



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 18 OF 2020
IN
WRIT PETITION NO. 2746 OF 2016

Bhimrao Dajirao Kadam (since deceased), through ... Petitioner
LR D.B. Kadam(Missing) through Sou. Dipti D.
Kadam

Versus

The Principal Secretary, Revenue and Forest ... Respondents
Department, Mumbai & Ors.

Mr. Prashant Suryawanshi i/b. Mr. Gajanan M. Savagave for the
petitioner.

Ms. P.J. Gavhane, AGP for the State.

CORAM: G. S. KULKARNI &
JITENDRA JAIN, JJ.
DATED: 11 October, 2023

P.C.

1. This Contempt Petition is filed alleging that the order dated 23 February, 2017 passed by this Court on Writ Petition No. 2746 of 2016 was intentionally not complied. The said order reads thus:

“1. On earlier occasion, the petitioners were asked for an alternate land at different location and now they seek land in Thane district since they have shifted their residence to Thane. It is for the respondents to consider whether it is possible to grant the request of the petitioners or whether there is any other land available in some other district.

2. In the above factual situation, we direct the respondent-authorities to consider these writ petitions as representations of the petitioners and decide it in accordance with law within a period of eight weeks from today.”

2. Reply affidavit of Mr. Bharat Angad Waghmare, Deputy Collector (Rehabilitation Officer), Raigad, District Raigad has been filed on behalf of

respondent no. 3. Insofar the directions of this Court, relevant averments are made in the said affidavit in paragraphs 3, 4 and 5, which reads thus:

“3. I submit that it appears from document Annexed at Exhibit I to the petition, the petitioner vide representation dated 12.12.2014 has demanded alternate land in Thane District and DRO Office, Thane vide letter dated 21.06.2023 sought information from DRO Office Raigad about grant of any other alternate land to the petitioner in Raigad District. Accordingly, DRO Office Raigad vide letter dated 18.07.2023 informed DRO Office, Thane that no such land has been allotted to the petitioner in Raigad District. Annexed hereto and marked as Exhibit -1 (Colly.) are the copies of said letters dated 21.06.2023 and 18.07.2023.

4. I submit that the petitioner and her constituted attorney Mr. Rajendra Baliram Kadam had also submitted another applications dated 30.03.2015 and 19.10.2015 to the office of DRO Raigad and thereby demanded alternate land in Taluka Panvel of the Raigad District. In this regard, I submit that DRO Office Raigad vide letters dated 05.07.2016 and 30.11.2016 sought reports from Tahsildar Panvel and DRO Office Satara respectively and thereafter DRO Office Raigad has decided said representations of the petitioner and rejected the demand of petitioner for grant of said alternate land in Raigad District; since it was informed by DRO Office Satara that the petitioner has already been allotted alternate land at village Mangalvedha, Taluke Mangalvedha, District Solapur. Accordingly, it has been informed to the petitioner and her Constituted Attorney vide letters dated 15.07.2017. Annexed hereto and marked as ‘Exhibit-2)(Colly) are the copies of said letters dated 15.07.2017.

5. I submit that these respondents have taken all possible steps for timely compliance of said order of this Hon’ble Court and there is no any willful disobedience on the part of these respondents.”

3. Learned AGP has drawn our attention to the averments as made in the reply affidavit as also to the decision taken on the petitioner’s representation and communicated to the petitioner by letter of the Deputy Collector dated 15 July, 2017 (page 31 and 32 of the affidavit). The decision which is recorded in the said communication is to the effect that the petitioner, who claimed to be the project affected persons of Koyna Project has already been allotted alternate

land admeasuring 1.60.0 R at Mangalveda, District Solapur and hence the petitioner's request for allotment of a land at Taloja, Taluka Panvel, District Raigad in Survey No. 113/1 cannot be accepted. Both the communications are dated 15 July, 2017 (pages 31 and 32) one addressed to Smt. Dipti alias Shaila Dajirao Kadam and second communication addressed to Rajendra Baliram Kadam.

4. Considering the averments as made in the reply affidavit as also the communications dated 15 July, 2017 and in compliance of the order dated 23 February, 2017, we are of the clear opinion that there is no intentional/deliberate disobedience of the order passed by this Court. We, accordingly, reject the Contempt Petition. No costs.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)