

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

105 WRIT PETITION NO.9845 OF 2022

BASWARAJ VAIJNATH MULE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS

...
Advocate for Petitioner : Mr. K. P. Rodge
AGP for Respondents-State : Mr. S. K. Tambe
Advocate for Respondent No.4 : Mr. B. R. Surwase
...

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

DATE : 27th September, 2022

PER COURT :

1. The petitioner has put forth prayer Clauses 'B' and 'C' as under :-

(B) By a writ of mandamus or any other appropriate writ or direction in the like nature, respondent No.4 may kindly be directed to determine and pay the amount of rental compensation to the petitioner, together with interest as per relevant government resolution on amount of award forthwith.

(C) By a writ of mandamus or any other appropriate writ or direction in the like nature, respondent No.4 may kindly be directed to determine and pay the petitioner the amount of

statutory interest under section 34 of the Land Acquisition Act.

2. We requested Mr. B. R. Surwase, the learned Advocate, who is on the panel of Advocates, to represent respondent No.4.

3. Having considered the submissions of the learned Advocates, we find that the petitioner had approached this Court in Writ Petition No.6090 of 2019. He was seeking rental compensation. By order dated 25/06/2019, the authorities were directed to decide his application on its merits, within a period of nine months. The said application was decided and by communication dated 19/08/2019, issued by the Sub Divisional Officer-cum-Land Acquisition Officer, respondent No.3 herein, respondent No.4 was directed to expeditiously take a decision as is appropriate. It is more than three years and one month that respondent No.4 has not taken a decision. Respondent No.3 had cautioned respondent No.4 that if there is a contempt petition filed on account of non-compliance, respondent No.4 would be held responsible. Yet, no decision has been taken.

4. In view of the above, this petition is disposed off with a

direction to respondent No.4 to ensure that the dues payable to the petitioner along with interest till the date of actual payment, shall be made on or before 30/12/2022. We make it clear that inaction on the part of respondent No.4 would amount to an aggravated contempt.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

gawade/-.