

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

902 WRIT PETITION NO. 5334 OF 2016

ASHOK KISAN WAGHULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Tungar Nikhilesh K.
AGP for Respondents/State : Mr. P.S. Patil
Advocate for Respondents : Mr. S.P. Sonpawle for R/4.
...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 06.09.2017

P.C. :-

. Notice to respondents. Learned A.G.P. waives service of notice on behalf of all respondents.

2. Leave to amend.

3. The petitioner had made an application seeking rental compensation. According to the petitioner, the possession was taken in the year 1992, the notification under Section 4 was issued in the year 1996. The petitioner would be entitled for rental compensation from the date of possession till notification under Section 4 of the Land Acquisition Act, 1894.

4. The learned A.G.P. submits that, as the petitioner has been awarded interest under Section 34 of the Land Acquisition Act, the petitioner is not entitled for rental compensation.

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

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

7. In light of the above, the impugned order is quashed and set aside. The respondents shall pay rental compensation to the petitioner from the date of possession till the date of issuance of notification under Section 4 of the Land Acquisition Act in the year 1996. The same shall be calculated and paid to the petitioner expeditiously and preferably within six months. Writ petition stands disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]