

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2142 OF 2015

VILAS WAGHOBA NARSANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

with

WRIT PETITION NO. 2201 OF 2015

PARAJI GUNAJI GANGOTRI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

with

920 WRIT PETITION NO. 2417 OF 2015

PRALHAD SHESHERAO MANE, LRS PADMINIBAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

with

921 WRIT PETITION NO. 2435 OF 2015

NANASAHEB GUNWANTRAO PATIL, LRS SHOBHABAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. H.B. Nandagawale, Adv. h/f. Mr. V.G. Sakolkar.
AGP for Respondents: Mrs. A.V. Gondhalekar.

**CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 29th JUNE , 2016.**

PER COURT:

1] Learned counsel for the petitioners states that the possession of the lands of the petitioners were taken prior to the notification under Section 4 of the Land Acquisition Act, 1894. However, the respondents have not awarded rental compensation. Respondents have also not awarded

interest under section 34 of the Land Acquisition Act. Even notices were issued to the respondents. However, the respondents did not comply with the same.

2] The Acquiring Body though served is absent.

3] Learned AGP states that the petitioners have not made any application. The petitioners have filed reference application under Section 18 of the Land Acquisition Act and in some matters, the benefit of interest under Section 34 has been awarded. In case the Reference Court has already awarded the benefit of interest under Section 34, certainly they cannot claim the said benefit again, before the Collector.

4] It appears that petitioners have not filed a proper application seeking rental compensation but only issued notices to the authority. Considering the above, we pass the following order :-

[a] Petitioners may file application with the authority seeking rental compensation and in matters where the interest under Section 34 is not awarded by the Reference Court, in those matters only, may claim interest under Section 34 in the said application.

[b] The authority, on receipt of the application, shall decide the said application on its own merits, in accordance with law, and policy, expeditiously after hearing all parties concerned, preferably within nine months from the date of receipt of the application.

[c] Writ petitions are accordingly disposed of.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-