

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 8552 OF 2016

1. Akbarkha Chandkha Pathan,
Age Major, Occu. Agriculture,
R/o. Shiradhon, Tq. Kallamb,
Dist. Osmanabad.
2. Chandkha Khajakha Pathan,
Age 65 years, Occu. Agriculture,
R/o. Shiradhon, Tq. Kallamb,
Dist. Osmanabad. **...Petitioners.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Minor Irrigation Department,
Mantralaya, Mumbai-32.
2. The District Collector,
Osmanabad.
3. The Deputy Collector &
Land Acquisition Officer,
Medium Project No. 2,
Osmanabad.
4. The Executive Engineer,
Minor Irrigation (Local Sector),
Division, Osmanabad. **....Respondents.**

Mr. A.B. Kale h/f. Mr. R.K. Shingnapure, Advocate
for petitioners.

Mrs. R.P. Gour, A.G.P. for respondent Nos. 1 to 3.

WITH
WRIT PETITION NO. 8185 OF 2016

1. Shantilal s/o. Chandulal Borana,
Age Major, Occu. Agriculture,
R/o. Terkheda, Tq. Washi,
Dist. Osmanabad. **...Petitioner.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Public Works Department,
Mantralaya, Mumbai-32.
2. The District Collector,
Osmanabad.
3. The Deputy Collector &
Land Acquisition Officer,
Bhoom, Tq. Bhoom,
Dist. Osmanabad.
4. The Executive Engineer,
C.C.C.M. (Civil) Construction
Division, Osmanabad. **....Respondents.**

Mr. A.B. Kale h/f. Mr. R.K. Shingnapure, Advocate
for petitioners.

Mrs. R.P. Gour, A.G.P. for respondent Nos. 1 to 3.

WITH

WRIT PETITION NO. 8186 OF 2016

1. Shantilal s/o. Chandulal Borana,
Age Major, Occu. Agriculture,
R/o. Terkheda, Tq. Washi,
Dist. Osmanabad. **...Petitioner.**

Versus

1. The State of Maharashtra,
Through its Secretary,

Public Works Department,
Mantralaya, Mumbai-32.

2. The District Collector,
Osmanabad.
3. The Deputy Collector &
Land Acquisition Officer,
Bhoom, Tq. Bhoom,
Dist. Osmanabad.
4. The Executive Engineer,
Telecom Dursanchar Vibhag,
Osmanabad.

....Respondents.

Mr. A.B. Kale h/f. Mr. R.K. Shingnapure, Advocate
for petitioners.

Mrs. R.P. Gour, A.G.P. for respondent Nos. 1 to 3.

Mrs. Geeta Deshpande h/f. Mrs. Manjusha Deshpande,
Advocate for respondent No. 4.

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATED : February 14, 2017.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. By
consent, heard both the sides for final disposal.

2) The three matters are filed for giving
directions to respondents to decide the
representations, applications made for deciding

the rental compensation.

3) It appears that the possession of the lands of the petitioners was taken on 28.8.2001, section 4 notification of the Land Acquisition Act was issued on 5.8.2004, the award was delivered by the Land Acquisition Officer on 14.3.2006 and the reference under section 18 of the Land Acquisition Act was decided on 20.4.2015. It was submitted that after decision of the matters by the Reference Court, the representations were made, but till today no progress is made in the matters and so, direction is required to be given to decide those representations, applications expeditiously.

4) Learned counsel Smt. Geeta Deshpande holding for Smt. Manjusha Deshpande for respondent No. 4 submitted that the decision of the Reference Court mentioned in Writ Petition No. 8186/2016 is challenged by the respondent No. 4 by filing First

Appeal No. 2919/2015 in this Court. The learned counsel for petitioners placed reliance on some observations made by the Apex Court in the case reported as **AIR 2013 SUPREME COURT 2903 [Kazi Akiloddin Sujaoddin Vs. State of Maharashtra and ors.]**. The facts of the reported case show that in that matter also appeal was pending, but some order was made by the High Court of disbursement of amount of compensation and the rental compensation was also decided. The learned counsel submitted that the circumstance that the appeal is pending cannot come in the way of claimants to get the decision of rental compensation. This Court is inclined to accept this proposition.

5) In view of the aforesaid circumstances, direction is given to the respondents to decide the applications filed for rental compensation by the petitioners within six months, which will be decided on the basis of compensation awarded by the Reference Court. In the first two petitions

viz. Writ Petition Nos. 8552 and 8185 of 2016 there will be no hurdle of making payment of rental compensation as no appeals are filed. In the third matter viz. Writ Petition No. 8186/2016 the disbursement of the rental compensation is not to be made and the disbursement will be subject to the decision of First Appeal No. 2919/2015 filed by the respondent No. 4 in that Writ Petition.

In those terms, rule is made absolute.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE, J.]

ssc/