

Vidya Amin

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

**CONTEMPT PETITION NO. 366 OF 2023
IN
WRIT PETITION NO. 5825 OF 2021**

Babu Kondiba Takalkar (Since Decd.) through LRs ... Petitioners
Hausabai Baburao Takalkar & Ors.

Versus

Sandesh Shirke, Deputy Collector (Rehabilitation), ... Respondents
Pune & Ors.

**WITH
CONTEMPT PETITION NO. 368 OF 2023
IN
CONTEMPT PETITION NO. 27 OF 2022
IN
WRIT PETITION (ST.) NO. 6569 OF 2019**

Nabu Dagadu Dhivar & Ors. ... Petitioners

Versus

Rohini Akhade, Deputy Collector, Rehabilitation, ... Respondents
Pune & Ors.

**WITH
CONTEMPT PETITION NO. 369 OF 2023
IN
CONTEMPT PETITION NO. 335 OF 2022
IN
WRIT PETITION (ST.) NO. 20163 OF 2019**

Kondu Ganpati Kedari (Since Decd.) through LR ... Petitioners
Maruti Kondiba Kedari & Ors.

Versus

Rohini Akhade, Deputy Collector Rehabilitation, ... Respondents
Pune & Ors.

Mr. Nitin P. Deshpande for the petitioners.
Mr. A.I. Patel, Addl. G.P. a/w. Ms. S.S. Bhende, AGP for the State.

**CORAM: G. S. KULKARNI &
JITENDRA JAIN, JJ.
DATED: 2 August, 2023**

P.C.

Contempt Petition No. 366 of 2023

1. Heard Mr. Deshpande, learned counsel for the petitioners and Ms. Bhende, learned AGP for the State.
2. The contempt as alleged in the present proceeding is of an order dated 14 July, 2022, the operative portion of the same reads thus:

“11. In view thereof, following order is passed:

ORDER

- (i) We direct the Deputy Collector (Rehabilitation), Pune to examine the cases of the project affected persons herein with a view to ascertain whether they are project affected persons as claimed by them and whether they are entitled to allotment of lands under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.
- (ii) We further direct the petitioners to appear before the Deputy Collector (Rehabilitation), Pune on 01/08/2022 and produce necessary documents along with their representation claiming benefits. In the event of request made by the petitioners for grant of time to enable them to furnish the documents, it would be open for the Deputy Collector to grant further time after considering their representations together with necessary documents.
- (iii) The Deputy Collector (Rehabilitation), Pune, shall pass appropriate orders as expeditiously as possible preferably within a period of six months from the date of appearance of petitioners before the concerned authority.
- (iv) In the event, the Deputy Collector (Rehabilitation) upholds entitlement of petitioners for allotment of land, it would be necessary for the said authorities to take further steps in pursuance of the decision and necessary steps shall be taken as early as possible and preferably within six months from the date of such decision.

(v) It is needless to mention that the respondent-authority shall have to follow the procedure under Section 16(2) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 i.e., the issuance of notice to the petitioners calling upon them to express their willingness in respect of allotment of land and on receipt of communication to the notice by the concerned authority, to take further steps.

(vi) It would also be obligatory on the part of the petitioner to deposit the amount within the time stipulated in the Act. In the event of any difficulty in respect of allotment of land, it would be obligatory on the part of the authorities to observe the procedure prescribed by law and to pass appropriate orders within the contemplation of sub-section (4) of Section 16 of the Act.”

3. Mr. Deshpande would submit that the petitioners accordingly appeared before the authority on 1 August, 2022 and submitted all the documents, the receipt of which is acknowledged by the concerned officer, namely, the Deputy Collector (Rehabilitation).

4. It appears to us that the petitioners need to appear before the Additional Collector, who shall consider the case of the petitioners in terms of the order passed by this Court. Let the petitioners accordingly appear before the Additional Collector on 11 August, 2023 along with all the documents and thereafter the Additional Collector may pass an appropriate order in terms of the directions of this Court. Keeping open all contentions of the petitioners, further adjudication of this Contempt Petition in the peculiar facts and circumstances of the case is not warranted.

5. Disposed of in the above terms. No costs.

Contempt Petition Nos. 368 of 2023 and 369 of 2023

6. These petitions are disposed of in terms of our above directions, as fairly agreed by Mr. Deshpande, learned counsel for the petitioners. Ordered accordingly.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)