

((1))

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

CIVIL APPLICATION NO.2119 OF 2019 IN
CONTEMPT PETITION NO.797 OF 2018 IN
WRIT PETITION NO.12120 OF 2015

Deepak s/o Anantrao Badve
and others

... PETITIONERS

VERSUS

The State of Maharashtra
and others

... RESPONDENTS

.....
Mr. J.M. Murkute, Advocate for applicants
Mrs. A.V. Gondhalekar, Addl. G.P. for State
.....

CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.

DATED : 26th JUNE, 2019.

ORAL ORDER :

Perused the orders of this Court as well as affidavit-in-reply filed on behalf of respondent No.3 Ganesh s/o Bhikaji Mahadik, Sub-Divisional Officer, Parali Vajinath, Taluka Parali vajinath, District Beed. For the reasons stated in the application, the application is allowed in terms of prayer clauses (B) and (C). Amendment to be carried out within one week.

((2))

2. On carrying out the amendment, notice be issued to the added respondent Narsingh Bhande, Executive Engineer, Public Works Department, Ambajogai, making the same returnable on 24th July 2019. The added respondent to file affidavit-in-reply explaining as to what prompted him to forward the communication dated 20.1.2019 seeking cancellation of the entire process of land acquisition when the Land Acquisition Officer who had prepared the draft award and also referred to the portion of land to the extent of 1892.30 sq.mtrs. in possession of the Government Guest House and this reference was under the exercise of the joint measurement of land and when the Executive Engineer himself refers in the letter communication dated 28.1.2019 that the land to the extent of 1892.30 sq.mtrs. out of Survey No.14 is found to be in possession of Public Works Department as per the joint measurement.

2. It is not in dispute that the Executive Engineer, Public Works Department, Parali Vajinath, District Beed was party respondent No.5 in Writ Petition No.12120/2015 and was being represented through learned A.G.P. when the order of this Court dated 7.7.2016 was passed and was also party to earlier Contempt Petition No.824/2016, wherein the order dated 14.3.2018 was passed accepting the statement made on behalf

((3))

of the respondents through learned A.G.P.

3. Authenticated copy of this order be provided to learned A.G.P. Learned A.G.P. to communicate this order to the concerned respondent.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-