

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 140 OF 2024
IN
WRIT PETITION NO. 6048 OF 2021

Shital Anna Walawade & Ors ...Petitioners

Versus

State of Maharashtra & Ors ...Respondents

Mr Sagar Sonawane, h/f Mr Umesh Pawar, for the Petitioners.

Ms Vrushali R Raje, AGP, for the Respondent-State.

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CORAM M.S. Sonak &
Jitendra Jain, JJ.
DATED: 02 January 2025

PC:-

1. Heard Mr Sagar Sonawane, learned Counsel for the Petitioners and Ms Raje, learned AGP for the State.
2. This Petition alleges contempt of our judgment and order dated 12 January 2023. The operative portion of our judgment and order reads as follows: -

“17. We accordingly pass the following order :-

(a) The Petitioners would be entitled to seek compensation and all other benefits permissible under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of writ property.

(b) The concerned authority to compute the amount of compensation payable to the Petitioners under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within eight weeks from today and shall release the amount of compensation along with all other benefits permissible under this Act within eight weeks thereafter.”

3. Ms Raje refers to the affidavits filed on behalf of Respondents Nos. 4, 5, and 6 and submits that these Respondents have already computed the compensation amount. The computations have been forwarded to the second Respondent, who is duty-bound to release and pay the compensation amount along with other benefits permissible to the Petitioners.

4. Ms Raje points out that the computation was communicated to the 2nd Respondent on 3 March 2023. After that, reminders were addressed to the 2nd Respondent on 21 March 2023, 12 April 2023, 19 April 2023, 28 April 2023, 12 July 2023, 31 July 2023, 26 October 2023, 1 December 2023, 2 January 2024, 31 January 2024, 22 February 2024, and 4 April 2024.

5. Ms Raje also refers to the affidavit filed by the 5th Respondent, stating that several letters/reminders were addressed to the 2nd Respondent for actual payment of compensation within the timelines indicated by this Court.

6. Ms Raje, in particular, refers to the statements made in paragraph 7 of the 5th Respondent's affidavit, which reads as follows:-

“7. I say that, by reminder letter dated 21/03/2023, 05/04/2023, 11/04/2023, 17/04/2023, 24/04/2023, 02/05/2023, 30/06/2023, 27/09/2023, 04/10/2023, 16/10/2023, 25/10/2023, 22/11/2023, 27/09/2023, 04/10/2024, 16/10/2023, 25/10/2023, 22/11/2023, 30/01/2024 and 04/04/2024 was communicated to the office of District resettlement officer Sangli. Despite that, the amount of compensation has not been received to the office of Respondent No.5 therefore, the office of Respondent No.5 is still awaited the said amount. Hereto annexed and Marked as Exhibit- R-1 (Colly) are the Correspondence with Respondent No.6.”

7. From the above submissions, it is clear that they have not completely followed our directions in our judgment and order dated 12 January 2023. The compensation amount should have been computed and even paid to the Petitioners by mid-May 2023. To date, only the computation is complete, but no payment has been made to the Petitioners. The second Respondent, despite reminders from the other Respondents, has not bothered to make any payments to the Petitioners. Ms Raje submits that, at least as of today, she has no instructions on behalf of the 2nd Respondent. She says that she will try to obtain such instructions if some time is granted.

8. At least prima facie, the second respondent is not obeying or is only interested in delaying the implementation of our orders. Considering the affidavits filed by Respondent Nos. 4, 5 and 6, and the number of reminders sent to the second respondent, the amounts should have been paid to the petitioners without requiring them to institute this contempt petition. Still, we issue fresh notice to the Deputy Director of Settlement, Revenue and Forest Department, Government of Maharashtra, Mantralaya, Mumbai, to show cause as to why

action under the Contempt of Courts Act should not be initiated against him. Such cause must be shown by filing an affidavit in reply on or before 30 January 2025 without seeking any extension of time.

9. Further, unless there is a stay order restraining the 2nd Respondent from complying with the directions in our order dated 12 January 2023, the 2nd Respondent must ensure that our direction for payment of compensation, as computed by the other Respondents, is followed. This means the computed payments must be made to the petitioners on or before 30 January 2025.

10. Upon considering the 2nd Respondent's reply, we will decide upon the issue of interest, if any, that shall have to be paid to the Petitioners on account of the delay in disbursement of the compensation amount despite clear directions from this Court. Further, upon considering the affidavit, we will also have to decide whether the interest component will have to be borne by the officer/officers responsible for such delay. For the delay on the part of the government officials, the State Exchequer cannot be ordinarily burdened. Such amounts will have to be recovered from the officer/officers responsible for such delay.

11. The 2nd Respondent must file the affidavit on or before 30 January 2025. Further, it is also expected that the 2nd Respondent to comply with our direction for disbursement of the compensation amount on or before 30 January 2025. Ms Raje, the learned AGP, agrees to forthwith communicate an authenticated copy of this order to the 2nd Respondent for

necessary compliance. All concerned must act on the authenticated copy of this order.

12. List this matter on 6 February 2025.

(Jitendra Jain, J)

(M.S. Sonak, J)