

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

**CONTEMPT PETITION NO. 412 OF 2019
IN
WRIT PETITION NO.4129 OF 2018**

Sudhakar S/o Dattatraya Ghogre

Age: 66 years, Occu:Agri,

R/o Upala(ma),

Tq. and District:Osmanabad.

PETITIONER

VERSUS

1. Sanjay S. Kadam

The project Director,

National Highway Authority of India,

PIU Solapur, Plot No.80,

Old Santosh Nagar, Infront of

Divika Gas Agency, July

Solapur- 04.

2. Shri Shirish Yadav

The Competent Authority and Deputy

Collector of Land acquisition

(Medium Project) Office No.2

Osmanabad.

RESPONDENTS

Mr Ramraje Deshmukh, Advocate for the petitioner;

M.V. Kini & Co. for respondent No.1

Mr A.B.Dhongade, Advocate for respondent No.2

**CORAM : PRASANNA B. VARALE &
AVINASH G. GHAROTE, JJ.**

DATED : 19th SEPTEMBER, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. On a grievance of non-compliance of the order of this Court dated 8th January, 2019 passed in Writ Petition No. 4129 of 2018, a simple notice was issued to the respondents. In response to the notice, affidavit-in-reply is filed on behalf of Shri Shirish S/o Ramchandra Yadav- respondent No.2, Deputy Collector, Land Acquisition, Manjara Project, Osmanabad, Dist.Osmanabad. It is stated in the affidavit-in-reply that on going through record it reveals that the 7/12 extract of the land submitted along with the application of the petitioner reflected that there is an encumbrance upon the land of the petitioner. It is further stated that there is an entry of loan taken by the petitioner from Bank of Maharashtra, Branch Osmanabad. It is further

stated that No Objection Certificate or No Dues Certificate of the said bank is required for payment of compensation.

3. The communication dated 18th July, 2019 is annexed to the affidavit-in-reply and marked as Exhibit-R-2. Perusal of the said communication shows that there is a reference of the order of this Court and the petitioner is informed about the facts revealed from the perusal of the 7/12 extract, namely, charge created over the land and then, it is further stated that the petitioner may submit No Objection Certificate or No Dues Certificate from bank to the office of the Deputy Collector (Land Acquisition, Medium Project No.2), Osmanabad. The communication further states that on compliance of the deficiencies, necessary action for payment of compensation would be initiated.

4. In the affidavit-in-reply, it is further stated

that payment of compensation under the award is under the scrutiny of Comptroller and Auditor General of India (CAG). As such, every precaution is to be taken while releasing the amount of compensation and therefore it is necessary that the petitioner should remove the deficiencies by submitting No Objection Certificate or No Dues Certificate from the bank to the office of Deputy Collector.

5. Considering the affidavit-in-reply, we are of the opinion that there is no intention to deviate from the order of this Court. On the contrary, reply shows that the authority is ready to comply the order for payment of compensation subject to the petitioner removing all the deficiencies.

6. Learned Counsel for the petitioner then submitted that he will take appropriate steps so as to submit No Objection Certificate or No Dues Certificate

from the bank to the office of the Deputy Collector, Land Acquisition, Osmanabad.

7. Needless to state that if such exercise is undertaken by the petitioner and this exercise satisfies the authority as per letter dated 18th July, 2019, the authority to take further steps for release of amount of compensation to the petitioner.

8. Petition is disposed of accordingly.

[AVINASH G. GHAROTE,J.]

[PRASANNA B. VARALE,J.]