

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 130 OF 2022

IN

I.A. NO. 2782 OF 2021

IN

FIRST APPEAL NO. 582 OF 2013

Pandit Tukaram Mendgudale

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

.....

- Dr. Ramdas P. Sabban for the Petitioner
- Ms. Tanaya Goswami, AGP for the State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 20, 2022

P.C.:

1. Heard Dr. Ramdas P. Sabban, learned counsel appearing for petitioner and Ms. Goswami, learned AGP appearing for the respondents.

2. Dr. Sabban has drawn my attention to the twin orders dated 21.08.2019 and 14.10.2021 which specifically direct respondent No. 3 – Special Land Acquisition Officer No. 1, Solapur (“SLAO”) to **disburse the compensation to the claimants / applicants / petitioners before it.** Dr. Sabban made a grievance that despite the orders being in place, the disbursement has not been done by respondent No. 3.

3. Since the petition before me is a contempt petition, this Court directed the learned AGP to take immediate instructions from the

concerned SLAO / Collector as to why the orders passed by this Court were not complied with till date. This was specifically in view of the fact that the proceedings pertain to acquisition of land belonging to the applicants / petitioners which have been acquired for a public purpose under the power of eminent domain against the wishes of the owners of the said land. In that view of the matter; any delay in payment of compensation once determined needs to be viewed strictly, much less to state that in the present case, if the court has passed an order for disbursement, unless and until a grievance is raised by the acquiring body and / or the concerned SLAO in writing before the court, the authority is required to comply with the orders passed by this court. In the present case, despite the aforesaid twin orders being passed, it is the grievance of the applicants / petitioners before me that disbursement has not been done.

4. Learned AGP has taken instructions from the concerned officer after the matter was heard in the morning session and kept back and reheard in the afternoon session. She informed that by letter dated 22.03.2022 (which also bears another date of 31.03.2022 in handwriting), the Deputy Collector (Land Acquisition) No. 1, Solapur has informed the applicants / petitioners about furnishing certain information, *inter alia*, pertaining to disbursement of the deposited amount. It is only after the letter dated 22.03.2021 being placed

before this court by the learned AGP, Dr. Sabban has now informed the court that the applicants / petitioners had by a joint letter dated 14.03.2022 furnished the information to the concerned officer as called for and required by him for the purpose of disbursement. There is a specific reference to the letter dated 14.03.2022 in the letter addressed by the Deputy Collector. Dr. Sabban fairly admits that thereafter the applicants / petitioners have not responded to the letter dated 22.03.2022 till date.

5. Considering the facts involved in the present case, it shall be open to the contempt petitioners to approach respondent No. 3 / concerned officer with all the necessary information as required or called for in the letter dated 22.03.2022 and furnish the same within a period of one week from today. In the event, if the petitioners submit the requisite information to respondent No. 3, respondent No. 3 is directed to abide by and comply with the directions contained in the order dated 21.08.2019 read with the order dated 14.10.2021 and disburse the amounts to the petitioners.

6. In the event if the requisite information is submitted by the petitioners within a period of one week, respondent No. 3 / concerned officer shall endeavor to disburse the compensation at the earliest and in any event within a period of two weeks thereafter by following the due process of law and in accordance with law.

7. In view of the rival contentions argued by both the learned counsel in the aforementioned two letters dated 14.03.2022 and 22.03.2022, respondent No. 3 is directed to specifically inform the petitioner as to what documents / information he requires from the petitioner with respect to disbursement / apportionment. The information that will be conveyed by respondent No. 3 shall not be in the abstract but specific so that petitioners can meet and furnish the same to respondent No. 3. If required, the petitioners shall also be given an opportunity of hearing within the next one week so as to ensure that the documents required by respondent No. 3 are given by the petitioner as called for.

8. This court appreciates the immediate efforts and instructions taken by the learned AGP in the present matter.

9. Contempt petition stands dismissed with the above directions.

[MILIND N. JADHAV, J.]

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