

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

FIRST APPEAL STAMP NO.6326 OF 2016

1. The State of Maharashtra
Through Collector, Latur,
 2. The Special Land Acquisition
Officer (P.T. & I.T.), Latur,
 3. The Executive Engineer,
Minor Irrigation Divisional
(Local Sector), Latur,
- = **APPELLANTS**
(Ori. Respondents)

VERSUS

Deelip S/o. Bajirao Shinde,
Age: 42 years, Occu.: Agriculture,
Resident of Thergaon,
Tq. Shirur Anantpal,
Dist. Latur

= **RESPONDENT**
(Ori. Claimant)

WITH

FIRST APPEAL STAMP NO.6437 OF 2016

1. The State of Maharashtra
Through Collector, Latur
 2. The Special Land Acquisition
Officer (P.T. & I.T.), Latur
 3. The Executive Engineer,
Minor Irrigation Divisional
(Local Sector), Latur,
- = **APPELLANTS**
(Ori. Respondents)

VERSUS

Kishore S/o. Bajirao Shinde,
Age:36 years, Occu.: Agriculture,
Resident of Thergaon,
Tq. Shirur Anantpal,
Dist. Latur

= **RESPONDENT**
(Ori. Claimant)

**WITH
FIRST APPEAL STAMP NO.6427 OF 2016**

1. The State of Maharashtra
Through Collector, Latur
2. The Special Land Acquisition
Officer (P.T. & I.T.), Latur
3. The Executive Engineer,
Minor Irrigation Divisional
(Local Sector), Latur, = **APPELLANTS**
(Ori. Respondents)

VERSUS

Dananjay S/o. Suryabhan Shinde,
Age: 31 years, Occu.: Agriculture,
Resident of Thergaon,
Tq. Shirur Anantpal,
District Latur = **RESPONDENT**
(Ori. Claimant)

Shri R.B. Bagul, AGP for Appellant/s;

S/Shri H.V. Patil and M.P. Kale, Advocates for
respective Respondent/s – Original claimant/s.

CORAM : P.R.BORA, J.

DATE : 14th June, 2017.

ORAL JUDGMENT:

1) By consent, the appeals are taken up for
final disposal.

2) Learned AGP assailed the impugned awards
only on the point of grant of rental compensation
by the Reference Court. Learned AGP submitted

that the Tribunal has grossly erred in awarding the rental compensation in the Land Acquisition Reference filed under Section 18 of the Land Acquisition Act. The learned AGP, therefore, prayed for setting aside the impugned Awards to the said extent.

3) The learned Counsel appearing for the respondents were fair enough in submitting that no rental compensation could have been awarded in the Reference Application under Section 18 of the Act.

4) In view of the fact that the original claimants have fairly conceded that the Reference Court could not have granted rental compensation in the proceeding under Section 18 of the Act and the Appellant-State has restricted its challenge only to the said extent, the present appeals deserve to be partly allowed to that extent. Hence the following order.

ORDER

i) The Awards, impugned in the present appeals, stand set aside to the extent of grant of rental compensation by the Reference Court.

ii) It would be however open for the original claimants to avail appropriate remedy to claim the rental compensation, if they so desire.

iii) The First Appeals stand partly allowed to the aforesaid extent without any order as to the costs.

iv) Pending Civil Application, if any, stands disposed of.

(P . R . BORA)
JUDGE

bdv/