

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 114 OF 2022

Kisan Sopan Lokhande	...	Petitioner
Versus		
Rajesh Deshmukh,		
The Collector, Pune	...	Respondent

WITH

CONTEMPT PETITION NO. 115 OF 2022

Tukaram Bhika Tupe	...	Petitioner
Versus		
Rajesh Deshmukh,		
The Collector, Pune	...	Respondent

WITH

CONTEMPT PETITION NO. 116 OF 2022

Sudam Baburao Lokhande	...	Petitioner
Versus		
Rajesh Deshmukh,		
The Collector, Pune	...	Respondent

WITH

CONTEMPT PETITION NO. 117 OF 2022

Chandrakant Pandharinath Lokhande	...	Petitioner
Versus		
Rajesh Deshmukh,		
The Collector, Pune	...	Respondent

WITH

CONTEMPT PETITION NO. 118 OF 2022

Shantaram Sopan Lokhande	...	Petitioner
Versus		
Rajesh Deshmukh,		
The Collector, Pune	...	Respondent

WITH

CONTEMPT PETITION NO. 119 OF 2022

Bapu Shankar Pachpute	...	Petitioner
Versus		

Rajesh Deshmukh,
The Collector, Pune ... Respondent

WITH

CONTEMPT PETITION NO. 120 OF 2022

Shankar Shivram Lokhande ... Petitioner
Versus

Rajesh Deshmukh,
The Collector, Pune ... Respondent

WITH

CONTEMPT PETITION NO. 121 OF 2022

Dattatraya Sopan Lokhande ... Petitioner
Versus

Rajesh Deshmukh,
The Collector, Pune ... Respondent

Mr. Sachin Deokar, Advocate for the Petitioners.

Mr. R. S. Pawar, AGP for the Respondents/State.

CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.

DATED : APRIL 6, 2022

P.C.

1. The learned Counsel for the petitioners submits that the respondents have wantonly, deliberately and willfully refrained from abiding by the orders of this Court dated 17th January 2019 passed in the writ petition filed by the petitioner. The learned Counsel submits that under the said order, this Court quashed and set aside the award passed under the Land Acquisition Act, 1894 (hereinafter referred to as “**the Act, 1894**”). This Court further observed that it will be open for the appropriate Government if it so chooses to initiate proceedings for acquisition of the said land afresh

in accordance with provisions of Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “**the Act, 2013**”). The learned Counsel submitted that till today the notice under Section 12(2) of the Act, 1894 is not issued. The learned Counsel further submitted that the mutation entry which was effectuated in the name of State is not still deleted. Name of the petitioner ought to have been effectuated. As the said mutation entry has not been deleted pursuant to the orders passed by this Court, the respondents are guilty of contempt of the orders passed by this Court.

2. We have heard the learned AGP.

3. The order of this Court is specific. This Court has declared that the award passed under the Act, 1894 stands lapsed. This Court further observed that if the respondents are inclined to initiate fresh acquisition proceedings, then the same would be in accordance with the Act, 2013.

4. Save and except the above, no further directions have been given by this Court under the order dated 17th January 2019 of which the contempt is alleged to have been committed by the respondents.

5. It is for the respondents to initiate fresh acquisition proceedings if they so chose to. It appears that the Court had not given time frame to initiate fresh proceedings under Act 2013. The judgment was delivered by the Court on 17th

January 2019. Three years have lapsed since the judgment of this Court. According to the learned Counsel for the petitioner no fresh proceedings for acquisition under the Act, 2013 are initiated till today.

6. Naturally, if the respondents are not eager to acquire the property resorting to Act 2013, then the mutation entry of the same needs to be deleted. The said steps can be undertaken by the parties. The petitioner may apply to the Competent Authority for deletion of the mutation entry and the said application shall be considered by the Authority in accordance with the judgment passed by this Court on 17th January 2019. The petitioner shall bring it to the notice of the concerned Authority the judgment of this Court while making the application for deletion of the mutation entry.

7. Contempt petitions are accordingly disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)

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