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

**CONTEMPT PETITION NO.16 OF 2018
IN
WRIT PETITION NO.11882 OF 2015**

Gulam Hussain Khan s/o Abdul Hameed Khan,
Age: 77 years, Occu: Nil,
R/o: Silk Mill Compound, Near Railway Station,
Aurangabad, Tq. and Dist: Aurangabad,
Through General Power of Attorney Holder
Khan Rushina Tasneem D/o. Hamid Khan,
Age: 32 years, Occu: Assistant Professor,
R/o: C/o: Hamid Ali Khan, Silky Villa,
Opposite Ayesha Function Hall,
Beed By pass Road,
Aurangabad, Tq. & Dist. Aurangabad

..PETITIONER

VERSUS

1. Shri Rajneesh Saroj,
The Deputy Chief Engineer (Construction-I),
Nanded, Tq. and Dist. Nanded
2. Shri. R. C. Boolchandani,
The Chief Administrative Officer
(Construction Division)
South Central Railway,
Secundrabad (Telangana State)
3. The Collector,
Aurangabad, District Aurangabad
4. Special Land Acquisition Officer,
/ Deputy Collector (L.A.),
Jayakwadi Project-I,
Aurangabad

..RESPONDENTS

Mr G. R. Syed, Advocate for petitioner;
Mr M. N. Nawandar, Advocate for respondent No.1;
Mrs M. A. Deshpande , A.G.P. for respondent Nos.3 & 4

**CORAM : PRASANNA B. VARALE
AND
S.M. GAVHANE, JJ.**

DATE : 18th January, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. In response to the notice issued by this Court, an affidavit-in-reply is filed on behalf of respondent no.1 Rajnish s/o Ravi Prakash Saroj, Deputy Chief Engineer (Construction-I), South Central Railways, Nanded. By order dated 24th February, 2016 in Writ Petition No.11882 of 2015, considering the grievance of the petitioner about non receiving of the amount of compensation even though an award was passed before 17 years, the Division Bench of this Court thought it fit to dispose of the writ petition by directing respondent nos.1 to 3 to make payment under Section 28-A of the Land Acquisition Act as per the award passed by the Special Land Acquisition Officer in April, 1998. The details of the directions of this Court find place in paragraph 5 of the order.

3. Mr Nawandar, learned Counsel appearing on behalf of respondent No.1 invited our attention to the statement made in the affidavit-in-reply. Mr Nawandar submits that there is some delay in compliance of the order of this Court but the delay was purely unintentional and in view of the procedural difficulties and also because of the time utilized in seeking legal advice. Learned Counsel further submitted that there was no intention to cause delay or not to comply the order of this Court but because of the procedural difficulties the delay is caused and an unconditional apology is also tendered in the affidavit-in-reply. The statement made in the affidavit-

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in-reply at paragraph 4 shows that the Special Land Acquisition Officer communicated respondent No.1 to forward the claim to the tune of Rs.15,66,351/- of the co-owners of land bearing CTS No.19049/1 belonging to Mr Gulam Hussain Khan and Mr Jawed Ahmed. Then it refers to certain factual aspects of seeking legal assistance and then it further states that vide letter dated 21st November, 2016 addressed to the Deputy Collector / Land Acquisition Officer, Aurangabad, Demand Draft No.043848, dated 13th November, 2016 for amount of Rs.15,66,351/- drawn in the name of Deputy Collector/ Land Acquisition Officer, Aurangabad was sent in view of following the directions of this Court. Copies of letter dated 21st November, 2016 and the said Demand Draft are also placed on record as annexure 'R-1' collectively.

4. Learned Asstt. Govt. Pleader appearing on behalf of respondent Nos.3 and 4 submitted before this Court that respondent No.4 would take immediate steps in respect of the communication dated 21st November, 2016.

5. As the substantial compliance of the order of this Court is done by directing respondent Nos.3 and 4, we dispose of the contempt petition. Respondent No.4 – Special Land Acquisition Officer to see personally that the amount deposited in the office of the Special Land Acquisition Officer by respondent No.1 is disbursed to the petitioner and to seek an endorsement to that effect and submit the report of these facts to respondent No.3 -Collector within one week thereafter. If any technical

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compliance is require, the petitioner also to co-operate the authority, namely, respondent No.4.

With aforesaid directions, contempt petition is disposed of.

(S.M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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