

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2323 OF 2008

Nagnath Sainappa Mule
and others

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri S. B. Patil, Advocate for Petitioners - absent
Smt. Y. M. Kshirsagar, A.G.P. for Respondent Nos. 1 to 3.
Shri G. B. Rajale, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 09TH APRIL, 2015.**

PER COURT :

. On 19th March, 2015 the matter was on the board, however, none appeared for petitioners. Mr. Rajale, the learned counsel made a statement that the petitioners are paid the rental compensation.

2. The possession is taken prior to notification U/Sec. 4 of the Land Acquisition Act. As such, the learned counsel for the respondent No. 4 contends that, the petitioners are not entitled for the benefit U/Sec. 34 of the Land Acquisition Act and in view of the judgment of the Apex Court in a case of **R. L. Jain**

**(dead) by Lrs. Vs. DDA and others reported in 2004 (4)
Bom.C.R. 599.**

3. However, in the interest of justice the matter was adjourned to 26.03.2015. On 26.03.2015 the matter was again adjourned today. Today also when the matter is called out, none appears for petitioners. The writ petition stands dismissed. Rule discharged. No costs.

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

[S. V. GANGAPURWALA, J.]

bsb/April 15