

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

WRIT PETITION NO. 10949 OF 2019

**EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION AND
ANOTHER
VERSUS**

BHURASING SHANKAR RATHOD AND OTHERS

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Advocate for the Petitioners : Shri P. R. Katneshwarkar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 3rd SEPTEMBER, 2019.

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PER COURT :

1. This matter was not on board. An extreme urgency was expressed at 10.30 a.m. and hence this petition is taken on the production board.

2. I have considered the submissions of the learned Advocate for the petitioners and have gone through the petition paper book with his assistance.

3. Issue is as regards the payment of enhanced compensation to the claimants whose lands have been acquired in a project. On 13/08/2019, the executing Court

had issued notice to the SLAO, Superintending Engineer and Executive Engineer of the acquiring body to show cause as to why the amount of increased interest on account of delaying the payment of compensation should not be recovered from the salary of the defaulting officer / judgment debtor. On 19/08/2019, the Superintending Engineer tendered an explanation to the executing Court.

4. In another proceeding, the Trial Court has issued an order directing the judgment debtor to file a statement of the amount of interest increased on the awarded compensation due to delay in payment. Such an explanation was not tendered in response to the said order and hence the executing Court passed an order on 28/08/2019 calling upon the concerned Executive Engineer and Chief Engineer as to why action should not be taken against them for contempt of Court.

5. The learned Advocate for the petitioners submits that the learned Division Bench of this Court has passed an order on 18/09/2017 in PIL No. 34/2017 with connected group of Writ Petitions expressing that it was desirable that the amount

of compensation shall be disbursed by following the seniority of the claims and the disbursement should be in a transparent manner.

6. I find that the notice dated 28/08/2019 as an outcome of the petitioners having not submitted a statement as directed. The learned Advocate for the petitioners submits that the claimants have taken the entire amounts and are satisfied. Nothing remains in the execution proceedings.

7. In view of the above, this petition is disposed off.

8. These petitioners are at liberty to file a proper explanation before the executing Court and submit a statement in each of the matters pending with regard to the interest that has increased due to the non payment of the compensation amounts within time. The petitioners shall also cite the order of the learned Division Bench of this Court dated 18/09/2017 so as to make out a case that they were depositing the compensation amount as per the seniority of the claims. This Court is sure that the executing Court would consider the

explanation in proper perspective and shall pass a judicious order.

9. The Executive Engineer and the Chief Engineer shall tender the explanations under their signatures. Personal appearance is exempted as a show cause notice has been issued and it is not a case of issuance of process.

(RAVINDRA V. GHUGE, J.)

shp/-