

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 623 OF 2015

GAHININATH UTTAM ANDHALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Bhapkar S. L.
AGP for Respondents 1 to 3: Mrs. S.A. Dhumal
.....

**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 30th APRIL, 2015

P.C. :-

1. The Land Acquisition Officer while determining the rental compensation has taken into account the amount awarded by the Land Acquisition Officer while declaring the award under Section 11 of the Act and has not taken into consideration the enhanced amount of compensation awarded by the Reference court in the reference application tendered by petitioners under Section 18 of the Act.

2. It is well settled that the amount of rental compensation shall have to be determined in accordance with the enhanced amount of compensation awarded by the Reference Court. Reliance can be placed on the judgment in the matter Kazi Akiloddin Sujaoddin vs. State of Maharashtra and others, reported in 2013 DGLD(Soft) 415: 2013 AIR (SC) 2903, wherein in para 18 of the judgment, the Supreme Court has observed that the rental

compensation is to be determined on the basis of the award passed by the Land Acquisition Officer. Subsequently, if there is upward revision of amount, consequences will follow and if necessary, re-determination of the rental compensation can be made and after adjustment of the amount paid, if any, balance can be paid. In view of the law declared by the Supreme Court, as quoted above, it is the responsibility of the Land Acquisition Officer to determine the rental compensation in accordance with the determination of value of land by the Reference Court under Section 18 of the Land Acquisition Act.

3. In the facts of the case, the matter stands remitted back to the Land Acquisition Officer. He shall redetermine the amount of rental compensation on the basis of enhancement in the amount of land value together with other benefits, awarded by the Reference Court, while dealing with the Reference under Section 18 of the Land Acquisition Act. The redetermination of the amount shall be made by respondent No.3 as expeditiously as possible, preferably within a period of 8 weeks from today. On determination of amount of rental compensation together with interest, the same shall be paid by respondent No.4 to the petitioners within a period of eight weeks from the date of such determination.

4. With the directions, as above, writ petition is disposed of.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)