

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

**CONTEMPT PETITION NO.551 OF 2019
IN
WRIT PETITION NO.10338 OF 2018**

Ramchandra s/o Sakhrum Meher,
Age: 32 years, Occ: Agri.,
R/o. Mahismal, Tq. Khultabad,
Dist. Aurangabad

PETITIONER

VERSUS

1. The State of Maharashtra
through special land acquisition
officer, Collectorate J.P. NO.01
Aurangabad
2. (Shri. Galpade) Executive Engineer
Minor Irrigation (Local sector)
Adjacent to Hadgewar Hospital
Garkheda parisar Aurangabad

RESPONDENTS

Mr S.K. Adkine, Advocate for the petitioner;
Mr S.P. Sonpawale, A.G.P. for respondent/State

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 2nd DECEMBER, 2019

ORAL ORDER:

Heard learned Counsel for the petitioner.

2. In response to our order dated 4th November, 2019, affidavit-in-reply is filed on behalf of respondent No.2 -Mr Vasant Baburao Galphade and he is personally present in this Court. Perusal of the documents placed on record show that the matter was settled in Lok Adalat and signatories to the the terms of compromise were plaintiff/applicant, the Counsel appearing for the plaintiff applicant, Shri P.D. Joshi, Naib Tahsildar, S.D.O. Office, Kannad, officer deputed on behalf of Executive Engineer, Local Sector, Division Aurangabad, namely; Shri P.Y. Ghodke, Section Engineer, Small Scale Irrigation (Water conservation), Division Aurangabad, Smt. Manjusha Mutha, Deputy Collector, Land Acquisition (JP), Aurangabad and the learned A.G.P.

3. It seems that under an impression that Mr. V.B. Galphade was occupying the position as a Executive Engineer, the petitioner submitted representation to the office of the Executive Engineer on 17th June, 2019,

raising a grievance of non-compliance of the terms of compromise. It is also clear from the perusal of the record that the petitioner failed to make a positive statement in the petition as to who was the person occupying position of executive engineer at the relevant time i.e. at the time of terms of compromise being recorded in the Lok Adalat.

4. Be that as it may. Considering the affidavit-in-reply filed on behalf of Mr Vasant Baburao Galphade who is presently working as District Water Conservation Officer, Soil and Water Conservation Department, Aurangabad and more particularly, considering the statement that as per the settlement in Lok Adalat, the deponent has calculated the amount compensation and requested Collector, Aurangabad to release that amount. It is also stated that after receiving additional amount of compensation from the Government of Maharashtra through Collector, Aurangabad, it will be deposited in the office of Special Land Acquisition Officer and he

will distribute the amount to the concerned acquired land holders. Copy of the communication dated 26th November, 2019 is placed on record annexed to the affidavit-in-reply.

5. We know the limited scope of contempt petition but at the same time, we cannot ignore the plight of petitioner-farmer who is waiting for payment of compensation since January 2016. Once the matter is compromised in Lok Adalat, payment of compensation is expected to be paid by authorities within reasonable period and in any case, not beyond the period of six months. However, from last more than three years, the payment of compensation is not made. In the said backdrop to avoid further delay in technicalities, we deem it appropriate to direct the Deputy Collector, Land Acquisition, Kannad, District Aurangabad to act upon the communication dated 26th November, 2019 immediately to establish necessary communication with the Collector, Aurangabad as well as the concerned authority of State of

Maharashtra for release of the amount. We further direct to the Collector, Aurangabad that on receipt of the communication forwarded through Deputy Collector, Land Acquisition, Kannad, District Aurangabad pursuant to the communication dated 26th November, 2019, forwarded through Mr M.G. Mapari, Assistant District Water Conservator Officer, Soil and Water Conservation Department, Aurangabad to take immediate steps for release of amount from the State Government and in turn, to dispose the amount to the petitioner expeditiously.

6. The Collector, Aurangabad to complete the entire exercise within eight weeks from today. When we say to complete the exercise within eight weeks from today, meant that the Collector, Aurangabad shall personally look into the matter and take the matter to its logical end, meaning thereby the amount be received by the petitioner within eight weeks from the date of receipt of the communication from the Deputy Collector, Land Acquisition, Kannad, District Aurangabad.

7. In our opinion, our above referred directions would meet the ends of justice. Accordingly, we dispose of the contempt petition with above referred directions.

[ANIL S. KILOR, J.]

[PRASANNA B. VARALE, J.]