



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.5 OF 2024

Shripati Bhiva Thakar
(since deceased through his legal heirs)

1A. Prabhu Shripati Thakar
(since deceased through his legal heirs)

1A. (i) Sanjay Prabhu Thakar & Ors. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.10 OF 2024

Sunil Kisan Gardare ...Petitioner

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.11 OF 2024

Sonaba Gangaram Khaladkar & Ors. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.59 OF 2024

Srirang Devram Gadadare & Anr. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.63 OF 2024

Parvatibai Dnyanoba Lavange
(since deceased through legal heirs)

Prasad Dnyanoba Lave & Anr. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.65 OF 2024

Jaysingh Kisan Gardare ...Petitioner
Versus
The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.9 OF 2024

Shivaji Baban Pingle & Ors. ...Petitioners
Versus
The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.8 OF 2024

Vaman Bala Bande & Ors. ...Petitioners
Versus
The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.7 OF 2024

Baban Bahiru Londhe ...Petitioner
Versus
The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.60 OF 2024

Kaluram Gujaba Gaddare & Ors. ...Petitioners
Versus
The Sub-Divisional Officer, Baramati & Ors. ...Respondents

WITH
CONTEMPT PETITION NO.62 OF 2024

Rajaram Balu Kullal
(since deceased through legal heirs)

1A. Dadasaheb Rajaram Kullal & Ors. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

**WITH
CONTEMPT PETITION NO.67 OF 2024**

Dagadu Maruti Gaikwad
(since deceased through legal heirs)
Balkrushan Dagadu Gaikwad & Anr. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

**WITH
CONTEMPT PETITION NO.64 OF 2024**

Paraji Tulashiram Kullal
(since deceased through his legal heirs)
1A. Appa Paraji Kullal & Ors. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

**WITH
CONTEMPT PETITION NO.66 OF 2024**

Kerba Kondiba Pingale
(since deceased through legal heirs)
1A. Laxman Kerba Pingale & Ors. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

**WITH
CONTEMPT PETITION NO.61 OF 2024**

Mahadeo Nama Pangarkar
(since deceased through legal heirs)
1A. Gulab Nama Pangarkar & Ors. ...Petitioners

Versus

The Sub-Divisional Officer, Baramati & Ors. ...Respondents

Mr. Rameshwar Gite a/w Mr. Hiten Raut for Petitioner/s in all petitions.
Mr. B. V. Samant, Addl. G. P a/w Mr. R. S. Pawar, AGP for Respondent-State in CP/5/2024 and CP/65/2024.

Mr. B. V. Samant, Addl. G. P a/w Mr. Aditya R. Deolekar, AGP for Respondent-State in CP/10/2024 and CP/9/2024.

Mr. B. V. Samant, Addl. G. P a/w Ms. S. R. Crasto, AGP for Respondent-State in CP/11/2024, CP/8/2024 and CP/60/2024.

Mr. B. V. Samant, Addl. G. P a/w Ms. V. R. Raje, AGP for Respondent-State in CP/59/2024, CP/7/2024 and CP/62/2024.

Mr. B. V. Samant, Addl. G. P a/w Ms. M. S. Bane, AGP for Respondent-State in CP/63/2024, CP/67/2024, CP/64/2024, CP/66/2024 and CP/61/2024.

**CORAM : M. S. Sonak &
Jitendra Jain, JJ.**

DATED : 3 January 2025

PC.:- (Per M. S. Sonak J)

1. Heard learned counsel for the parties.
2. The learned counsel for the parties agree that these contempt petitions can be disposed of by a common order.
3. The Petitioners had alleged contempt of our order dated 1 March 2019. By our order dated 1 March 2019, the Respondents were directed to complete acquisition proceedings in respect of determination of amount of compensation and declare award and pay compensation so determined under the award within a year from 1 March 2019.
4. Because no award was made within a year, the Petitioners instituted these contempt petitions alleging breach of our above referred directions.
5. In all these petitions, Mr. Vaibhav Navadkar, Sub-Divisional Officer, Sub-Division Baramati has filed an affidavit. Paragraphs 7 to 12 of this affidavit are relevant and the same are transcribed below for the convenience of reference :-

- “7. I say that when the work of canal in respect of the Bhama Askhed Irrigation Project was going on, 148.089 MLD (million liters per day) water was reserved for irrigation purpose out of the total water use of 188.611 MLD. So also, out of the total benefit zone of 23110 Hecter, area of 19645 Hecter was excluded from the benefitted zone as per demand of the beneficiaries. I say that thereafter, the Maharashtra Krishna Khore Vikas Mahamandal in its 95th meeting of Board of Directors dated 19.06.2017 passed Resolution for cancellation of both Right and Left canals of Bhama Askhed Irrigation Project and accordingly submitted proposal to the Government.*
- 8. I say that the said proposal was approved by the State Government by Government Resolution dated 28.08.2023. Copy of Government Resolution dated 28.08.2023 is annexed herewith and marked as Exhibit - 1.*
- 9. I say that the aforesaid lands of the Petitioners were not actually taken into possession at any time by the State Government. I say that the said lands are in possession of the Petitioners since beginning and at present also the Petitioners are using the said lands.*
- 10. I say that there are revenue entries made in the 7/12 extract of the aforesaid lands in favour of the District Resettlement Officer, Pune. I say that the said entries will be removed by the Respondent by following due process of law. I hereto annexed and marked 7 12 extract as Exhibit - 2.*
- 11. I say that in view of the subsequent developments, the State Government does not require the aforesaid lands and now there is no reason for the state Government to take any steps for - acquisition of the aforesaid lands belonging to the petitioners.*
- 12. I say that as such, the Judgement dated 01.03.2019 passed by this Hon'ble Court does not require any further compliance in view of the changed circumstances. I say that as such, there is no contempt of the Judgment of this Hon'ble Court in Civil Writ Petition No.9886 of 2017.”*

6. The above averments mean that the Respondents are no longer interested in the acquisition and consequently, there can be no compulsion upon the Respondents to proceed with the acquisition and make any award determining compensation. In such circumstances, we decline to initiate any contempt proceedings against the Respondents.

The contempt petitions are accordingly disposed of but with liberty to the Petitioners to take such steps as they may be advised, in case they have any grievances regards the attempted acquisition.

7. The Contempt Petitions are disposed of with liberty in the above terms.

(Jitendra S. Jain, J.)

(M. S. Sonak, J.)