

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5128 OF 2017

(Kazi Akiluddin s/o Sujauddin & Anr. vs. The State of Maharashtra thr. Collector, Akola & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.
AUGUST 18, 2017.**

Heard Shri A.A. Syed, learned counsel for the petitioners and Shri A.M. Balpande, learned AGP for the respondents, for some time.

2. The petitioners have not placed the facts correctly. Award under Section 11 of the Land Acquisition Act, 1894, filed by them shows that it was made on 28.02.2011 and Notification under Section 4 was published on 02.07.2009.

3. The petitioners have pointed out that they lost possession at the time of joint measurement i.e. on 01.10.2010.

4. If possession is lost after Section 4 declaration, it is apparent that rental compensation is not payable.

5. However, the counsel for the petitioners submits that possession of land was taken in two stages. He further submits that there was initial joint measurement and part of possession was lost then. Thus, dates are not very clear. But Annexure "A" with the petition is a notification dated 10.04.2015 which is issued under Section 11 of the Right to

Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. The learned AGP submits that in present facts, demand for rental compensation is erroneous and misconceived.

7. As the facts are not very clear and the petitioners have lost their land, we are inclined to give them an opportunity to make appropriate representation. If such a representation is made by them within a period of four weeks from today, the authorities shall take suitable decision upon it, as per law, within next three months.

8. Accordingly, writ petition is partly allowed and disposed of. However, there shall be no order as to costs.

JUDGE

JUDGE

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