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

925 CONTEMPT PETITION NO.199 OF 2019
IN WP/5925/2015

**PRALHAD BAPURAO GUDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr M. V. Navandar, Advocate for petitioners;
Mr S. G. Sangle, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 16th September, 2022

PER COURT:

1. The petitioners have put forth prayer clauses (B) and (C),
which read as under :-

“(B) The Respondent No. 2 to 4 may be punished under the Contempt of Courts Act, 1971 for disobedience and non-compliance of the order dated 17th November 2015 passed by this Hon’ble Court in Writ Petition No. 5925 of 2015

(C) Any other suitable order or relief be passed in favour of the petitioners, to which they are found entitled to in the interest of Justice and in the facts and circumstances of the case.”

2. We have considered the submissions of the learned A.G.P.
His records do not indicate that, the State has preferred an appeal

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against the Judgment and Award dated 13/10/2011, in L.A.R. No. 472/1998 under Section 28A of the Land Acquisition Act, 1894.

3. In view of the above, we deem it appropriate to pass an order as under :-

(a) If the respondents authorities have not preferred a first appeal, the amount granted/decreed, along with interest, would be withdrawn by the petitioners, by tendering an affidavit undertaking, duly identified by an Advocate, declaring that, if they are held in any proceedings to have been paid excess amounts, they would re-deposit the said amounts within eight weeks.

(b) In the event, the First Appeal is preferred by the authorities, the petitioners would withdraw 50% of the amounts with an affidavit undertaking, containing the same undertaking recorded above.

(c) 25% of the amount would be withdrawn under a Bank Guarantee and the remainder 25% amount shall be invested in any Nationalized Bank in the Fixed Deposit Receipt.

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4. In view of the above and by the consent of the petitioners, this contempt petition is disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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