IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 797 OF 2018
IN CP/824/2016

Deepak Anantrao Badve And Others .. Petitioners

Versus

The State Of Maharashtra And Others .. Respondents

WITH
CIVIL APPLICATION NO. 9912 OF 2025
IN CP/797/2018

Vijaykumar Gurlingappa Menkudale .. Applicant

Versus

Deepak Anantrao Badve And Others .. Respondents

Mr. J. M. Murkute, Advocate for Petitioners.
Mr. A. I. Deshmukh, Advocate h/f Mr. Vikram T. Patil, Advocate for Applicant in C.A. No. 9912/2025.
Mr. P. S. Patil, AGP for Respondents-State.

CORAM : KISHORE C. SANT AND
JITENDRA JAIN, JJ.

DATE : 27th OCTOBER, 2026.

PER COURT :-

1. This Court has heard the contempt petition. The contempt of the order dated 07.07.2016 is alleged by the petitioners. Paragraph No. 5 of the said order reads as under :

> "5. Considering the above, we pass the following order : -

> Respondent-authority concerned shall conduct joint measurement of the land over which the Government Guest House, Parli-Vaijnath District Beed is constructed. Upon conducting joint measurement, if it is found that writ land is affected further steps shall be taken for acquisition and awarding compensation under the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. Said process shall be started as expeditiously as possible preferably within a period of four months from the date of this order."

2. Paragraph No. 5 of the said order is the direction issued by this Court. It is shown that pursuant to the order passed by this Court the joint measurement was carried out. It is found that the land to the extent of 1892.30 sq. mtr. from survey no. 14 is found to be in possession of the Public Works Department for a Rest House. Further it is seen that the Rest House is not found to have been constructed on the land of the present petitioner and he does not have any right over the said property. It is therefore concluded that no acquisition procedure is required to be followed.

3. Learned advocate Mr. Murkute for the petitioners vehemently argued that, in fact, from the measurement it is seen that the petitioners' land is affected and therefore, it is imperative on the part of respondents to undertake the acquisition

proceeding as directed by this Court in order dated 07.07.2016. He also invited attention to the draft award prepared by the S.D.O., Parli-Vaijnath dated 17.07.2018. He thus submits that after having accepted that the land of the petitioners has been taken in possession and needs to be acquired, still no further action is taken.

4. Learned A.G.P. Mr. Patil points out from the affidavit that the authorities have carried out the measurement and have come to conclusion that the land of the petitioners is not affected by the construction of the Rest House. There is an affidavit filed on behalf of the Collector, Beed dated 20.02.2019. There is another affidavit filed by respondent No. 4, Executive Engineer, PWD dated 13.09.2019. There is one more affidavit filed by respondent No. 3 dated 31.01.2019. These affidavits abundantly make it clear that on going through the joint measurement it is found that the petitioners' land is not affected and therefore, no further steps are required for acquisition of land. It is also now brought on record that the petitioners had sold the land long back. The subsequent purchaser has also filed Civil application No. 9912/2025 for intervention.

5. This Court time and again asked the learned advocate as to argue only on the point of contempt since this Court expressed its satisfaction that the authorities have carried out the measurement and further has considered the matter as to whether acquisition is required. The conclusion of the authority is based on the measurement carried out as per the order of which the contempt is alleged. The learned advocate, however, continued to argue on the merits of the matter and as to how the conclusion of the authorities is not correct. The learned advocate, however, could not satisfy this Court that this Court while exercising the jurisdiction under Contempt of Courts Act or under Article 215 of the Constitution can consider the decision taken by the authorities. The authorities, pursuant to the order passed by this Court, have carried out measurement and have reached to the conclusion that no further steps are necessary. The learned advocate though tried to submit that this conclusion of the authorities is not correct, however, the said cannot be gone into by this Court in a contempt petition. It is further necessary for the petitioner to show that the authorities have acted or they have reached to the conclusion that no steps are necessary is only to defy the order passed by this Court. No case is made out that the

authorities have deliberately flouted the order passed by this Court. He also could not point that the action is with deliberate intention. For all these reasons this Court finds that no case is made out. There is no purpose in continuing with the contempt petition. Therefore, the contempt petition stands dismissed.

7. In view of dismissal of contempt petition, intervention application is also disposed of.

(JITENDRA JAIN, J.) **(KISHORE C. SANT, J.)**

P.S.B.