

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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WRIT PETITION NO. 1611 OF 2008

SHIVAJI BABURAO GHUGE AND ORS
VERSUS
THE STATE OF MAH AND ORS

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Advocate for Petitioners : Mr. Mangesh Narwadkar .
AGP for Respondents: zMr. S. G. Sangle.

CORAM: S. V. GANGAPURWALA &
A.I.S.CHEEMA, JJ.
DATED: 24th APRIL, 2015.

PER COURT:

1. Mr. Narwadkar, learned counsel for the Petitioners submits that the possession has been taken prior to the issuance of notification under section 4 of the Land Acquisition Act. As such the petitioner is entitled for rental compensation.
2. Learned A.G.P. submits that considering the Award passed the possession does not appear to have been taken prior to the notification under section 4 of the Land Acquisition Act. As such the petitioner is not entitled for

rental compensation.

3. We have perused the Award. The notification under section 4 of the Land Acquisition Act, as per the said Award, is issued on 19th December, 2013 and 30th December, 2003, whereas in the Award it is stated that the possession is obtained on 10th October, 2003 and 19th December, 2003. However, it also appears that the possession has been partly taken by private agreement.

4. It is up to the Collector to decide about the actual factum of taking over the possession and the date of taking over the possession. The Petitioner would be entitled for rental compensation only if it is shown that the possession is taken prior to notification under section 4 of the Land Acquisition Act by private agreement. The Petitioner has already filed representation with the Collector in this regard. In light of the above, we pass the following order.

5. Respondent No.2 shall decide the representation/application of the petitioner (Exhibit-C) if not already decided for payment of rental compensation on its own merits, in accordance with law and the government resolution prevailing expeditiously preferably within 6

months. Writ petition is accordingly disposed of.

6. Rule is made absolute in above terms.

[A.I.S.CHEEMA, J.] [S.V.GANGAPURWALA,J.]

Dt.24/04/2015

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