

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CONTEMPT PETITION NO. 813 OF 2016
IN WP/6819/2015 WITH CP/814/2016 IN WP/6875/2015 WITH CP/
815/2016 IN WP/6876/2015 WITH CP/816/2016 IN WP/6820/2015
WITH CP/817/2016 IN WP/6877/2015

BABULAL S/O TRIMBAK BANKAR AND OTHERS
VERSUS
I. S. CHAHAL AND OTHERS

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Advocate for Petitioners : Mr. M. R. Jamdhade
h/f Mr. N. R. Jamdhade
AGP for Respondent-State : Mrs. M. A. Deshpande
Advocate for Respondent No.5 : Mr. S. G. Bhalerao
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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 27 MARCH 2023

PER COURT :-

1. Heard.
2. This Court in Writ Petition No. 6819 of 2015 and connected matters, by order dated 14.09.2015, had directed the Collector and Special Land Acquisition Officer to consider the petitioners' applications preferred under Section 28A of the Land Acquisition Act, 1894 and to pay the compensation within a stipulated time.

3. Learned Advocate for the respondent acquiring body submits that pursuant to the directions of this court, an award was passed under Section 28A of the Land Acquisition Act in favour of the petitioners on the basis of the award passed in Lok Adalat. The acquiring body had challenged all those awards in Writ Petition No. 8843 of 2017 and connected matters. The learned Single Judge of this Court, by order dated 18.02.2022, relying upon the decision dated 03.02.2022 in the matter of *New Okhla Industrial Development Authority (NOIDA) v. Yunus and others in Civil Appeal No. 901/2022*, wherein it was held that an award passed under the Lok Adalat cannot be the basis for passing of award under Section 28A of the Land Acquisition Act, quashed and set aside the awards.

4. Learned Advocate Ms. Jamdhade submits that the petitioners have preferred a review of the judgment and order dated 18.02.2022 in Writ Petition No. 8843 of 2017 and connected matters and these Contempt Petitions be kept pending till then.

5. Since the respondents were merely called upon to pass the award under Section 28A of the Land Acquisition Act and to pay compensation, which awards have subsequently been passed but set aside by this Court relying upon the decision in the matter of *New*

Okhla Industrial Development Authority (NOIDA) (supra), nothing survives in these petitions. All these contempt petitions are disposed of.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]

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