

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.105 OF 2022

Sadashiv Dnyandev Khadakhade

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

....

Dr. Ramdas P. Sabban with Ms Arundhati Sabban for the Petitioner.
Mr. Abhijit Pawar i/b. Mr. Dinesh B. Khaire, Senior Advocate for
Respondent No.5.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 2nd MARCH, 2022.

P.C.:-

1. The Petitioner claims that the Respondents have not complied with order dated 28/10/2021 passed by this Court in Contempt Petition No.297 of 2021 and has therefore prayed for initiating contempt proceedings against the Respondents.

2. Heard learned counsel for the Petitioner and learned counsel for Respondent No.5. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records reveal that the Petitioner herein had filed First Appeal No.1175 of 2019 challenging the judgment of the reference court passed in reference. Said appeal was disposed of in view of the consent

terms filed by the parties. Copy of the consent terms, which is placed on record indicates that Respondent No.2 -SLAO had agreed to compute the land value @Rs.2,65,130/ per hectare after deducting the land value that was already paid with all the usual statutory benefits thereon. The consent terms also record that the claimants will not be entitled to get the statutory interest for the period from 4th February, 2014 till 31st December, 2018. As per the terms, the said amount was to be paid to the concerned claimant/land holders under the award as early as possible

3. Pursuant to the said order Respondent No.2-SLAO addressed a letter dated 14/07/2021 to Respondent No.5-Deputy Executive Engineer stating that the value of the land has been determined as per the schedule annexed to the said letter. Since the said amount was not paid, the Petitioner filed a Contempt Petition No.297 of 2021. By order dated 28/10/2021 this Court recorded the statement made by Respondent Nos.3 and 4 that they were willing to deposit the amount of Rs.46,78,543/-. Said statement was accepted and the petition was disposed of with directions to Respondent Nos.3 and 4 to deposit the amount with Special Land Acquisition Officer No.1, Solapur within a period of one week from the date of the order. Since the Petitioner had grievance about computation of compensation, liberty was granted to the

Petitioner to bring to the notice of Respondent Nos.3 and 4 shortfall, if any, in amount of compensation payable to the Petitioner and thereafter Respondent Nos.3 and 4 were directed to consider the same in conformity with the consent terms.

4. Learned counsel for the Petitioner and Respondent No.5 admit that amount of Rs.46,78,543/- which was ordered to be deposited by this Court has already been deposited within the stipulated time. The order has thus been complied with. Learned counsel for the Petitioner states that the Petitioner has already brought to the notice of Respondent Nos.3 and 4 the shortfall in the compensation payable as per the consent terms and that the Respondent Nos.3 and 4 have not replied to the said representation.

5. Learned AGP states that Respondent Nos.3 and 4 shall take appropriate decision on the representation made by the Petitioner within a period of four weeks from the date of receipt of copy of the order.

6. The directions given by the Court have already been complied with. Suffice it to say that the mere fact that Respondent Nos.3 and 4 have not yet considered the representation regarding shortfall would not amount to contempt. The petition is devoid of merits and is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)