

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMP PETITION NO. 585 OF 2025

IN

WRIT PETITION NO. 11898 OF 2023

Baban Sakharam Kadam

...Petitioner

Versus

State of Maharashtra and ors.

...Respondents

Ms.Amrita Kharkar i/b Ms. Pallavi Potnis, for the Petitioner.

Ms. M.S. Bane, AGP for Respondents No. 1 to 3- State.

Ms. Chaitrali Deshmukh, for Respondent No.4.

Mr. Ajay A. Waghmode, Assistant Engineer, Grade I, Choskaman, Canal Sub-Dvi
4, Shikrapur, present.

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

DATE: 25 September 2025

P.C.

1. This contempt petition was filed asserting that the Respondents are in breach of the order dated 12 December 2023 passed by the co-ordinate Bench of this Court disposing of Writ Petition No. 11898 of 2023. While disposing of the said writ petition, considering the Petitioner's contention, the Division Bench made the following observations.

"4. In the facts of the present case there is no challenge by the acquiring body (Respondent No.4) to the Award passed under Section 28.A. Despite this, we examined the matter and, find that the 28-A Application filed by the Petitioners was within the time frame as set out in the said Section. Once this is the case, we find that the Petitioners herein are entitled to the reliefs sought in the above Writ Petition. The reason we say this is because there is no challenge to the Award by the acquiring body

(Maharashtra Krishna Valley Development Corporation-Respondent No.4). Accordingly, the acquiring body will have to deposit the compensation as determined in the 28-A Award dated 7th January, 2017. Since over seven years have lapsed, Respondent No-3-shall issue a letter to the acquiring body (Respondent No.4) to deposit the amount under the award passed under Section 28-A, together with interest, within a period of 2 weeks from today.

5. The acquiring body shall thereafter deposit with Respondent No.3, the aforesaid amount, within a period of 16 weeks from the date of receipt of the letter from Respondent-No.3. It is made clear that Respondent No.3 shall calculate the interest taking into consideration even the period that we have granted to the acquiring body for making the deposit with the 3rd Respondent. In other words, interest will be calculated for a period of 18 weeks from today.

6. Once the aforesaid deposit is made, Respondent No.3 shall, within a period of 1 week from the date of deposit, disburse the payment to the Petitioners as determined in the 28-A Award dated 7th January, 2017.

7. Rule is accordingly made absolute in the aforesaid terms. The above Writ Petition is disposed of in terms thereof.”

2. We have heard learned counsel for the parties on the earlier occasion i.e. on 11 September 2025, we have passed a reasoned order directing that affidavit be placed on record stating therein as to whether order passed by the Division Bench of which breach is alleged has been complied with.

3. In pursuance of our aforesaid order, learned AGP has placed on record an affidavit of Dr. Vanshree Awdhut Labhshetwar, Deputy Collector and Land Acquisition Officer No. 6, Pune dated 24 September 2025 in which averments are made that the amount of Rs. 2,58,33,335/- was deposited with the office of Land Acquisition Officer No. 6, Pune. The relevant averments are referred to in paragraph nos. 6 and 7 at page 101 of the Petition.

4. In this view of the matter, in our opinion, the order passed by the Division Bench of this Court is complied with. However, learned counsel for the Petitioner submits that the amount which is deposited is relevant only upto the period 31

January 2025 and the amount actually required to be deposited is upto the date of letter i.e. 24 September 2025 . If that being so, further compliances are required to be made. We leave the contentions open in this regard. We direct the Special Land Acquisition Officer to make requisition for the above referred calculation in regard to balance amount as contended on behalf of the Petitioner to be obtained from Respondent No. 4 - Executive Director of the Maharashtra Krishna Valley Development Corporation.

5. Let such calculation be furnished to the Respondent No.-3- Land Acquisition Officer No. 6 within a period of 2 weeks from today. Copy of the same be also furnished to the learned Advocate for the Petitioner by learned Advocate for the Respondent No.4 so that further appropriate proceedings in the event so necessary can be taken and the Respondent No. 3 - Land Acquisition Officer No. 6 can disburse the said amount. Thus, while accepting the statement made in the affidavit and directing that the amount be deposited as early as possible and in any event within a period of 3 weeks from today, we dispose of this contempt petition. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)