

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.585 of 2025

in

WRIT PETITION NO. 11898 OF 2023

Baburao Sakharam Kadam

...Petitioner

Vs

State of Maharashtra & Ors.

...Respondents

Ms. Pallavi Potnis, for the Petitioner.

Ms. M. S. Bane, AGP for the State/Respondent Nos.1 to 3.

CORAM: G. S. KULKARNI &
AARTI A. SATHE, JJ.

DATE: 11 SEPTEMBER 2025.

P.C.

1. This contempt petition alleges breach of an order dated 12 December 2023 passed by the co-ordinate Bench of this Court in Writ Petition No.11898 of 2023. The grievance of the petitioner in the reply affidavit is in regard to non payment of compensation in respect of the land of the petitioner which was acquired for Maharashtra Krishna Valley Development Corporation (for short 'MKVDC'). The officer of the MKVDC is impleaded as respondent No.4. Learned AGP represents respondent Nos.1 to 3.

2. No doubt as observed by the Division Bench in the order in question the acquiring body is required to deposit the amount with the Special Land Acquisition Officer to be paid to the petitioner as the land acquisition compensation for the land which was acquired and the possession of which was

taken over. Further, it cannot be forgotten that under the statutory scheme of the land acquisition, it is the duty of the Land Acquisition Officer to secure appropriate amounts from the acquiring body for further action. It is the liability of the Land Acquisition Officer to comply with the statutory requirements and disburse the compensation, as there is no privity whatsoever between the acquiring body and the persons whose land being acquired insofar as the land acquisition proceedings are concerned.

3. In the aforesaid circumstances, it is ultimately the liability of the Collector. Accordingly, the Collector now shall take appropriate steps to make payment of the amount of compensation as determined under Section 28A of the Land Acquisition Act, by recovering the amount from the acquiring body as the law may permit.

4. Let compliance of the orders passed by this Court be placed on record on or before the adjourned date of hearing. Stand over **25 September 2025**.

5. Insofar as the acquiring body is concerned, we issue a notice before admission to respondent No.4 returnable on **25 September 2025**. Hamdast permitted.

6. In the event on the adjourned date of hearing, respondent No.4 is not represented, we may pass further appropriate orders. A copy of this order be also annexed with the notice which would be served on respondent No.4.

7. Needless to observe that the land acquisition Collector shall take up the issue with the acquiring body and take appropriate position on affidavit, and/or

before the adjourned date of hearing and shall disburse the amount to the petitioner in compliance of the Court's order.

8. Stand over to **25 September 2025**. HOB.

(AARTI A. SATHE, J.)

(G. S. KULKARNI, J.)