

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

BENCH AT AURANGABAD.

WRIT PETITION NO.7621 OF 2016

Bansi Babu Wakale and
others. ... Petitioners.

Versus

District Collector, Beed,
Dist.Beed abnd others. ... Respondents.

...
Mr.N.K.Tungar, advocate for the petitioners.
Mr.S.B.Pulkundwar, A.G.P. for the State.
...

**CORAM : S.V.GANGAPURWALA AND
MANGESH S. PATIL,JJ.**

Date : 11.09.2017.

PER COURT :

1. Notice to the Respondents.
2. Learned A.G.P. waives service of notice
for all Respondents.
3. Leave to amend.

4. The petitioners had made an application seeking rental compensation. According to the petitioners, the possession was taken in the year 1991, the notification under Section 4 was issued in the year 1993. The petitioners would be entitled for rental compensation from the date of possession till notification under Section 4 of the Land Acquisition Act, 1894.

5. The learned A.G.P. submits that, as the petitioners have been awarded interest under Section 34 of the Land Acquisition Act, the petitioners are not entitled for rental compensation.

6. The rental compensation is awarded under the executive instructions and not in accordance with the provisions of Land Acquisition Act.

7. Time and again, it has been held and also as per the executive instructions that the rental compensation has to be awarded @ 8%.

8. In light of the above, the impugned order is quashed and set aside. The respondents

shall pay rental compensation to the petitioners from the date of possession till the date of issuance of notification under Section 4 of the Land Acquisition Act in the year 1993. The same shall be calculated and paid to the petitioners expeditiously and preferably within six months. Writ petition stands disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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