



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1052 WRIT PETITION NO. 6838 OF 2018

SUDAM SAHEBA AVHAD AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Shri C.K. Shinde, Advocate for the Petitioners.

Ms.Neha B. Kamble, AGP for Respondent Nos.1 to 3 and 6/State.

Shri V.M. Chate, Advocate for Respondent Nos.4 and 5.

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 26th July, 2024

Per Court :-

1. Pursuant to our order dated 28.06.2023, following persons filed their affidavits in reply:-

(a) Shri Dinesh Tarachand Waghmare, Principal Secretary (EGS), Planning Department, Mantralaya, Mumbai, on 23.07.2024.

(b) Shri Dilip Balkrishna Gawade, Divisional Commissioner, Chhatrapati Sambhajinagar, on 23.07.2024.

(c) Shri Avinash Prabhakarao Pathak, District Collector, Beed, on 26.07.2024.

(d) Shri Pramod Dattatray Kudale, Sub-Divisional

Officer, Sub-Division, Patoda, District Beed, on 25.07.2024.

(e) Shri Hemant Chandrakant Pimpalgaonkar, Incharge In-charge Executive Engineer, Minor Irrigation, Zilla Parishad Division, Beed, on 24.07.2024.

(f) Shri Satish Bajirao Patil, In-charge Deputy Engineer, Minor Irrigation, Zilla Parishad, Sub Division, Ashti, District Beed, on 24.07.2024.

2. All the above affidavits have been filed within four weeks of our order because of the following factors:-

(a) This petition having been filed in 2018, was heard by this Court (Coram : **Nitin W. Sambre and S.G. Chapalgaonkar**, JJ.) on 19.04.2023 and as none of the Respondents had filed their replies for 4 years, the Bench directed the Respondents to file their replies within six weeks, failing which, costs would be saddled and contempt notice would be issued. The Respondents did not obey the above order for 14 months.

(b) Hence, we passed an order on 28.06.2024, thereby issuing contempt notice.

3. We are informed that the Principal Secretary, whose name appears in the order dated 28.06.2024, had retired and it was Mr.Dinesh Tarachand Waghmare, who is working as the Principle Secretary (EGS), Planning Department, who has now filed the affidavit in reply. As such, the name of Shri Sudhir Shrivastava, who has already superannuated, would stand deleted from paragraph No.3 of our order dated 28.06.2024. Considering the peculiar fact that Shri Shrivastava has superannuated and the Principal Secretary Shri Waghmare, who has later on joined, has filed the affidavit in reply, we would not impose costs on the said officer.

4. We are also not imposing costs on Shri Dilip Gawade, Divisional Commissioner, Chhatrapati Sambhajinagar, since he has taken charge in the month of June, 2024. Same is the case with Shri Avinash Prabhakarao Pathak, who has taken over as the Collector of District Beed, on 20.06.2024. Hence, no costs on Shri Avinath Pathak.

5. Insofar as the other officers are concerned, namely, (a) Shri Pramod Dattatray Kudale, Sub-Divisional Officer, Sub-Division, Patoda, District Beed, (b) Shri Hemant Chandrakant Pimpalgaonkar, Incharge In-charge Executive Engineer, Minor Irrigation, Zilla Parishad Division, Beed, and (c) Shri Satish Bajirao Patil, In-charge Deputy Engineer, Minor Irrigation, Zilla Parishad, Sub Division, Ashti, District Beed, each of them volunteer in the open Court to deposit amounts Rs.15,000/- (Fifteen Thousand) each, in this Court, from their salary accounts by account payee cheques, within 15 days from today. The Petitioners are at liberty to withdraw the said amounts under identification of their learned Advocate.

6. We direct the Chief Executive Officer, Zilla Parishad, Beed to enter this order and direction to pay cost with regard to Shri Satish Bajirao Patil and Shri Hemant Chandrakant Pimpalgaonkar in their service books. So also, the Principal Secretary, Revenue and Forest Department, Maharashtra State, Mantralaya, Mumbai, shall enter this order with reference Shri Pramod Dattatray Kudale, in his service book.

7. The Registrar (Judicial) of this Court shall place this order before the Chief Executive Officer, Zilla Parishad, Beed and the Principal Secretary, Revenue and Forest Department, Maharashtra State, Mantralaya, Mumbai.

8. Shri Shinde, the learned Advocate for the Petitioners, submits that the amount has been transferred to the Collector, Beed, by the Divisional Commissioner and the amount will have to be disbursed to the Petitioners in terms of the statement 'E' within a period of fifteen days from today.

9. The learned AGP submits, on instructions, that the amount will be disbursed within fifteen days. The statement made on instructions, is recorded.

10. In view of the above, **this Writ Petition is disposed off.**

kps

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)