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

**CIVIL APPLICATION NO.13382 OF 2019
WITH
CIVIL APPLICATION NO.13383 OF 2019
IN/WITH
CONTEMPT PETITION NO.50 OF 2017
IN
WRIT PETITION NO.8497 OF 2014**

Nana s/o Kachru Nikam,
died, through L.Rs.
Babasaheb s/o Namdeo Nikam & ors. ..APPLICANTS

VERSUS

The Chief Secretary,
Irrigation Department,
State of Maharashtra, Mantralaya,
Mumbai-32 & ors. ..RESPONDENTS

Mr D. A. Bide, Advocate holding for Mr C. K. Sonawane, Advocate
for applicants;
Mr S. S. Dande, A.G.P. for respondent Nos.1 to 4;
Mr S. G. Bhalerao, Advocate for respondent No.5

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

DATE : 15th November, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the applicants,
learned Asstt. Govt. Pleader appearing for respondent Nos.1 to 4 and
Mr Bhalerao, learned Counsel appearing for respondent No.5.

(2)

2. For the reasons stated in application, Civil Application No.13383 of 2019 for bringing on record L.Rs. of the petitioner No.1 is allowed.

3. On the ground of non compliance of the order of this Court, whereby the authorities were directed to complete the procedure of declaration of award and disbursement of the amount of compensation, the contempt petition was filed.

4. By our order dated 27th September, 2019, passed in Contempt Petition No.50 of 2017, respondent No.5 was directed to deposit the amount of Rs.7,53,062/- by way of cheque or demand draft. In compliance of the order of this Court, the amount of Rs.7,53,062/- is deposited in this Court.

5. By the present civil application, the applicants pray for withdrawal of the amount. It is submitted that withdrawal of the amount would satisfy the claim for compensation and the same would also be a compliance of the order of this Court in letter and spirit.

6. It is not in dispute that the order passed by the Division Bench of this Court attains finality, as no proceedings is initiated in challenge to the order of this Court. Accordingly, we allow the present civil application in terms of prayer clause (B), (C) and (D).

(3)

7. Needless to state that allowing the application leads to compliance of the order of this Court and as such, the grievance of the petitioners in the present contempt petition no more survives. Resultantly, the contempt petition is also disposed of.

8. By an order dated 27th September, 2019, this Court referred to the issue of the establishment expenses to the tune of Rs.22,308/- in the present matter and called for an explanation and kept the issue for consideration. As per the submission of learned Asstt. Govt. Pleader, in view of the provisions of Land Acquisition Manual and the Government Resolutions, the authority, namely, Special Land Acquisition Officer is entitled to ask for the establishment expenses.

9. As the petitioners are permitted to withdraw the amount deposited in this Court and a statement was made that withdrawal would satisfy the claim of the petitioners, the issue referred to by us in the order dated 27th September, 2019 is kept open and may be considered in the appropriate proceedings.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

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