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

**CONTEMPT PETITION NO.716 OF 2017 IN
WRIT PETITION NO.11338 OF 2016**

Narayan Atmaram Kashid & ors. ... **PETITIONERS**

VERSUS

Shri Devendra Singh,
Collector, Dist. Beed & ors. ... **RESPONDENTS**

.....

Mr. Tauseef Yaseen Sayyed, Advocate for petitioners
Mr. P. S. Patil, A.G.P. for respondent no. 1 and 3
Mr. M. N. Navandar, Advocate for respondent no. 2.

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**CORAM : DIPANKAR DATTA, CJ AND
N. B. SURYAWANSHI, J.**

DATE : FEBRUARY 16, 2022.

P. C. :

1. This is an application for contempt, alleging willful and deliberate violation of the terms of the order dated 14/6/2017 of a coordinate Bench of this Court while disposing of Writ Petition No.11338/2016. The operative directions contained in the said order read as follows:

"11. *** Therefore, we direct respondent no.4 Collector/ Special Land Acquisition Officer to compute the amounts/ differential sums within a period of THREE WEEKS from the date of receipt of the copy of this order and raise a demand on the Railways within a period of TWO WEEKS from the date the computation being available and ready. In terms of this calculation and computation, the payments for differential sums, if raised, respondent no.2/ Deputy Chief Engineer (Construction) of Central Railways has to then arrange and make deposits within a period of TWO MONTHS from the date of receipt of the demand from the respondent no.4 Deputy Collector/ Special Land Acquisition Officer. Any default on the part of the Authorities in complying with our directions, shall invite such proceedings as are permissible in law including action in contempt."

2. We find that Shri Devendra Singh, the Collector, Beed; Shri Vikas Rajaram Mane, the Special Land Acquisition Officer/ Deputy Collector, Jayakwadi Project, Beed; and Shri Chandra Bhushan, the Deputy Chief Engineer (Construction), Central Railway, Ahmednagar, have been included in the array of contemnors/respondents and are accused of committing contempt.

3. From the affidavit of Shri Vikas Rajaram Mane, it

appears that, the final award under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, was declared on 29/9/2017 and the demand proposal of even date for compensation of Rs.18,53,262/- was forwarded to the Deputy Chief Engineer (Construction). From the reply of Shri Chandra Bhushan, we find that the demand proposal dated 29/9/2017 was received in his office on 4/10/2017, whereupon, he immediately forwarded such proposal to the headquarters for necessary sanction from the competent authority. Immediately upon receipt of sanction, a cheque for Rs.18,53,262/- dated 20/12/2017 was issued in the name of the Deputy Collector, Land Acquisition, Jayakwadi Project, Beed and forwarded vide letter dated 21/12/2017. It was thereafter that Shri Vikas Rajaram Mane proceeded to serve notices on the petitioners and consequent upon their appearance disbursed the compensation on 5/2/2018. The petitioners have received such compensation without prejudice to their rights and contentions.

4. Learned counsel appearing for the petitioners

contends that the contemnors/respondents did not abide by the timelines provided in the order dated 14/6/2017 and, therefore, they have committed contempt.

5. Our attention is drawn to the last sentence of paragraph no. 11 of the order, wherein an observation was made by the coordinate Bench to the effect that any default in complying with the directions could invite action including action in contempt.

6. Having noted the facts and circumstances in regard to compliance of the order dated 14/6/2017 and the approach of the contemnors/respondents in relation thereto, we are satisfied that there has been substantial compliance of the said order. The element of willful and deliberate disobedience to the directions passed by the co-ordinate Bench of this Court is missing and, therefore, this is not a fit and proper case where action in terms of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India would be warranted.

7. We also find that after receipt of the compensation as awarded, the petitioners have filed writ

proceedings (Writ Petition No.8610/2019) challenging the revised award dated 29/9/2017.

8. While disposing of the contempt petition, we only observe that it shall be open for the petitioners to pray for interest on delayed payment of compensation within the timelines fixed by the coordinate Bench of this Court when Writ Petition No.8610/2019 is taken up for consideration, and if any such prayer is made, it shall be open to the contemnors/respondents to contest it in accordance with law.

9. The contempt petition, accordingly, stands disposed of. No costs.

(N. B. SURYAWANSHI, J.)

(CHIEF JUSTICE)