

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION STAMP NO.26408 OF 2019
IN
WRIT PETITION NO.13814 OF 2016

Shri. Bhika Shankar Jambhulkar

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. S. M. Sabrad, Advocate for the Petitioner.

Mr. M. M. Pabale, AGP for Respondent Nos.1, 4 & 5.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 17th JANUARY, 2020

P.C.

1] Land bearing Survey No.257/4 in Mouje Hinjewadi, Taluka Mulshi, District Pune was sought to be acquired. A notification dated 6th November 1992 was issued under Section 4 of the Land Acquisition Act, 1894 and an entry was made in the revenue record that the land was proposed to be acquired. The purpose of the entry was that Revenue Officers stood alerted and the consequence was that the Revenue Officers could not transfer the said land. However, the land was not acquired. Acquisition proceedings lapsed. Unfortunately, in the revenue record the entry 'reserved for the purpose of rehabilitating the project affected persons' continued.

- 2] Petitioner filed a Writ Petition No.13814 of 2016 which was tagged with three other Writ Petitions and was allowed on 22nd December 2016, directing deletion of the said entry of reservation.
- 3] Grievance is that the entry has not been deleted.
- 4] Rather than to punish the officers for their neglect, it would be better that we exercise our power under Article 226 of the Constitution of India and declare that the entry in question is deleted. We further hold that if any Revenue Officer acts on the basis of said entry he would be personally liable for the wrong committed.
- 5] We direct that this order be kept in the record of 7/12 extract and would be read as deletion of the said entry.
- 6] The Contempt Petition is disposed of.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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Balaji G.
Panchal
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