

IN THE HIGH COURT OF JUDICATUR OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7418 OF 2012
AND
WRIT PETITION NO. 7421 OF 2012

BALBHIM BABURAO SAYAMBOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Shri D.R. Jayabhar
h/f. Shri D.A. Bide.
Addl. GP for Respondent No. 1 : Smt. A.V. Gondhalekar.
Addl. GP for Respondent No. 1 in W.P. No. 7421/2012 :
Smt. M.A. Deshpande.

CORAM : RAVINDRA V. GHUGE &
SUNIL K. KOTWAL, JJ.
Dated : 14th November, 2017

PER COURT :

1. Learned counsel for the petitioner points out that in identical set of facts involving the same acquisition proceedings, this Court has passed an order on 08/02/2013 in Writ Petition No. 7879/2012 in the matter of Radhakishan Krishnaji Sayambor Versus The State of Maharashtra and others. This Court has directed the respondent Nos. 2 and 3/authorities to take a decision on the application filed by the petitioner in that case dated 28/12/2011, regarding rental compensation.

2. In this matter as well the petitioners have filed an identical application dated 28/12/2011, claiming rental compensation.

3. It is not in dispute that the lands belonging to the petitioners have been acquired by the State for a public project. Possession was taken in the year 1970, prior to the initiation of the acquisition proceedings under the Land Acquisition Act, 1994. Section 4 notification was issued in the year 1980 and the award was passed on 20/03/1982. Keeping in view that the possession was taken by the acquiring body before the initiation of the Land Acquisition proceedings, these petitioners would be entitled to rental compensation.

4. We are, therefore, issuing the same directions that have been issued by this Court in its order dated 08/02/2013.

5. These two petitions are, therefore, disposed with a direction to respondent Nos. 2 and 3, to take a decision on the applications tendered by the petitioners dated 28/12/2011,

seeking rental compensation, in accordance with the policy formulated by the State Government. Needless to state, the said decision shall be taken expeditiously and preferably within a period of six months from today. In the event, respondent Nos. 2 and 3 conclude that these petitioners are entitled to the rental compensation, they shall take necessary steps to disburse the said amount of these petitioners forthwith and in any case within a period of six weeks from the date of the decision.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)

S.P.C.