

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.181/2017

IN

WRIT PETITION NO.1947/2015 (D)

Smt. Nandabai Ganesh Bodkhe and another

...Versus...

Shri Mannukumar Shrivastav, Secretary, Department of Revenue and Forest,
State of Maharashtra, Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.J. Shinde, Counsel for petitioners
Shri A.M. Joshi, AGP for respondent nos.1 to 3

CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.

DATE : 11/01/2018

By this contempt petition, the petitioners seek action against the respondents for wilful disobedience of the directions in the judgment dated 26/2/2016 in Writ Petition No.1947/2015.

According to the petitioners, though this Court had disposed of the writ petition with a direction to the respondents to determine the extent of the acquired land of the petitioners and pay proportionate *ex gratia* compensation amount to the petitioners within three months, the respondents have not complied with the order.

The respondent no.3 has filed an affidavit-in-reply. To the affidavit-in-reply, the order dated 20/9/2017 is annexed. It is stated by referring to the said order that the *ex gratia*

compensation was paid to the petitioners and they have received the same. It is stated that the petitioners have received the *ex gratia* compensation and hence, nothing is payable to them.

On a reading of the affidavit-in-reply and the order dated 20/9/2017, it cannot be said that the respondents have disobeyed the directions in the order of which the contempt is alleged. It appears from the order annexed to the affidavit-in-reply of the respondent no.3 that the *ex gratia* compensation was paid to the petitioners and all the other co-owners have also received the *ex gratia* compensation. No action under the Contempt of Courts Act could be initiated against the respondents, in view of the aforesaid position.

Hence, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

Wadkar