

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.820 OF 2025
IN
WRIT PETITION NO.12973 OF 2024

Keru Raghu Mahar since deceased through
his L.R. Chandrakant JanuKamble Mahar

Petitioner

versus

Bharat Waghmare and others

Respondents

Mr.Nitin P.Deshpande with Ms.Rachana Harpale, Ms.Anjali Shinde for Petitioner.

Ms.Savita A.Prabhune, AGP, for Respondent State.

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

DATE: **7th January 2026**

P.C.

1. We have heard the learned counsel for the parties. This Contempt Petition is filed alleging contempt of order dated 9th May 2025 passed by a co-ordinate Bench of this Court. Pursuant to the directions issued by a co-ordinate Bench of this Court in **Shivpratap Krishnarao Patankar Vs. Yogesh Yadav¹**, the State Government has constituted a High Power Committee ('HPC').

2. By the order in question of which contempt is alleged, the HPC was directed to consider the representations made by the Petitioner for allotment of alternate land as expeditiously as possible and in any event within six months from the date of said order. We are informed that further appropriate steps were taken and a report from the Collector, Satara is invited, and on such backdrop the HPC is seized with the proceedings and shall be taking a decision in the Petitioner's case in accordance with law.

3. On hearing the learned AGP, we may observe that a large number of matters are before the HPC as the same has been constituted as per order of this Court in **Shivpratap Krishnarao Patankar Vs. Yogesh Yadav** (supra) wherein the Court noticed large scale irregularities in the matter of allotment of lands in resettlement and rehabilitation cases, to the effect that persons who were not eligible/entitled, being granted benefits of State allotment of government land (a State largesse). The HPC is examining such illegalities.

4. In this view of the matter, we are not inclined to proceed with this Contempt Petition in view of the report now submitted by Collector, Satara, as stated by the learned AGP qua the Petitioner which falls for consideration of the HPC. The HPC shall accordingly examine the Petitioner's claim and is stated to be taking an appropriate decision in accordance with law within a period of three months from today. Let such decision be accordingly taken.

5. We may also observe that it would be the first and foremost obligation of the HPC to consider and more particularly in light of the orders of this Court, whether the claim of the Petitioners is at all a "live claim". In other words, examine whether a stale claim is being made and whether there was strict compliance of the pre-requisites under the Maharashtra Project Affected Persons Rehabilitation Act, 1999, as applicable at the relevant time i.e. compliance of the notifications and deposit of compensation which are mandatory conditions so as to be eligible for allotment of an alternate land. In this regard we may refer to the following decisions of the Supreme Court, as considered by a Division Bench of this Court in **Tatoba Rama Chavan Vs. Collector, Kolhapur and others**²,

²Writ Petition No.3883/2022, decided on 26-7-2025

- (i) C.Jacob Vs. Director of Geology & Mining and others³,
- (ii) Union of India & others Vs. C.Girija & others⁴,
- (iii) The State of Uttaranchal & anr. Vs. Shiv Charan Singh Bhandari & others⁵,
- (iv) Union of India and others Vs. M.K. Sarkar⁶.

6. This apart, we may also observe that the scope and jurisdiction of the HPC is well defined not only under the orders of this Court in **Shivpratap Krishnarao Patankar Vs. Yogesh Yadav** (supra) but also under a consequent Government Resolution issued by the State Government notifying constitution of such Committee tasked to delve into large scale illegalities/irregularities which are in fact in the nature of a scam, in the allotment of State lands as alternate lands under the garb of resettlement and rehabilitation of the persons, who were not eligible in law, and in dealing with such lands which were illegally allotted, in connivance with official machinery. We may also observe that considering the avalanche of illegalities shocking the societal conscience, the said proceedings are in the nature of a continuous Mandamus and the report of the HPC on actions taken, is subject matter of consideration of the Court. Accordingly the HPC shall take into considerations all these aspects in deciding the representations in accordance with law.

7. All contentions of the parties before the HPC are expressly kept open.

8. Disposed of. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)

3 AIR-2009-SC-264

4 (2019)15-SCC-633

5 (2013)12-SCC-179

6 (2010)2-SCC-59