

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3748 OF 2016

BHAGIRATH VENKATRAO SAGAR AND ANOTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Sakolkar Vijay G.

with

WRIT PETITION NO. 3751 OF 2016

BASWESHWAR NANASAHEB PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. H.B.Nandagawale, Advocate h/f. Mr. Vijay
Sakolkar

AGP for respondents : Mrs. M.A. Deshpande,

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with

WRIT PETITION NO. 3752 OF 2016

BHAGIRATH VENKATRAO SAGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. H.B.Nandagawale, Advocate h/f. Mr. Vijay
Sakolkar

AGP for respondents : Mr. B.A. Shinde,

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

DATE : 2nd APRIL, 2016.

PER COURT:

1] Heard. Notice to respondents. AGP waives notice for the
respondents.

2] The grievance of the petitioners is that though possession has been taken by the respondents prior to issuance of notification under Section 4 of the Land Acquisition Act, rental compensation has not been paid. The award is passed in the year 2008 by the Reference Court. The State had filed an appeal challenging the said award. Said appeal came to be dismissed in 2010. Learned counsel submits that even notice under Section 80 of the C.P.C. was issued to the respondents for seeking payment of rental compensation. However, same is not paid.

3] Learned AGP submits that when the amount of rental compensation is not claimed at all, no application has been filed before the appropriate authority, there is no occasion for the appropriate authority to decide the same.

4] Payment of rental compensation is an obligation upon the State, of course, if the petitioners show that the possession has been taken prior to the notification under Section 4 of the Land Acquisition Act. The petitioners may make proper application/s to the appropriate/competent authority seeking rental compensation. On receipt of the same, the authority shall decide the said application/s on its own merits in accordance with law, after hearing all parties concerned expeditiously, preferably within a period of 9 months from the date of receipt of the application/s.

5] Writ petitions are accordingly disposed of. No costs.

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-