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

**CONTEMPT PETITION NO.604 OF 2018
IN
WRIT PETITION NO.15030 OF 2017**

1. Sopan s/o Shamrao Munde (died)
2. Mudassar Ali s/o Mazar Ali Shaikh,
Age: 34 years, Occu: Agricultural
3. Shahajad Ali s/o Mahabub Ali Shaikh,
Age: 48 years, Occu: Agricultural
4. Babu s/o Abdul Shaikh,
Age: 50 years, Occu: Agricultural
5. Taleb Ali s/o Amjad Ali Sayeed,
Age: 48 years, Occu: Agricultural
6. Uddhav s/o Kisanrao Nandurkar,
Age: 54 years, Occu: Agri. & Service
7. Shamrao s/o Namdeo Munde,
Age: 37 years, Occu: Agricultural

All R/o Davargaon, Tq. Wadwani,
Dist. Beed

..PETITIONERS

VERSUS

1. Shri. Eknath s/o Rajaram Dawale,
Age: Major, Occu: Secretary,
Department of Soil & Water Conservation,
EGS, Mantralaya, Mumbai-32
2. Shri. M. Devender Singh,
Age: 35 years, Occu: District Collector,
Beed, Tq. & Dist. Beed - 431126

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3. Shri. Chate P. B.,
Age: Major, Occu: Chief Executive
Engineer, Beed Irrigation Division, Beed,
Tq. & Dist. Beed - 431126
4. Yogesh s/o Shivaji Jamale Patil,
Age: Major, Occu: Deputy Engineer,
Irrigation Sub-Division, Majalgaon,
Post Telgaon, Tq. & Dist. Beed - 431126
5. Smt. Priyanka d/o Lalaso Pawar,
Age: 32 years, Occu: Sub-Divisional
Officer, Majalgaon, Tq. Majalgaon,
Dist. Beed - 431126

..RESPONDENTS

Mr M. U. Shelke, Advocate for petitioners;
Mr B. R. Surwase, Advocate for respondent No.5

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

DATE : 11th June, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioners.

2. On 13th August, 2018, a simple notice was issued to respondent Nos.3 to 5. On 8th October, 2018, it was submitted before this Court that the Sub Divisional Officer, Majalgaon, in communication dated 6th October, 2018 submits that the amount is received by him and notices are issued to the petitioners for the disbursement of the amount and the petitioners are called upon on 12th October, 2018 for disbursement of the amount of compensation.

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3. In an affidavit-in-reply dated 10th December, 2018, it is submitted through the Sub Divisional Officer, Majalgaon that on receipt of the amount, the same is disbursed to as many as six persons. A tabular statement is made in para 9 giving the details of the names of the land owners, amount and remarks. In remarks column, a reason is stated for non-payment of the amount. It is an admitted position that the amount is disbursed to the petitioner Nos.2 to 7. A statement is also made in an affidavit-in-reply that the office of deponent is ready and willing to disburse the amount of compensation after submitting the legal and proper documents regarding entitlement of compensation and the necessary steps will be taken for disbursement of payment of the compensation.

4. In view of aforesaid facts, it is more than clear that the order of this Court in respect of payment of compensation is duly complied with in respect of petitioner Nos.2 to 7. As such, no grievance survives in respect of petitioner Nos.2 to 7.

5. Insofar as petitioner No.1 is concerned, the petition itself was prosecuted by a dead person. There was also no reference as to whether the petitioner No.1 is surviving through any legal heir. Be that as it may. Now, it is brought to the notice of this Court by learned Counsel for the petitioners that during the pendency of the petition, the

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legal heirs of petitioner No.1 have approached the Court of learned Civil Judge Junior Division at Wadvani for issuance of heirship certificate and by an order dated 16th January, 2019, heirship certificate is issued in favour of the applicants, who are the legal heirs of the deceased Sopan Shamrao Munde.

6. Learned Counsel for the petitioners then submitted that an application is filed before the Sub Divisional Officer and the Special Land Acquisition Officer, Majalgaon, apprising the concerned officer that the applicants are the legal heirs of deceased Sopan Shamrao Munde and heirship certificate is issued in favour of them.

7. In view of the statement made before this Court in the affidavit-in-reply dated 10th December, 2018 that the office of the Sub Divisional Officer is ready and willing to disburse the amount of compensation after submitting legal and proper documents regarding entitlement of the compensation and by accepting this statement as an undertaking to this Court, we dispose of the present contempt petition.

(R. G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)