

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

MCA (RESTORATION) NO. 964 OF 2017
IN WRIT PETITION NO. 3382 OF 2017

(Kazi Akiloddin Sujauddin 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.
SEPTEMBER 12, 2017.**

Heard Shri A.A. Syed, learned counsel for the applicant/ petitioner and Shri N.S. Rao, learned AGP for the respondents.

2. For the reasons disclosed in the application, MCA is allowed and Writ Petition No. 3382 of 2017 is restored back to file.

WRIT PETITION NO. 3382 OF 2017

Heard.

2. It is apparent that when the Award under Section 11 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) was made, the market value prevailing on the date of Section 4 notification was decided. Thus, the land owner is paid market value prevailing on that date and for belated payment of market value, he has been paid interest as calculated under Section 28 of the Act.

3. In present facts, the possession has been taken on 15.11.1998 and Section 4 notification has been published

on 03.06.1999. The Award under Section 11 of the Act has been made on 12.10.2000. After that award, the petitioner has been paid rental compensation calculated at 8% as per State Government policy.

4. In present matter, the petitioner seeks balance rental compensation from 15.11.1998 till 12.10.2000 which works out to Rs.607.88 lakh.

5. As per law laid down by this Court in the judgments in the case of Tukaram Maruti Pawar vs. State of Maharashtra, reported at (2015) 6 LJS 106 and Arvinda Shreenivas Bobde vs. State of Maharashtra, reported at (2016) 11 LJS 158 = (2016) 5 AIR Bom. R. 16, it is apparent that rental compensation for the period after Section 4 notification cannot be paid. As we find that the State Government has not assisted the Court properly, in such matters we register this writ petition as Public Interest Litigation.

6. We direct the respondents to file their responsible affidavit pointing out payments made all over the State of Maharashtra as rental compensation for the period after Section 4 notification.

7. The office of the Government Pleader at Nagpur to point out this order to the Chief Secretary, State of Maharashtra, specifically and file his affidavit that the order has been taken note of, within four weeks.

8. List Public Interest Litigation for further consideration after six weeks.

JUDGE

JUDGE