

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. OF 2011
IN
FIRST APPEAL ST. NO.16300 OF 2009

Trimbak Rangrao Lahane

Applicant

Versus

The State of Maharashtra & another

Respondents

WITH
REVIEW APPLICATION NO. OF 2011
IN
FIRST APPEAL ST. NO.16310 OF 2009

Raosaheb

Ramrao

Dongre

Applicant

Versus

The State of Maharashtra and another

Respondents

WITH
REVIEW APPLICATION NO. OF 2011
IN
FIRST APPEAL ST. NO.16313 OF 2009

Bhimrao Madhavrao Dongre

Applicant

Versus

The State of Maharashtra and another

Respondents

WITH
REVIEW APPLICATION NO. OF 2011
IN
FIRST APPEAL ST. NO.16304 OF 2009

Ramrao Madhavrao Dongre
died through LRs:-
Madhavrao Ramrao Dongre & others

Applicants

Versus

The State of Maharashtra and another
Respondents

Mr.R.T. Nagargoje advocate for the applicants
Mr.P.S. Patil, AGP for Respondents

CORAM : **R.M. BORDE, J.**

Dated : 10th DECEMBER, 2015.

PER COURT :-

1 The applicants are seeking review of the order passed in Group of First Appeals, decided by this Court on 4.8.2011.

2 It is pointed out that, a paragraph relating to the directions for payment of benefits under section 28-A of the Land Acquisition Act, was not incorporated in the certified copy provided to the applicants/claimants. However, since this Court has issued directions in respect of the aforesaid benefits, while disposing of the First Appeals, no prejudice is caused to the applicants/claimants and they shall be entitled to claim interest under section 28-A of the Land Acquisition Act, on the amount of enhanced compensation, as directed by this Court while

disposing the First Appeals.

3 The second contention raised by the applicants is, in respect of their entitlement to receive the rental compensation. The learned Reference Court has directed payment of rental compensation from the date of decision i.e. 26.10.1991 till the date of the Award @ 8% per annum, together with interest @ 6% on the amount of rental compensation, till realization of the amount. This Court, while disposing of the First Appeal, has quashed the aforesaid direction placing reliance on the Judgment of the Supreme Court in the matter of **R.L. Jain V/s D.D.A. & others** (2004 AIR SC 1904).

4 The proceedings under the Land Acquisition Act commences with the issuance of Section 4 Notification and the Land Acquisition Officer while declaring the Award and the Court dealing with Reference Application are empowered to grant benefits covered under the provisions of Land Acquisition Act and nothing beyond that. The claim for rental compensation is based on the Policy declared by the State Government under the Resolutions separately issued and the said amount is required to be computed and disbursed in accordance with such Policy. It is not open for the Court in view of **R.L. Jain's** Judgment to pass

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Review applications in FA st.16300 & ors..odt

on the benefits in respect of the claims interior to section 4 Notification.

5 In this view of the matter, this Court has issued a direction dis-entitling the applicants to claim the benefits of rental compensation. The Reference Court has virtually acted beyond the jurisdiction in directing payment of rental compensation which is beyond the purview of Land Acquisition Act.

6 In view of the reasons recorded above, no interference is called for in the applications seeking review of the judgment and order and applications are thus rejected.

(R.M.BORDE, J)

vbd