

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.345 OF 2019
IN
WRIT PETITION NO.316 OF 2017(D)

Shri Kailashnath Krishnarao Waghdhare and another

-vs-

Smt. Shital Deshmukh, Deputy Collector, Special Land Acquisition General, Nagpur
(Maharashtra) and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Aniket Waghdhare, Advocate for petitioners.
Ms S.S. Jachak, A.G.P. for Respondent No.1 and 2.

CORAM : A. S. CHANDURKAR AND N.B. SURYAWANSHI, JJ.
DATE : 05/02/2021.

It is the grievance of the petitioners that the directions issued in Writ Petition No.316/2017 are not being complied with by the respondents and hence the petitioners are required to file the present proceedings. In Writ Petition No.316/2017, the award passed under the provisions of the National Highways Act, 1956(for short "the Act of 1956") was sought to be challenged on various grounds. By the judgment dated 28/03/2019 this Court set aside the award in respect of the land owned by the petitioners. The respondents were directed to determine the amount of compensation payable in respect of the land owned by the petitioners as per the market value on the date of taking possession in accordance with Section 3-E of the Act of 1956. The petitioners assured the Court that they would co-operate in handing over the possession of their land as and when they were called upon to do so in writing.

2. According to the learned counsel for the petitioners unless the date on which possession of the land is to be taken by the respondents is known to the petitioners, they would not be in a position to claim appropriate compensation. It is thus the contention that the date of taking possession should be intimated to the petitioners in advance but the same has not been done.

3. After the notice was issued in the present proceedings an additional affidavit has been filed by the Competent Authority in which it has been stated that in accordance with the provisions of Section 3-E of the Act of 1956, the procedure prescribed would be followed and within a period of 60 days from the service of notice the possession of land would be taken.

4. It is thus clear that on issuing notice under Section 3-E (1) of the Act of 1956, the date when possession would be taken would be communicated to the petitioners by issuing notice. Thereafter the petitioners would be free to make their claim for appropriate compensation.

5. In that view of the matter we find that there is no wilful breach of the directions issued in the aforesaid writ petition by the respondents. Hence the contempt petition is disposed of.

JUDGE

JUDGE