



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

FIRST APPEAL NO.936 OF 2024

Pralhad Rodbaji Shinde,
Aged about 76 years,
Occupation-Agriculturist,
R/o. Bapu Nagar, Digras,
Tahsil-Digras, Dist. Yavatmal. .. Appellant

..Versus ..

- 1] The State of Maharashtra.
- 2] The Collector, Yavatmal.
- 3] The Special Land Acquisition Officer,
Benefited Zone, Yavatmal.
- 4] The Executive Engineer,
Arunawati Project, At Post
Dhanora, Digras, Tah. Digras,
District-Yavatmal. .. Respondents

.....
Mr. V.N. Patre, Advocate for Appellant.
Ms. Mukta Kavimandan, AGP for Respondent Nos.1 to 3.
Mr. M.A. Kadu, Advocate for Respondent No.4.
.....

**CORAM : SANJAY A. DESHMUKH, J.
RESERVED ON : 24.10.2024.
PRONOUNCED ON : 20.12.2024.**

JUDGMENT :

1. This appeal is preferred against the judgment and award passed by the learned Reference Court/Civil Judge, Senior Division, Yavatmal in L.A.C. No.80/1985, dated 23.08.1989.

2. Appellant/claimant's agricultural land bearing Survey No.6/3 ad-measuring 2.83 HR situated at village Mallapur, Taluka-Digras, District-Yavatmal was acquired for the Arunawati Project.

3. The appellant was not satisfied with the amount of compensation awarded by the Land Acquisition Officer, therefore, filed an objection application. The Land Acquisition Reference Case No.80/1985 was decided in his favour. The learned Reference Court awarded enhanced amount of compensation from Rs. 56,250/- per hectare to Rs.1,59,187/- per hectare along with 12% component interest from the date of notification issued under Section 4 of the Land Acquisition Act, 1894.

4. The delay of 11618 days caused for preferring this appeal was condoned by this court by order dated 18.09.2024 in Civil Application (CAF) No.702/2024.

5. During argument of this appeal, learned advocate for respondent no.4 Mr. M.A. Kadu submitted and pointed out that this appellant had preferred First Appeal No.38/1990 in which the amount of compensation was enhanced. That first appeal was decided by this court on 21.10.1992. He further submitted that this appellant filed Special Leave Petition against that judgment of this Court in the Hon'ble Supreme Court bearing No.7984/1994. It was dismissed by the Hon'ble Supreme Court on 22.04.1994. He pointed out the judgment of the High Court and the Hon'ble Supreme Court. The learned advocate for respondent no.4 further submitted that the appellant has suppressed all these material facts in order to commit the fraud and filed this appeal for the second time. He submitted that the appellant had signed the verification of appeal memo and also executed an affidavit in support of this appeal. He submitted that the appeal be dismissed

and action be taken against the appellant for said criminal mischief.

6. On the request of the learned advocate for the appellant Mr. V.N. Patre, an opportunity was given for explanation, if any, by passing an order dated 11.10.2024. The appellant was directed to remain present before this court on 17.10.2024 and explain, as to why, the criminal action for such fraud/cheating should not be initiated against him.

7. On 17.10.2024, the appellant, Pralhad Rodbaji Shinde remained present before the court and he prayed for apology. For that he filed an affidavit submitting that he is 77 years old and stated that while filing earlier first appeal he had executed a power of attorney in favour of his brother. His affidavit was taken on record and marked as 'X1'. It is lastly prayed to exonerate him from taking action.

8. On the same day, the learned Assistant Government Pleader Ms. Mukta Kavimandan, prayed for permission to file a counter affidavit in support of argument and for taking action against the appellant. Permission was granted, however, it was not filed. Therefore appeal is heard and fixed for judgment.

9. From the judgment of this court in First Appeal No.38/1990, it reveals that the compensation amount was enhanced. He got it. However, the appellant has suppressed this fact. The appellant's criminal intention and motive to deceive the court and defraud the land acquiring body as well as State Government for illegally obtaining an enhanced compensation amount is crystal clear. It is not only misuse but abuse of process of court.

10. Learned advocate Mr. M.A. Kadu and the learned Assistant Government Pleader Ms. Mukta Kavimandan have, on the oral directions of this court, submitted copies of similar other orders of this court. They pointed out some earlier instances which took place in this

court. This court in First Appeal No.469/2022, by order dated 27.02.2024, observed that a serious blunder has been committed by the advocate of the appellants in that appeal by filing such type of appeal for twice. The appeal was dismissed. A similar situation occurred in First Appeal No.18/2022 and appeal was dismissed. It is rightly submitted that such frauds are frequently committed by the claimants. It is judicially noticeable fact and action needs to be taken.

11. The learned advocate for the appellant Mr. V.N. Patre submitted that the appellant is old aged and no serious action be taken against him. He prayed for permission to withdraw the appeal.

12. Hon'ble Supreme Court in the case of **IN RE : Perry Kansagra..Alleged Contemnor, reported in 2022 LiveLaw (SC) 576**, observed as under :

“A person who makes a false statement before the Court and makes an attempt to deceive the Court, interferes with the administration of justice and is guilty of contempt of Court. The Court not only has the inherent power but it

would be failing in its duty if the alleged contemnor is not dealt with in contempt jurisdiction for abusing the process of the Court.”

13. While concluding above precedential law, the Hon’ble Supreme Court held that the Court has not only inherent power, but it would also be failing in its duty if the alleged contemnor is not dealt within contempt jurisdiction for abusing the process of the Court. Hon’ble Supreme Court thereafter directed the Central Bureau of Investigation (CBI), New Delhi through its Director to initiate appropriate proceedings by registering criminal proceedings against that contemnor.

14. Considering dishonest criminal intention and motive of the appellant and his serious nature of criminal mischief, though he is old aged, it would be proper to take serious actions of initiating criminal proceeding against him for cheating and fabricating false document and committing fraud etc. as there is possibility of existence of such racket of the peoples to cheat court and acquiring body of the State Government to extract money under the

caption of enhanced compensation. Further an action for criminal contempt of this courts must be taken against appellant, for that Registry of this court require to file Contempt Petition against him.

15. Considering the fact that valuable time of court went into deciding application for condonation of delay and this appeal also, therefore, it would be proper to saddle heavy costs on the appellant. The learned advocate for the appellant submitted that the appellant is poor framer, therefore, heavy costs shall not be saddled. Considering serious nature of fraud committed with this court, it would be appropriate to direct appellant to pay costs of Rs.1,00,000/- which can be sent to the social organization viz “NAAM FOUNDATION” working for the prevention of suicides of the farmers in the Maharashtra.

ORDER

1. The appeal is dismissed with direction to the appellant to deposit costs of Rs.1,00,000/- (Rs. One Lac only) to be deposited in this court within a period of three months. If it is not deposited, appellant has to pay 9%

interest on it until its realization from the date of uploading of this judgment. After the costs is deposited, it be given to the **Naam Foundation on its Account No.35226127148 (State Bank of India)**, which is working for prevention of suicide of farmers in Maharashtra.

2. The Registrar (Judicial) of this Court is directed to inform to the respondent no.4-acquiring body to lodge the report against the appellant-Pralhad Rodbaji Shinde.

3. The Registrar (Judicial) of this court is further directed to file *suo motu* contempt petition against the appellant-Pralhad Rodbaji Shinde, R/o. Bapu Nagar, Digras, Tahsil-Digras, Dist. Yavatmal.

4. At this stage, the learned advocate for the appellant submitted to stay the execution of this judgment for three months.

5. The learned Assistant Government Pleader strongly objected to grant stay and submitted that considering serious nature of fraud, no stay should be granted for the execution of this judgment.

6. Considering peculiar set of facts, stay is granted for execution of this judgment for two months.

(Sanjay A. Deshmukh, J.)