



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8098 OF 2024
IN
CONTEMPT PETITION NO. 621 OF 2022

SADASHIV TUKARAM SANAP AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for Applicants : Mr. Ankush N. Nagargoje

AGP for Respondents – State : Mr. S. A. Gaikwad

Advocate for Respondent No.5-Railway in Contempt Petition: Mr. S. S. Deve

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CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

Dated : August 09, 2024

PER COURT :-

1. Present application has been filed for withdrawal of the amount deposited by respondent no.5 Railway Authority in this court. Respondent no.5 – Railway Authority has deposited the amount of Rs.25,00,000/- on 31.01.2024 pursuant to the order passed by this court on 19.12.2023.

2. Learned Standing Counsel for Union of India accepts that the land belonging to the petitioners is with the Railways. He submits that in spite of request to S.D.O., the land has not been acquired by passing an award, and therefore, he prays that while allowing amount to

be withdrawn, some security should be taken and he also prays that S.D.O. be directed to undertake the act of acquisition by passing an award.

3. It is to be noted that, present Civil Application is filed in Contempt Petition. Therefore, we cannot go beyond the scope when the amount has been deposited, which is meant for the petitioners, then definitely it is required to be given to the petitioners. The Railways are at liberty to take any legal action, which may be available.

4. The order passed by this court on 19.12.2023 would show that, some land has been acquired for the construction of Ahmednagar-Beed-Parali Railway Line. However, names of the petitioners have not been mentioned in the award dated 31.12.2015. The statement was also made on behalf of respondent - Railway that, since no demand was raised in respect of compensation to be payable in respect of land forming Plot Nos.11 and 8, they have not paid any amount to the Land Acquisition Officer.

5. The Court has taken a view that, since two plots having taken in possession by the Railway department without paying single rupees to the petitioners, the direction was given to deposit amount of Rs.25,00,000/-. That means this court intends to give the said amount

either as compensation or as the part of acquisition of the land and therefore, we observe that, this amount of Rs.25,00,000/- will have to be taken into consideration by acquiring authority or any authority dealing with acquisition, who may pass award in respect of acquisition of the plots of the applicants/petitioners.

6. Hence, civil application stands allowed and disposed of.

7. The applicants are allowed to withdraw the amount of Rs.25,00,000/- with interest accrued thereon, if any, in the ratio of 50% : 50 %.

8. Place the Contempt Petition for further consideration on 29.08.2024.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)