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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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VASANT
ANANDRAO IDHOL
Date: 2022.07.20
14:30:00 +0530

CONTEMPT PETITION NO.102 OF 2022

Bhika H.Balkawade & Ors.

...Petitioners

V/s.

Uttam Patil, Dy. Collector (Rehabilitation)

Pune, District Pune & Ors.

...Respondents

Mr.Sanjiv A, Sawant with Mr.A.P. Deshmukh and Mr.Digvijay Palande i/b Mr.Jotiram Jadhav for the Petitioners.

Mr.Vasant S. Gokhale, "B" Panel Counsel for the State - Respondent.

CORAM : R.D. DHANUKA &
M.G. SEWLIKAR, JJ.
DATE : 15TH JULY, 2022.

P.C. :-

1. By this petition, the petitioners seek initiation of action against the respondents alleging wilful disobedience of the order passed by this Court on 21st February, 2018 in Writ Petition (Stamp) No.24537 of 2017.

2. Our attention is invited to the said order and more particularly paragraphs 2 and 3 which indicates that the Deputy Collector (Rehabilitation), Pune, District Pune was directed to consider the proposal of the petitioners for allotment of alternative land in lieu of his land acquired for Kalmodi Irrigation Project and

take a decision as expeditiously as possible and preferably within a period of four weeks from the date of receipt of the said order.

3. Our attention is also invited to the order passed by the Deputy Collector (Rehabilitation) on 15th June, 2022 annexed at Exhibit -1 to the affidavit in reply filed by the respondents. According to the said order, the petitioners are entitled to permanent alternate accommodation and rent for the land bearing gat no.964(2) part admeasuring 0.40 R.

4. The grievance of the petitioners now is that in view of there being 46 family members of the petitioner, the petitioners would be entitled to additional land under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

5. In our view, the demand for additional land now sought cannot be a cause of action for initiating any action under the provisions of the Contempt of Courts Act, 1971 against the respondents. The respondents have already complied with the order, though belatedly. We see no reason to take any action under the provisions of the Contempt of Courts Act, 1971 against the respondents.

6. The respondents are directed to comply with the order passed by the Deputy Collector (Rehabilitation) on 15th June, 2022 in compliance with the order passed by this Court on 21st February,

2018 by allotting and handing over possession of permanent alternate accommodation of 0.40 R to the petitioners in accordance with law within two weeks from today. Upon receipt of the possession of the said land from the respondents, the petitioners would be at liberty to apply for change in the mutation record.

7. Notice is discharged.

8. The contempt petition is dismissed. There shall be no order as to costs.

(M. G. SEWLIKAR, J.)

(R.D. DHANUKA, J.)