

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 389 OF 2024

Laxmibai Gopalrao Patil deceased and .. Petitioners
Ors

V/s.

Shri Jitin Rahman IAS Assistant .. Respondents
collector Sub Divisional Officer Nashik
Division and Ors

Mr. Anil Ahuja, for the Petitioners.

Mr. R. S. Pawar, AGP for the Respondent/ State.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.

DATE : 1ST APRIL 2026.

Digitally
signed by
VARSHA
DEEPAK
GAIKWAD
Date:
2026.04.02
13:01:01
+0530

PC:

1. In this petition on 5th March 2026, we had passed a detailed order recording that this was a case of willful disobedience of repeated orders passed by various Benches of this Court. We had recorded that the concerned Officer ought to show remorse and tender an apology and withdraw the order that was found to be contumacious in nature and to take remedial steps.

2. Thereafter, an affidavit dated 12/03/2026, sworn by the Assistant Collector and Sub Divisional Officer, Nashik, was tendered along with documents to claim that necessary compliances had been ensured and that

the affidavit could be taken on record for disposing of the instant contempt petition. We permitted the said affidavit to be placed on record. The learned counsel for the petitioners on 13th March 2026, had expressed that the said compliance affidavit did not actually show compliance and that it could be demonstrated on the next date as to why the petitioners were making the said submission. In that light, the present petition was adjourned for consideration, to be taken up today.

3. Today, when the petition is taken up for consideration, the learned counsel for the petitioners has tendered an affidavit in rejoinder to the compliance affidavit. The same is taken on record.

4. After hearing the learned counsel for the petitioners and the learned AGP, we find substance in the contention raised on behalf of the petitioners that the compliance affidavit placed on record along with purported amended final award dated 09/03/2026, does not comply with the directions of this Court in letter and spirit and that the amount so stated in the said amended final award dated 09/03/2026, is far less than the entitlement of the petitioners, which was to be ensured in compliance with the directions issued by this Court.

5. We find that a draft award dated 29/02/2024 was prepared and sent for approval, which determined the amount of compensation in compliance with the direction with this Court, at Rs. 4,95,70,059/-. The compliance

affidavit dated 12th March 2026, specifically states that the said draft award dated 29/02/2024, was approved by the Collector as per communication dated 18/09/2025. We are of the opinion that once the aforesaid draft award was approved by the said communication, all that was required was issuance of a final award in terms of the said draft award dated 29/02/2024. But, to our surprise, we find that in the compliance affidavit itself, it is stated that the said award was further sent to the administrator of CIDCO, who raised certain queries and that in the light of the queries, the amended final award dated 06/09/2023, was issued. The said amended final award dated 09/03/2026, records the amount payable to the petitioners at Rs. 2,98,43,322/-. This is stated to be in purported compliance of the directions of this Court.

6. In this context, the learned AGP sought to explain that since the CIDCO had raised a query about the question as to whether the amount determined in the award under Section 11 of the Land Acquisition Act, 1894, had been deducted, such deduction was undertaken and the final figure of Rs. 2,98,43,322/- was determined in the amended final award, which is purported to be in compliance with the directions of this Court.

7. We find that in the draft award dated 29/02/2024, wherein the amount was determined at Rs.4,95,70,059/-, in the table annexed thereto, the Sub Divisional Officer had correctly taken into account the enhanced

rate determined by this Court at Rs. 53.55/- per Sq. Mtr and after having deducted the rate granted by the Reference Court at Rs. 27/- per Sq. Mtr, arrived at the figure of Rs. 26.55/- Sq. Mtr, to determine the amount payable in compliance with the directions of this Court. It is obvious that the rate granted by the Reference Court at Rs. 27/- per Sq. Mtr encompassed within itself the rate of Rs. 6/- per Sq. Mtr granted in the award under Section 11 of the aforesaid Act.

8. We find that in the table now annexed to the purported amended final award dated 09/03/2026, the final figure is shown at Rs. 20.55/- per Sq. Mtr. This is either a bona fide mistake while making calculations, as the rate of Rs. 6/- per Sq. Mtr in terms of the award under Section 11 of the said Act has been deducted twice or it is another attempt on the part of the officer to defy the directions issued by this Court. It is not uncommon that when the ego of Officers is bruised in contempt proceedings that attempts are made to truncate the extent of relief granted to the petitioner approaching the Court. It is to be noted that in the present case, the petitioners had to institute 3 rounds of litigations invoking writ jurisdiction of this Court for ensuring that they were given their due.

9. The present contempt petition had to be filed when the concerned Officer, in blatant defiance directions of this Court, refused to consider the matter on merits, relying upon judgments of the Supreme Court that were

no longer good law. All this was noted in our order dated 5th March 2026 and it was in the aforesaid backdrop that the compliance affidavit dated 12th March 2026, was placed on record along with documents, including the purported amended final award dated 09/03/2026.

10. We also find that the officer who has sworn the said compliance affidavit dated 12/03/2026, appears to have taken charge from the earlier Officer. The said Officer has passed the purported amended final award dated 09/03/2026, which we find not to be in compliance with the directions of this Court. Hence, the said Officer will also have to be added as a party in the present contempt petition.

11. In view of the above, the petitioner is granted leave to amend the contempt petition to add Ms. Arpita Ashok Thube, Assistant Collector and Sub Divisional Officer, Nashik, as party respondent in the present petition. Amendment be carried out forthwith. Issue notice to the said newly added respondent Ms. Arpita Ashok Thube as to why appropriate action should not be taken against her for willful disobedience of the directions of this Court.

12. The learned AGP submits that reasonable time may be granted to place a further affidavit on record.

13. The learned AGP is directed to communicate the order passed today to the newly added respondent, who shall file her affidavit in light of the

observations made in this order within three weeks from today i.e. on or before 22nd April 2026. List this petition for further consideration on 24th April 2026 in the supplementary list.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)