

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3836 OF 2000

Rameshwardas Narsinghdas Mundra
(Dead) through L.R. :

Vitthal s/o. Rameshwardas Mundra,
Aged about 55 years, Occ. Advocate,
r/o. A-1/33, Vrindavan Apartments,
Civil Lines, Nagpur-440001.

..... PETITIONER

// VERSUS //

1.State of Maharashtra,
through it's Secretary,
Urban Development Department,
Mantralaya, Mumbai-32.

2.The Collector,
Gondia.

3. The Executive Engineer,
Public Works Department,
(E.G.S.), Gondia.

..... RESPONDENTS

Mr.Anand Parchure, Adv. for the Petitioner..

Mrs.Kalyani Deshpande, A.G.P. for Respondent Nos. 1 to
3.

CORAM : B. R. GAVAI &
P. N. DESHMUKH, JJ.

DATE : 15/01/2016.

ORAL JUDGMENT (Per B. R. Gavai, J) :

1. The petitioner has approached this Court raising a grievance that though the land owned by the petitioner is not acquired, possession thereof was taken by the respondents for construction of Railway over-bridge.

2. In the replies filed on behalf of the respondents, it is not disputed that possession of the petitioner's land was taken. It is, however, stated that the Authorities were not aware about ownership of the petitioner. In the replies, it is specifically stated that the proposal for passing of Award is already forwarded to the Collector.

3. Mr. Anand Parchure, learned Counsel for the petitioner submits that, during pendency of the petition, the Award is already passed and the petitioner has received compensation. The learned Counsel further submits that, being dissatisfied with the Award, a reference was already filed. He further submits that, being

dissatisfied with the Award passed in reference, the petitioner has further filed a First Appeal in this Court.

4. Mr.Anand Parchure, learned Counsel further submits that though possession of the petitioner's land was taken much prior to even issuance of notification u/s. 4 of the Land Acquisition Act. 1894, no compensation therefor is paid. He submits that there is no provision in the Land Acquisition Act for payment of compensation for the period before issuance of notification u/s. 4 if possession is already taken. He, however, submits that there is a Government Resolution which provides for grant of compensation if possession is taken before acquisition of land.

5. In that view of the matter, we dispose of the petition permitting the petitioner to raise grounds in the First Appeal pending in this Court for compensation including interest for the period between the date on which possession was taken and the date on which notification u/s. 4 of the Act was issued. Rule is disposed of.

JUDGE

JUDGE

jaiswal

