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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 Sanjiv Sawant a/w Mr B K Barve, Sandeep Barve, Mr Simmy Sebastian, Sonali Patil i/by B K Barve & Co., for the Petitioner.
Mr Anil Anturkar a/w Mr Atharva Date i/by S H Kankal, AGP for the State.

CORAM M.S. Sonak &
Jitendra Jain, JJ.
DATED: 4 April 2025

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

1. Heard learned counsel for the parties.

2. Pursuant to our order dated 20 March 2025, the Chief Secretary, Government of Maharashtra, has filed an affidavit dated 3 April 2025.

3. The affidavit states that the Water Resource Department of the Government of Maharashtra has made Rs. 136.74 crore available with the Executive Engineer Sindhudurg for payment to petitioners and others whose lands have been acquired and that the state has not been able to provide alternate lands by way of rehabilitation.

4. Paragraphs 19 to 23 of this affidavit are important; therefore, they are transcribed below for the convenience of reference.

> *19. However this amount will be released to the Petitioners only according to the Government Resolution dated 22/11/2022 read with corrigendum dated 14th February 2024.*
> *20. It is important to note that neither the Government Resolution of 22nd November 2022 nor the Corrigendum dated 14th February 2024 has been challenged by anybody. A perusal of the Government Resolution dated 22nd November 2022 would show that for those persons who have paid 65% of the amount of the compensation which has been given to them under the provisions of the concerned Act, the amount payable as per the G.R. dated 22/11/2022 read with corrigendum dated 14/02/2024 would be paid to them. Whereas, In respect of those persons who had not deposited 65% of the amount of the award, the Government proposes that 65% of the amount as per the award, would be deducted from the compensation payable to them as per the GR dated 22.11.2022, as modified by the corrigendum dated 14.02.2024, subject to one additional rider. As required by the GR dated 22.11.2022, after payment of*

25% of the payable amount as per the G.R., they will have to shift from their existing location for the smooth implementation of the said project, and they should go to the allotted plots in the Gaothan. It is only thereafter that the remaining 75% amount as per this G.R. will be released.

21. I say that the remaining amount of 35% is also required to be adjusted from the amount payable, as that is a statutory obligation under the provisions of The Maharashtra Project Affected Persons Rehabilitation Act 1986. In light of these circumstances, I respectfully submit that, in compliance with the Order of this Hon'ble Court [Coram: M.S. Sonak and J.S. Jain, JJJ dated 20/03/2025, the Government of Maharashtra has taken the necessary steps for paying compensation amount to the Petitioners, and has deposited an amount of Rs. 136.74 Crore towards the payable compensation. The disbursement of the compensation amount as per the procedure established by law, will be initiated by the District Rehabilitation Officer, Sindhudurg. The Contempt Petition may be disposed of by accepting the above mentioned action taken by the state government.

22. I believe that the set time-bound implementation of the program can be achieved as per the direction of the Hon'ble Court. The required funds have already been made available for distribution to the concerned persons, necessary as per the GR dated 22.11.2022 and the corrigendum dated 14.02.2024, that have been issued, which have not been challenged by anybody.

23. The Corrigendum dated 14.02.2024 and the earlier Government Resolution dated 22.11.2022 were issued in respect of 299 project-affected persons. In addition to that, 421 Petitioners are also affected. I would like to say that while making the decision, the Government has decided to protect all the 421 concerned persons. Therefore, the benefit of these GRs will now be given not only to the 299 persons for whom it was initially intended but to all the 421 persons for which additional funds have been made available. Needless to say, from these names, those names that have been repeated, will be excluded. A scrutiny in that respect would be required to be made at the level of District Rehabilitation Officer, Sindhudurg, However, the fund has been made available for aiding the ultimate beneficiary.

5. Mr. Anturkar on instructions, states that the State

Government has filed the SLP questioning this Court's order dated 10 November 2022. He states that subject to any further orders in the SLP, this amount of compensation in lieu of inability to allot alternate lands would be paid and disbursed to all eligible petitioners and others within the outer limit of three months from today. He stated that the disbursement would commence from the following week and, subject to the orders in the SLP, would be complied with within three months from today, i.e. on or before 10 July 2025.

6. Mr. Sawant and Mr. Barve, learned counsel for the petitioners, submit that the GRs referred to in the affidavit have been issued to over-reach orders of this Court. They submit that this is a clear case of contempt; therefore, the contempt petition should be heard, notwithstanding the offer now made for payment of compensation. They pointed out that their compensation amount was to be disbursed within five months of this Court's order dated 10 November 2022. They pointed out that more than two and half years have lapsed, and the payment has not been made to date. They also pointed out that issuance in GRs is nothing but an attempt to deny appropriate compensation to the petitioners.

7. Mr Anturkar disputed the above contention and pointed out that the petitioners have not challenged any of the government resolutions or corrigendum. He submitted that such challenges may not even be competent in this contempt petition.

8. At this stage, we do not wish to go into the rival contentions now raised before us. Our anxiety is that the

petitioners should receive compensation in lieu of the inability to provide them with alternate lands. If the compensation amount is lesser than what the petitioners think they deserve or as due, the petitions can always accept it without prejudice to their rights and compensation. Therefore, any acceptance of such compensation amount as is now offered will not prejudice or preclude the petitioners from contenting that additional compensation is due and payable by the state.

9. The contention as to whether the issuance of the GR amounts to overreaching orders of this Court and whether such issue can be gone into the contempt petition can always be decided later because we do not propose to dispose of this contempt petition. As noted earlier, our anxiety is that the petitioners get at least some amount through compensation in lieu of the state's inability to provide them with alternate lands.

10. Accordingly, we direct, subject to orders in the SLP instituted by the State, to commence the disbursement of compensation as indicated in the Chief Secretary's Affidavit and as assured by Mr. Anturkar within a week from today and to conclude the said by 10 July 2025.

11. Mr. Sawant and Mr. Barve state that disbursement must be directed to be completed earlier, given this Court's direction in the order dated 10 November 2022. Mr. Anturkar however pointed out that the compensation will have to be paid to almost 421 petitioners and others. He submitted that it is not as if the compensation will be disbursed after 3 months, but the disbursement will be completed within 3 months, subject

no doubt, to the orders in the SLP.

12. Mr. Anturkar states that in order to save time, notice may be permitted to be served on the Advocate on behalf of the petitioner on record in the Writ Petition, i.e., M/s B.K.Barve & Co. Mr. Barve, who represents M/s B.K.Barve & Co., agrees to accept notice on behalf of the petitioners. However, where no petition is filed, the state will have to serve notice on the individual address.

13. The petitioner will have to furnish bank details to the respondents so that the amounts are transferred directly to the petitioner's bank account. All the amounts should be transferred directly to the bank accounts of the persons to whom they are payable. It is agreed that such transfer or such acceptance of the amounts would be without prejudice to the rights of the petitioners or other persons to whom such payment is disbursed.

14. The state, through its Disbursement Officer or any other responsible officer, will file the compliance in this Court by 15 July 2025. List these matters for further consideration on 17 July 2025.

15. At Mr Sawant's request, we clarify that the petitioners will be at liberty to file a rejoinder by giving an advance copy from counsel for the respondent.

16. All concerned must act an authenticated copy of this order.

(Jitendra Jain, J) (M.S. Sonak, J)