



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 309 OF 2025
IN WP/8103/2024

Rajendra Bhikanrao Nimbalkar

..PETITIONER

VERSUS

The State Of Maharashtra Through Secretary .RESPONDENTS

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Advocate for the Petitioner : Mr. Nandkishor Jayram Pahune Patil

AGP for Respondent/State: Mr. S. J. Salgare

Advocate for Respondent Nos. 4,5 & 6 : Mr. B. R. Survase

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CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.

DATED : 07th JULY 2025

ORDER:-

1. This Contempt Petition is filed claiming willful disobedience of the order dated 6th August 2024 passed by this Court in Writ Petition No. 8103 of 2024. The order reads as follows :-

“(1) Heard the learned Advocates for the respective sides.

(2) The learned Advocate representing Respondent Nos. 4 to 6, tenders photostat copies of two communications dated 04.07.2024 and 29.07.2024. Both are collectively marked as “X” for identification. He submits, on instructions from Mr. Pawan F. Chvan, Assistant Engineer, Nandur Madhmeshwar Irrigation Division, Vaijapur, Chh. Sambhajinagar, present in the Court, that the entire proceedings would be completed within 60 days from today and a sale deed would be registered and the

payment would be made to the petitioners.

(3) We direct that, since the Respondents have made this statement, the said procedure shall be completed with payment to the petitioners, within 60 days from today.

(4) The Writ Petition is disposed off. ”

2. Pursuant to the order, the Acquiring Body has conducted the proceedings and deposited an amount of Rs. 2,75,29,441/- (Rupees Two Crore Seventy Five Lakh Twenty Nine Thousand Four Hundred Forty One only) with Special Land Acquisition Officer. However, petitioner refused to give consent to the private negotiations, and refused to execute the sale deed. Petitioner requested Special Land Acquisition officer to initiate proceedings under Section 23 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “2013 Act”). By letter dated 07.07.2025, addressed by Special Land Acquisition Officer to the learned A.G.P, it is informed that as per letter dated 23.06.2025, Deputy Collector (Land Acquisition Co-ordination), has addressed a letter to the Special Land Acquisition Officer, Jayakwadi Project, informing that in the present matter, the process of direct purchase is completed and funds are received. The petitioner has withdrawn his consent for direct purchase and has requested to initiate compulsory Land Acquisition Process under the 2013 Act. The petitioner has also requested that the earlier award declared on the basis of direct purchase be cancelled and 80% advance compensation

under Section 40(3) of the 2013 Act be paid to the petitioner.

3. Since the Special Land Acquisition Officer is authorized to carry out land acquisition process, as per Section 52(A)(2) of the 2013 Act, he should initiate further acquisition process in terms of Government Resolutions, Circulars and the provision of the said Act.

By referring to the above letter, the Special land Acquisition Officer has addressed a letter dated 7.7.2025 to the learned A.G.P stating that the Deputy Collector has granted permission to initiate the land acquisition proceedings under Section 52(A) (2) of the 2013 Act. The letter dated 7.7.2025 and dated 23.06.2025 are collectively marked 'X' for identification purpose.

4. Learned Advocate for the petitioner submits that, he wants to withdraw the Contempt Petition as the directions are complied with. He however states that, 80% amount of compensation be paid to the petitioner as an advance compensation.

5. Learned Advocate for the Acquiring Body opposed the said prayer contending that before this Court, the petitioner had agreed to execute consent award and now they are disputing it.

6. Fact remains that, the land of the petitioner is acquired and proceedings under 2013 Act are initiated by the respondents.

7. In view of the above, we permit the petitioner to withdraw the Contempt Petition, with directions to the respondents to pay 80% amount out of the amount of compensation deposited by the Acquiring Body to the petitioner towards advance compensation. The said amount shall be adjusted in final award. The amount be disbursed to the petitioner within four weeks from today.

8. Contempt Petition is disposed of in above terms.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE

Y.S. Kulkarni