

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7417 OF 2012

DHARAMARAJ DADARAO SANAP
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Petitioner : Mr. Chandrakant M. Kajale
AGP for respondent Nos 1 to 3 : Mr. S.P. Sonpawale.
Advocate for respondent No.4 : Mr. P.S. Patil

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

DATE : 20th APRIL, 2016.

PER COURT:

1] Heard. Learned counsel for the petitioner submits that the application for rental compensation is filed on 27.2.2012, however, no decision has been taken on it as yet. This Court, on 7.1.2016, has passed an order directing the petitioner to file undertaking to the effect that the petitioner will not claim interest on the amount of rental compensation from the date of the award i.e. 27.9.1991 till the date, the application is tendered for rental compensation on 27.2.2012.

2] We have heard learned AGP also. Petitioner has filed an undertaking to the effect that he will not claim interest on the amount of rental compensation from the date of award till the date he has tendered the application.

3] Considering the above, and also the fact that it is the obligation of the respondent to pay rental compensation to the petitioner if possession of the property is taken prior to issuance of notification under Section 4 of the Land Acquisition Act , we pass the following order :-

[a] Respondent authority shall decide the application of the petitioner for grant of rental compensation in accordance with law, after hearing all parties concerned, preferably within a period of nine months;

[b] In case the petitioner is held entitled to the rental compensation, the petitioner will not be entitled for any interest on the said amount from 27.9.1001 to 27.2.2012;

[c] Writ petition is accordingly disposed of. No costs.

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-