

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

928 REVIEW APPLICATION (CIVIL) NO. 81 OF 2016
IN FA/1373/2003 WITH RA/82/2016 IN FA/1374/2003

SHANKARRAO BHAGWANTRAO PATIL
VERSUS

STATE OF MAHA AND ORS

...
Advocate for Applicants : Bedre Vinayak Sudhakar
AGP for Respondents 1 to 3 : S.P. Sonpawale
...

CORAM : T.V. NALAWADE, J.
DATED : 27th July, 2016.

ORDER :

1. The applications are filed for review of the judgment delivered by this Court in First Appeal No. 1373/2003 with other connected matters on 22.3.2016. Heard both the sides.

2. The learned counsel for appellants, present applicants has argued on following points :-

(i) This Court has held that the sale instances are not comparable sale instances as they are regarding the properties situated within the local limits of Local Body and they were fully developed properties and probably, there was construction on the properties shown to be sold in the sale instance.

(ii) This Court has not determined the rental

compensation though it is held that the appellants are entitled to get rental compensation.

(iii) This Court has not considered the entitlement of the appellants to get interest u/s. 34 of Land Acquisition Act i.e. in view of the decision given by the Full Bench of this Court in the case reported as **(2016) 3 Mh.L.J. 457 [State of Maharashtra Vs. Kailash Shiva Rangari]** dated 18th April 2016.

3. So far as the first point is concerned, it can be said that this Court was considering the comparison between the properties mentioned in the sale instances and the properties acquired. The property mentioned in the sale instance was situated within the local limits of Local Body and it was given house number in the record of Local Body. The learned counsel for the applicants submitted that when in sale instance the property was mentioned as open space, this Court ought to have held that the sale instance is comparable sale instance. This aspect cannot be reopened as this Court has decided this point on merits. There is no question of reappraisal of evidence.

4. This Court has held that the appellants are entitled to rental compensation. The submissions are made by the

learned counsel for the applicants that this Court ought to have decided and fixed the rental compensation in view of the guidelines given by the Division Bench of this Court in **Writ Petition No. 2559 of 2008 dated 24th July 2008 [between Dinkar Sandipan Gholve and Ors. Vs. The State of Maharashtra & Ors.]**. This Court has held that the rental compensation first needs to be decided by the authority as per the guidelines and rules given and so, this point cannot be reopened again.

5. The submission made by the learned counsel for appellants that in view of the decision given by the Full Bench of this Court which was delivered in appeal, this Court needs to give interest under section 34 of the Act. This submission is also not acceptable as this Court has granted rental compensation and this point was not there when this Court decided the matter in the month of March 2016.

6. The applications stand rejected.

[T.V. NALAWADE, J.]

ssc/