

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

**CONTEMPT PETITION NO. 327 OF 2023
IN
WRIT PETITION NO. 9367 OF 2021
WITH
INTERIM APPLICATION NO.14903 OF 2024
WITH
INTERIM APPLICATION NO.14056 OF 2024
WITH
INTERIM APPLICATION NO.14055 OF 2024
WITH
INTERIM APPLICATION NO.14054 OF 2024**

Prabhakar Govind Mundale ..Petitioner
Vs.
The Chief Secretary For
Revenue And Rehabilitation
Department For Project Affected Persons ..Respondent

**WITH
CONTEMPT PETITION NO. 328 OF 2023
WITH
INTERIM APPLICATION NO.3094 OF 2025
WITH
INTERIM APPLICATION NO.14901 OF 2024**

Eliza Paolu Dsouza ..Petitioner
Vs.
The Chief Secretary For
Revenue And Rehabilitation
Department For Project Affected Persons ..Respondent

**WITH
CONTEMPT PETITION NO. 329 OF 2023
WITH
INTERIM APPLICATION NO.14900 OF 2024
WITH
INTERIM APPLICATION NO.14899 OF 2024**

Subhash Mahadev Chavan ..Petitioner
Vs.
The Chief Secretary For

Revenue And Rehabilitation
Department For Project Affected Persons ..Respondent

WITH
CONTEMPT PETITION NO. 334 OF 2023
WITH
INTERIM APPLICATION NO.14898 OF 2024
WITH
INTERIM APPLICATION NO.14897 OF 2024
WITH
INTERIM APPLICATION NO.14896 OF 2024
WITH
INTERIM APPLICATION NO.14894 OF 2024

Louis Bastyav Dsouza ..Petitioner
Vs.
The Chief Secretary For
Revenue And Rehabilitation
Department For Project Affected Persons ..Respondent

WITH
CONTEMPT PETITION NO. 335 OF 2023
WITH
INTERIM APPLICATION NO.3097 OF 2025
WITH
INTERIM APPLICATION NO.14061 OF 2024
WITH
INTERIM APPLICATION NO.14062 OF 2024
WITH
INTERIM APPLICATION NO.14059 OF 2024

Machhindranath Mahadev Gosavi ..Petitioner
Vs.
The Chief Secretary For
Revenue And Rehabilitation
Department For Project Affected Persons ..Respondent

WITH
CONTEMPT PETITION NO. 336 OF 2023
WITH
INTERIM APPLICATION NO.14908 OF 2024
WITH
INTERIM APPLICATION NO.14906 OF 2024
WITH
INTERIM APPLICATION NO.14905 OF 2024
WITH

INTERIM APPLICATION NO.14904 OF 2024

Lahu Anant Palambe ..Petitioner
Vs.
The Chief Secretary For
Revenue And Rehabilitation
Department For Project Affected Persons ..Respondent

**WITH
CONTEMPT PETITION NO. 337 OF 2023
WITH
INTERIM APPLICATION NO.14914 OF 2024
WITH
INTERIM APPLICATION NO.14913 OF 2024
WITH
INTERIM APPLICATION NO.14912 OF 2024
WITH
INTERIM APPLICATION NO.14911 OF 2024**

Hanuman Shivaram Shinde ..Petitioner
Vs.
The Chief Secretary For
Revenue And Rehabilitation
Department For Project Affected Persons ..Respondent

**WITH
CONTEMPT PETITION NO. 338 OF 2023
WITH
INTERIM APPLICATION NO.14919 OF 2024
WITH
INTERIM APPLICATION NO.14918 OF 2024
WITH
INTERIM APPLICATION NO.14917 OF 2024
WITH
INTERIM APPLICATION NO.14916 OF 2024**

Manvel Motes Dsouza ..Petitioner
Vs.
The Chief Secretary For
Revenue And Rehabilitation
Department For Project Affected Persons ..Respondent

Mr. B.K. Barve a/w Mr. Sandeep Barve, Mr. Simmy Sebastian, Ms.

Sonali Patil and Mr. Santosh Wagh i/by B. K. Barve & Co. for the petitioners.

Mr. Anil Anturkar, Senior Advocate a/w Kashish Chelani and Mr. S.H. Kankal, AGP for the State.

CORAM M.S. Sonak &
Jitendra Jain, JJ.
DATED: 20 March 2025

PC :-

1. These are contempt petitions alleging non-compliance with the directions issued by this Court in its judgment and order dated 10 November 2022.
2. Mr. Barve, learned counsel for the petitioners, points out that even the review petition against the said decision has been dismissed.
3. In terms of the judgment and order, the State is, *inter alia*, directed to pay the petitioners monetary compensation for the lands that were supposed to be allotted by the respondents as rehabilitation. Mr. Barve states that the petitioners are ready to accept this monetary compensation, but for some reason or another, it has not been paid to them.
4. From 10 November 2022 onwards, at least *prima facie*, we find that there is no compliance. Neither are the petitioners given any alternate lands, nor are they paid compensation for the lands that were allotted to them by way of rehabilitation. The directions issued by our Coordinate Bench are quite categorical.
5. Initially, it was stated that the petitioners had failed to comply with certain requirements. What those requirements are is by no means clear. At least the order dated 10 November 2022 does not mention any requirement to be complied with by the petitioners.
6. Under the above circumstances, we direct the Chief

Secretary, State of Maharashtra, to look into this matter immediately and file an affidavit before us by 2 April 2025 on the status of compliance with our order.

7. We add that the State had filed a review petition concerning this Court's order dated 10 November 2022. The Hon'ble Supreme Court had issued direction for expeditious disposal of this review petition. The review petition has also been dismissed, and at least after that, it was expected that the State would expeditiously comply.

8. The affidavits filed on the record appear to be very casual. The state is responsible for expediting compensation for those who have lost their lands. In terms of our order dated 10 November 2022, compensation for the rehabilitated lands that the State could not deliver to the petitioners had to be paid expeditiously.

9. The Hon'ble Supreme Court, in its order dated 7 February 2025, has observed that the petitioners whose lands are acquired cannot be made to wait indefinitely for allotment of alternative lands as per the provisions of Section 16 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. This order further states that the State is required either to allot the petitioners suitable lands or pay compensation in accordance with the order of this Court dated 10 November 2022. This is the same order by which the review petition was directed to be disposed of expeditiously so that the contempt petitions are taken to their logical end.

10. If there is non-compliance by the State, we are afraid that we may have to proceed with the procedures under the Contempt of Courts Act. Since no officials are prepared to take any responsibility, the Chief Secretary and the Revenue Secretary of the State of Maharashtra may have to assume responsibility and comply with Court directives.

11. Undoubtedly, the Chief Secretary and the Revenue Secretary

of State of Maharashtra will be given a full opportunity because the procedure contemplates framing charges, bail, etc. But we are hopeful that better sense will prevail, and we will not be required to proceed further.

12. Therefore, before we take contempt matters to their logical conclusion as directed by the Honourable Supreme Court, we believe that the Chief Secretary and the Revenue Secretary of the State of Maharashtra should be given the opportunity to examine the matter, treat it with the seriousness it deserves, and submit an affidavit before us by 2 April 2025. The farmers who have lost their lands should not be made to run from pillar to post to obtain their dues. It has been almost 28 months since the petitioners secured a favourable order from this Court, yet no compensation has been paid to them. The order made by the Hon'ble supreme Court may also be considered by the Chief Secretary and the Revenue Secretary.

13. We list these matters on 4 April 2025 at 2.30 p.m. to consider such an affidavit.

14. On the next date, we dispense the personal presence of the Chief Secretary and the Revenue Secretary of the State of Maharashtra.

(Jitendra Jain, J)

(M.S. Sonak, J)