

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

**CONTEMPT PETITION NO. 40 OF 2019
IN
WRIT PETITION NO.8629 OF 2014**

1. Kacharu S/o Tulshiram Gadhekar
Age: Major, Occ.Agril.
2. Rustam Baburao Gadhekar
Died Through L.Rs.
Dnyaneshwar s/o Rustam Gadhekar,
Age Major, Occ.Agril.,
3. Rekhabai w/o Narayan Gadhekar,
Age:Major, Occ.Agril.,

All R/o Girsawali, Tq.Aurangabad
Dist.Aurangabad

PETITIONERS

VERSUS

1. E.B. Patil,
Age:Major, Occ.Service
As a Secretary Irrigation, Department,
Mantralaya, Mumbai
2. Purshottam Bhapkar
Age: Major, Occ.Service,
As a Commissioner, Land Acquisition,
Aurangabad, Tq.& Dist.Aurangabad
3. Vikas Chaudhari
Age: Major, Occ.Service
As a Collector, Aurangabad
Tq.& Dist.Aurangabad

4. Bhausahab Jadhav
Age: Major, Occ. Service,
As a Special Land Acquisition Officer
JP-1, Aurangabad
Through Sub Divisional Officer,
Paithan-Fulambri, Mukundwadi,
Aurangabad
5. Anil Nimbhore
Age: Major, Occ. Service
As Executive Engineer,
Minor Irrigation, Division No.1
Dist. Aurangabad

RESPONDENTS

Mr D.S. Bide, Advocate h/f Mr V.B. Wayal, Advocate for the petitioners;
Mrs P.V. Diggikar, A.G.P. for respondent/State;
Mr S.G. Bhalerao, Advocate for respondent No.5;

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

DATED : 2nd DECEMBER, 2019

ORAL ORDER:

In response to the notice issued to respondent No.5 by order dated 4th November, 2019, learned Counsel for respondent No.5 submitted that due to personal difficulties, respondent No. 5 was unable to take appropriate steps within stipulated period. In response

to the simple notice issued by this Court dated 20th August, 2019, it was submitted by learned Counsel for the respondent No. 5 that as the marriage of daughter of respondent No.5 was to solemnize, respondent No. 5 was on leave and as such, he was unable to pay attention to the communication and respondent No. 5 tenders unconditional apology to this Court.

2. Learned Counsel for respondent No. 5 then submitted that award was passed in the matter by competent authority on 22nd February, 2018 and communication dated 25th June, 2018 was received from the office of the Collector, Aurangabad by the office of Executive Engineer, Minor Irrigation, Division No.1, Aurangabad on 30th June, 2018, wherein there is a reference to the amount of compensation to the tune of Rs. 8,38,214/- with a reference to establishment expenses plus office expenses to the tune of Rs. 67,057/-, total payment of compensation of Rs.9,05,271/-.

3. Learned Counsel for respondent No. 5 submitted that respondent No. 5 be permitted to deposit the cheque of amount of Rs.8,68,271/- i.e. amount of compensation to the tune of Rs. 8,38,214/- plus interest accrued on the said amount.

4. Learned Counsel for respondent No. 5 submitted that there is no reference to the amount establishment expenses or the office expenses in the award dated 22nd February, 2018.

5. Per contra, Mrs. Diggikar, learned A.G.P. orally submitted that this amount of establishment expenses and office expenses is to be recovered as per provisions of Land Acquisition Manual.

6. Be that as it may. This issue cannot be considered by us in the present contempt petition for the simple reasons; firstly, it is beyond the scope of contempt petition and secondly, the order of this Court

dated 10th February, 2015, by which non-compliance was alleged refers to a directions to respondent No. 5 in respect of payment of amount of compensation to the petitioners within stipulated period. Thus, we see no reason to deprive the petitioners from the amount of compensation on the ground of some dispute between two wings of the Government. Needless to state that if any such dispute is there, the concerned departments or concerned wings of the State Government have a remedy available to resolve the dispute amicably.

7. Considering this fact situation, we permit respondent No. 5 to deposit the cheque drawn in favour of Registrar (Judicial) of this Court to the tune of Rs. 8,68,271/- in this Court within one week from today alongwith necessary approval and communications. On deposit of the cheque within stipulated period of one week alongwith the tabular statement showing the entitlement of the each petitioners, the petitioners are permitted to withdraw the amount within one week

thereafter subject to satisfaction of the Registrar (Judicial) of the Court on the backdrop of chart being submitted by respondent No. 5.

8. As the order of this Court is now duly complied with, contempt petition is disposed of accordingly.

[ANIL S. KILOR, J.]

[PRASANNA B. VARALE, J.]