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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12503 OF 2024

Gramastha Mandal Kundevahal Through
Panchpudhari, Sharad Bama Bhoir & ors. : Petitioners

Versus

The State of Maharashtra & ors. : Respondents

Mr. Rakesh S. Patil, Advocate, for the Petitioners
Mr. Sachit Bhogale, 'B', Panel Counsel for the State
Dr. Milind Sathe, Senior Advocate a/w. Ravleen Sabharwal,
**Mr. Bhushan Deshmukh, Mr. Gaurav Srivastav & Ms. Aarushi
Yadav**, for Respondent Nos. 3 to 6
Mr. Rahul Mundke, erstwhile SDO and Competent Authority,
Panvel, District - Raigad

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CORAM **M.S. Sonak &
Jitendra Jain, JJ.**
DATED: **09.05.2025**

PC:-

1. This case was posted for the respondents to file a compliance report. In this case, the competent authority [SLAO], by ignoring the statutory provisions, decisions of the Hon'ble Supreme Court, and this Court, took it upon itself to decide the apportionment dispute, and hurriedly disbursed Rs 56.26 crores to respondents 3 to 6.
2. Respondent Nos. 3 to 6 [businessmen] were directed by our Judgment and Order dated 08.04.2025 to deposit the sum

of Rs. 56,26,45,485/- in this Court within four weeks. They have disobeyed this Order.

3. Mr. Sathe learned Senior Counsel who appears on behalf of Respondent Nos. 3 to 6 states that an SLP has been filed, and the said Respondents have no money to bring back. Mr. Sathe learned Senior Counsel now states that, alternatively, the acquired land should be returned to Respondent Nos. 3 to 6 so that they can raise money and refund it.

4. The submissions, no doubt, on instructions are quite unfortunate. In case of a dispute of apportionment, it is the law that the amount should be deposited with the Reference Court, and the same can be ultimately apportioned depending upon the decision of the Reference Court.

5. The Respondent Nos. 3 to 6 are businessmen. The affidavit filed by Respondent Nos. 3 to 6 does not say that they have no money. The only contention is that the amount of Rs 56.26 Crores they received based on the order we have set aside has been spent by them by repaying some loans. This does not mean that Respondent Nos. 3 to 6 businessmen have no liquidity or other assets through which this money can be paid, and the directions issued by this Court complied with.

6. The respondents 3 to 6 have neither bothered to seek any extension or modification. By instructing their counsel to bluntly say that they have no money, the attempt is to defy court orders. Most often, when we are informed that SLP is preferred, we await its outcome, conscious that the parties have a right to challenge our orders. But here, the

respondents' approach was to declare bluntly that they have no money and therefore, compliance was impossible. The alternate contention was that this Court should now order the return of the acquired land, after which the funds would be returned.

7. Learned Senior Counsel for these respondents cannot say whether Respondent Nos. 3 to 6 have any assets or not. Considering this approach, we direct the Collector of Raigad to attach the properties of Respondent Nos 3 to 6 immediately and take such and further steps as may be permissible under the law to recover this amount.

8. Further, we think that Respondent Nos. 3 to 6 are trying to take undue advantage of the Court process and are determined to defy the court's Orders. Their attitude and approach gave the prima facie impression that, come what may, the court's orders would not be complied with. The so-called defence was reeking with defiance. Therefore, we issue notices to Respondent Nos. 3 to 6 to show cause as to why action under the Contempt of Courts Act should not be initiated against them.

9. Registry to ensure that such notices are served upon Respondent Nos. 3 to 6 within the next seven days. Insofar as the contempt notices are concerned, the returnable date shall be 27.06.2025.

10. Learned AGP states that disciplinary proceedings have been initiated against Mr. Rahul Mundke, and in terms of the directions of this Court, they would be concluded within six

months as far as possible. He says that an extension of time will be sought if there is any genuine difficulty.

11. The Respondents 1 and 2 must file a further compliance report by 24 June 2025.

12. List the matter on **27.06.2025**.

(Jitendra Jain, J)

(M.S. Sonak, J)