

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7525 OF 2011

Kachru S/o Karbhari Pakhare
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Shri Arun H. Koralkar, Advocate for Petitioners.

Shri S. N. Morampalle, A. G. P. for Respondent Nos. 1 and 2.

Shri B. R. Survase, Advocate for the Respondent No. 3.

CORAM : S. V. GANGAPURWALA

A. M. BADAR, JJ.

DATE : 08TH FEBRUARY, 2016.

PER COURT :

. Mr. Koralkar, the learned counsel for petitioners states that, the interest U/Sec. 34 of the Land Acquisition Act (for short "L. A. Act") is not awarded to petitioners. The possession has been taken after notification U/Sec. 4 of the L. A. Act and prior to the passing of the award.

2. As per the affidavit filed by the State, the possession has been taken after the award is passed.

3. Neither the petitioners, nor the respondents are in a position to state the actual date when the possession is taken. The payment of the interest U/Sec. 34 of the L. A. Act will depend upon the date

when the possession is taken of the acquired land.

4. The petitioners have already filed representation in that regard with the Special Land Acquisition Officer.

5. As none of the parties are in a position to state the actual date when the possession of the land under acquisition has been taken. It is not possible for this Court to determine the aspect about the payment of interest U/Sec. 34 of the L. A. Act. The application is also filed. The Special Land Acquisition Officer shall consider the said application page 38, if, the same is pending with it or else the petitioners may file fresh application with the Appropriate Authority in that regard. The appropriate authority shall after considering the actual date when the possession is taken, shall come to the conclusion as to whether the interest U/Sec. 34 of the L. A. Act is payable and if payable the amount of the said interest. The application shall be filed by petitioners within a period of four (4) weeks from today. On receipt of the said application, the appropriate authority shall decide the said application in view of the aforesaid observations expeditiously and preferably within a period of eight (8) months from the receipt of application, after hearing all parties concerned.

5. The writ petition is disposed of. Rule stands disposed of. No costs.

[A. M. BADAR, J.]

bsb/Feb. 16

[S. V. GANGAPURWALA, J.]