

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.96 OF 2007**The Bharat Sanchar Nigam Ltd. Vs. The State of Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.S.Deshpande, advocate holding for Mrs.Manjusha Deshpande, advocate for the petitioner.
 Mr.B.V.Virdhe, A.G.P. for the State.
 Miss.Archana R.Ubale, advocate holding for
 Mr.G.S.Patil, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**

Date : 14.07.2016.

PER COURT :

1. Heard.
2. Mr.Deshpande, learned counsel submits that after taking consent of the claimants in the year 1993, itself the proposal was submitted by the petitioner to the SLAO for acquisition. No steps were taken by the SLAO. However, as per the say of the SLAO, fresh proposal was submitted in 2000. The petitioner can not be put to loss on account of inaction on the part of the Respondent-authority. According to the learned counsel, the petitioner can only be liable to pay compensation considering the valuation of the

year 1997 and not of the year 2001. The learned counsel further submits that the award passed by the SLAO deserves to be quashed or in alternative the Respondent Nos.1 to 3 be directed to make refund of the payment to the petitioner after calculating the difference of market value prevailing in the year 1997 and 2002 and further the petitioner can not be held liable to pay rental compensation for the delay caused by Respondent Nos.1 to 3.

3. We have heard learned A.G.P. also.

4. In the year 1993, the land in question was meant for staff quarters of Municipal Council and was not reserved for the petitioner. Upon the proposal being received from the petitioner, the Respondents communicated with the Town Planner. The Town Planner did not consent as the said site was meant for staff quarter. Subsequently, in the year 2000, the reservation on the said land was changed and was meant for the petitioner. In the year 2000, fresh proposal was submitted by the petitioner. Pursuant thereto, notification U/s 4 of the Land Acquisition Act, was issued in the year 2001. The claimant is not responsible for this process. The claimant is entitled for compensation as per the market value on the date of notification U/s 4 of the Land Acquisition Act. The possession has been taken much prior to the issuance of notification U/s 4 of the Land Acquisition Act. The claimant is entitled for rental compensation.

5. Considering the above, the grievance of the petitioner is unfounded. The Writ Petition is dismissed. Rule discharged. No costs.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.14.07.2016.
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