

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2607 OF 2016
WITH WP/2608/2016

NATH HANMANTRAO KOLHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. A.B. Kale
AGP for Respondents: Mr. N.B. Patil
Advocate for respondent No.4 : Mr. S.G. Bhalerao.

CORAM : S.V. GANGAPURWALA &
K.K. SONAWANE, JJ.

DATE : 3rd May, 2016.

PER COURT:

1] Heard Mr. Kale, learned counsel for the petitioners, learned AGP, and Mr. Bhalearao, learned counsel for the respondent No.4.

2] The applications for rental compensation filed by the petitioners is rejected on the ground that the appeals filed by respondent are pending. The applications for rental compensation will have to be decided on the basis of the award already passed. In case, the appeals subsequently filed by the respondent are allowed, necessary orders can further be passed with regard to rental compensation and the amount to be withdrawn can also be determined. However, there would be no impediment for deciding the applications for rental compensation.

3] In the light of the above, the impugned orders are quashed and set aside. Parties are relegated before the authority for deciding the application for rental compensation afresh. Parties shall appear before the concerned authority on 6th June, 2016. The authority shall decide the said application for rental compensation on its own merits, in accordance with law, after hearing all parties concerned, expeditiously and preferably within

4 months from the date of the appearance of parties before it. Writ petitions are accordingly disposed of. No costs. In case, the petitioners are found entitled for rental compensation, same would be paid within a period of 4 months from the date of the order, however, by obtaining security, in case the appeals are not decided by this Court by then.

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-