

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.10874 OF 2019
IN
CONTEMPT PETITION NO. 817 OF 2016**

Baburao Laxman Karpe and others. Applicants
Versus

I.S. Chahal and others. Respondents

**WITH CIVIL APPLICATION NO. 10875 OF 2019
IN CONTEMPT PETITION NO. 815 OF 2016**

Shailesh Raosaheb Kunte and others. Applicants
Versus

I.S. Chahal and others. Respondents

**WITH CIVIL APPLICATION NO. 10880 OF 2019
IN CONTEMPT PETITION NO. 814 OF 2016**

Sunil Jagannath Zalani and others. Applicants
Versus

I.S. Chahal and others. Respondents

**WITH CIVIL APPLICATION NO. 10881 OF 2019
IN CONTEMPT PETITION NO. 816 OF 2016**

Rangnath Tukaram Rasal and others. Applicants
Versus

I.S. Chahal and others. Respondents

**WITH CIVIL APPLICATION NO. 10885 OF 2019
IN CONTEMPT PETITION NO. 813 OF 2016**

Babulal Trimbak Bankar and others. Applicants

Versus

I.S. Chahal and others. Respondents

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Mrs. Maya Jamdhade, Advocate holding for
Mr. N.R. Jamdhade, Advocate for the applicants.
Mr. K.S. Patil, A.G.P. for the respondent / State.
Mr. S.G. Bhalerao, Advocate for respondent No.5.

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

DATE : 20 September 2019.

ORDER :

1. By these Civil Applications, the applicants pray for withdrawal of amount deposited by respondent No.5 – Acquiring Body in this Court on 28.01.2019. Learned Counsel appearing for respondent No.5 opposes these applications.

2. It is the submission of learned Counsel appearing for the applicants / original petitioners that considering the order passed by Division Bench of this court as well the grievance raised in the Contempt Petitions of non-compliance of order, the Division Bench of this Court was pleased to pass a detailed order on 28.01.2019. Our attention was invited to the copy of order

dated 28.01.2019 placed on record at Exh-A. Respondent No.5 has shown willingness to deposit an amount of Rs. 6,62,97,822/- to show its bonafides. It was also brought to the notice of this Court that the respondent – Acquiring Body filed Writ Petition Nos. 8843 of 2017 to 8847 of 2017 challenging the Award under Section 28-A of the Land Acquisition Act and the petitions are pending consideration before the learned Single Judge of this court.

3. The applicants have placed on record copy of the statement at Page No.18 and it is submitted by learned Counsel for the applicants that the names of applicants find place in the statement showing the area of land acquired of the respective applicants, gut numbers and the price offered. It is the submission of learned Counsel appearing for the applicants that the lands were acquired long back in the year 1997, the Award was passed in the year 2005 and the applicants are waiting for their due entitlement against the compensation now, under Section 28-A of the Land Acquisition Act.

4. Be that as it may, as the statement made on behalf of the learned Counsel for the applicants that the chart placed on record alongwith the application reflects the names of applicants,

the area acquired etc. and is admitted by learned Counsel for the Acquiring Body, in our opinion the ends of justice would be met by permitting the applicants to withdraw the amount of their respective shares from the amount deposited in this court to the tune of Rs. 6,62,97,822/-. An affidavit-in-reply is filed on behalf of respondent No.3 – District Collector, Aurangabad. Copy of the Award under Section 28-A of the Land Acquisition Act is placed on record as a part of Annexure R-1. Thus, it would be appropriate to transfer the amount of Rs. 6,62,97,822/- deposited in this Court by respondent No.5 to the District Collector, Aurangabad and the District Collector, Aurangabad to disburse the respective share of the applicants strictly as per the copy of Award under Section 28-A of the Land Acquisition Act showing the names of the applicants, their area etc.

5. The amount so disbursed by the Collector would be subject to final outcome of the Writ Petitions filed in this Court at the instance of Acquiring Body. The applicants will submit undertakings individually to the Collector to the above effect and also to make a statement in the undertakings that in case the Writ Petitions filed by the Acquiring Body are allowed, the applicants will have to return the amount back to the Acquiring

Body with the interest at the rate of Rs. 9 % per annum. We further make it clear that the District Collector, Aurangabad to undertake this exercise of disbursing the amount to the applicants as early as possible and not later than two weeks from the date of this order. The District Collector, Aurangabad may authorise and depute any officer, not below the rank of Deputy Collector (SLAO), to complete this exercise as per the directions of this court.

6. Authenticated copy be supplied to the learned Counsel appearing for respondent No.5 as well to learned Addl. Government Pleader.

7. The Civil Applications are disposed of.

(AVINASH.G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

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