



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO. 543 OF 2024
IN WP/3159/2022

Hiralal S/o Ragho Pure
VERSUS
Shri. Deelip Swami & Ors

AND

CONT. PETITION NO. 544 OF 2024
IN WP/3156/2022

Pralhad S/o Devrao Chopade
VERSUS
Shri. Deelip Swami & Ors

AND

CONT. PETITION NO. 545 OF 2024
IN WP/3114/2022

Kisan S/o Ragho Pure
VERSUS
Shri. Deelip Swami & Ors

WITH

CONT. PETITION NO. 550 OF 2024
IN WP/3116/2022

Yeduba S/o Ragho Pure
VERSUS
Shri. Deelip Swami & Ors

WITH

CONT. PETITION NO. 546 OF 2024
IN WP/3113/2022

Devidas S/o Masu Pure
VERSUS
Shri. Deelip Swami & Ors

WITH
CONT. PETITION NO. 549 OF 2024
IN WP/3111/2022

Sakhahari S/o Devrao Chopade Died
VERSUS
Shri. Deelip Swami & Ors

WITH
CONT. PETITION NO. 561 OF 2024
IN WP/3115/2022

Manohar S/o Karbhari Ghavte
VERSUS
Shri. Deelip Swami & Ors

WITH
CONT. PETITION NO. 560 OF 2024
IN WP/3110/2022

Smt. Zhumberbai Pannu Lenwar Died
VERSUS
Shri Deelip Sawmi & Ors

- Mr. D. A. Mane h/f Mr. D. M. Pingale, Advocate for the Petitioner
- Mr. K. B. Jadhavar, AGP for the Respondent/State

CORAM : KISHORE C. SANT, J
DATE : SEPTEMBER 18, 2024

PER COURT :

1. Heard parties at length.
2. These Petitions are filed alleging contempt on the part of the present Respondent Nos. 1 and 2 of the

order passed by this Court dated 12.07.2023 in WP/3159/2022 and connected Petitions. Paragraph 7 of the said order reads thus:

7. The learned Special Land Acquisition Officer is requested to take decision on the application filed by the petitioners within a period of three months.

3. This Court by way of that order had requested the Officers to take decision on the application filed by the Petitioners within a period of three months. It is now informed that the Authorities have taken decision on 16.08.2024 i.e., after filing of these Contempt Petitions in this Court. Authorities, by way of decision, has rejected the applications of the Petitioners.

4. Learned Advocate for the Petitioners vehemently argued that though technically the Authorities has decided the applications, the same are not decided in accordance with paragraph 6 of the order dated 12.07.2023. Earlier decision of the Authority was

set aside by this Court by making certain observations. Now authorities have assigned the very same reason while deciding the applications afresh and in that view it is an aggravated form of contempt. From the said order, it is seen that the Court had made some observations in respect of applications under Section 28(a) of the Land Acquisition Act. This Court though had observed that even if there are to awards, if the awards are between same parties and from same project those can be considered. Learned Advocate for the Petitioners thus submits that now the authorities cannot state that for considering application under Section 28(a) of the Land Acquisition Act both the lands are not from the same project. This is exactly as per the earlier decision taken by the said authorities.

5. Learned AGP vehemently opposed the Petition. His first submission is that now though, after filing of the Contempt Petitions, the authorities have decided the applications under Section 28(a) pursuant to the order passed by this Court. Now the order is passed on 16.08.2024. He submits that already there is affidavit

filed by the Authorities tendering apology for not taking decision in time. Authorities are intending to file Review Applications or SLP before the Hon'ble Supreme Court. Learned AGP further submits that the submission of the learned Advocate for the Petitioner that authorities ought to have decided the application keeping in view the observations made by this Court in paragraph 6 of the said order is of no use. Authorities are bound by the directions given in paragraph 7 of the order. Thus, directions in paragraph 7 are duly complied with. He thus submits that there is no contempt committed by the Authorities.

6. This Court has considered the arguments of both sides. Paragraph 7, which is reproduced above, only gives direction to decide the applications filed by the Petitioners within a period of three months. This Court had set aside the earlier order and requested the authorities to take decision keeping in view the legal position. This Court thus finds that no case of taking cognizance of contempt as such is made out. This Court cannot take hyper technical approach

while deciding contempt proceedings. As it is only direction was to decide the applications. It is well settled that the Court cannot expect the authorities to decide case before it only in particular way or in a particular manner. The decision is always to be taken independently by applying the mind by the authorities.

7. For the above reasons, this Court finds that these Petitions deserve to be dismissed. In the result, these Petitions stand dismissed.

(KISHORE C. SANT, J.)