

ITEM NO.19

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).5/2025

[Arising out of impugned final judgment and order dated 18-11-2024 in WP No.4847/2023 passed by the High Court of Judicature at Bombay at Aurangabad]

KONDIRAM MANIKRAO NIMBALKAR

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

IA No.30/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No.33/2025 - EXEMPTION FROM FILING O.T.

Date : 06-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Suhaskumar Kadam, Adv.

For M/S. Black & White Solicitors, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the petitioner and carefully perused the material placed on record.
2. This is a classic case where the Officers/Authorities of the State of Maharashtra have brazenly defied the law thereby depriving the poor expropriated land owners of the due amount of compensation for their acquired land.
3. The admitted facts are that the land of the respondent-land owners was acquired for construction of a water tank. The award was passed on 01.04.2011, followed by a Reference under Section 18 of the Land Acquisition Act, 1894. The Reference was decided in favour of the land owners on 21.01.2019. That award was not challenged by the State and has attained finality. No amount of compensation was, however, paid, forcing the land owners to

initiate execution proceedings for recovery of the compensation amount of Rs.1,49,54,527/-. The Civil Judge (Senior Division) passed an order on 25.01.2023 for payment of that amount. However, no heed was paid to that order. It is in these circumstances that the Civil Court then attached the bank account of the Chief Accounts and Finance Officer of the Zila Parishad, Beed, as one of the coercive measures for recovery of the compensation amount.

4. The petitioner herein is a District Water Conservation Officer and has filed this petition on behalf of Zila Parishad, Beed, challenging the order of the Civil Court, *inter alia*, on the ground that the compensation is liable to be paid by the State Government through its Collector, Beed and not by the Zila Parishad.

5. The High Court has turned down the petitioner's plea observing that the State Government is an integrated union of all the departments and, therefore, Zila Parishad cannot plead that it is not liable to pay compensation.

6. Instead of *suo motu* summoning the Collector and burdening him with exemplary costs, the High Court has made some mild observations against that Officer in para 10 of the impugned order.

7. We are nearly shocked to see the manner in which the State Authorities have conducted themselves in this case. Since we have not summoned the officer, we don't want to comment more on their (mis)conduct. All that we direct is as follows:

(i) The Chief Secretary, Government of Maharashtra, the Principal Secretary (Finance) and the Principal Secretary (Panchayat and Development) are jointly directed to take cognizance of this matter within one week.

(ii) They shall issue necessary sanction for the release of the compensation amount to the respondent-land owners along with interest till date as also punitive costs that may be determined by the Reference Court.

(iii) The due payment must be paid to the respondent-land owners and other similarly placed land owners by 31.01.2025 and a compliance report to this effect be

submitted before the High Court.

8. The Chief Secretary is further directed to seek explanation of the Collector, Beed and thereafter determine as to who is the Officer liable to pay compensation, and take suitable action against the erring officials.

9. If needful is not done by 31.01.2025, we request the Bombay High Court to register *suo motu* contempt proceedings against all the officers and proceed against them in accordance with law. The cost amount of Rs.1,00,000/- (Rupees One Lakhs), imposed by the High Court, shall be recovered personally from the officers who are found guilty/responsible for non-payment of the compensation amount to the land owners.

10. With these directions, the Special Leave Petition stands disposed of.

11. We may clarify that since we have not issued notice in the petition and have not heard the officers, the observations made hereinabove are not against any individual Officer.

12. As a result, the pending interlocutory applications stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR