dam, Bhimanagar on 16.07.2016. She submits that after encashment of the said cheque, they issued notices to the various claimants including Respondents calling upon them to submit the relevant documents for receiving payment in their favour. She submits that during that period, concerned officer was busy in another project i.e. acquisition of the land for Nashik Highway No.50. Hence, there was delay on the part of the Respondent to make payment to the Petitioner as per order dated 22.2.2016 passed by this court. She submits that Special Land Acquisition Officer has tendered an unconditional apology in paragraph 10 of the Affidavit-in-Reply. She submits that there is no wilful or deliberate lapses on the of the Respondent to implement the orders passed by this court. She submits that as the concerned officer was busy in acquisition proceedings of the land for Nashik Highway No.50, there was delay on their part to comply the same. She submits that considering the explanation given in paragraph 3, 4 and 10 of the Affidavit-in-Reply, this Hon'ble Court

be pleased to dismiss the present Contempt Petition.

5 Heard.

6 It is to be noted that there are some lapses on the part of the
Special Land Acquisition Officer to comply the order passed by this
court on 22.02.2016. Considering the reasons disclosed by Special
Land Acquisition Officer in his Affidavit-in-Reply, particularly in
paragraph 3, 4 and 10, we are satisfied that delay was not deliberate.
In any case, payment was made, but with some delay. Hence, there is
no question of taking any action against the Respondent under the
Contempt of Court Act.

7 Therefore Contempt Petition stands dismissed.

8 No order as to costs.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)