

WRIT PETITION NO. 10726 OF 2017

Mohansing S/o Bapusing Rajput & Ors.

Versus

The State of Maharashtra & Ors. Respondents...

WRIT PETITION NO. 11123 OF 2017

Laxman Shenfadu Dhepale & Ors.

Versus

The State of Maharashtra & Ors. Respondents...

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In both matters:

Mr Vitthal B. Wayal, Advocate for the petitioners

Mr V. S. Badakh, AGP for respondent/State

Mr A. M. Gaikwad, Advocate for respondent No. 6

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**CORAM : R. M. BORDE &
A. M. DHAVALA, JJ.**

DATE : 12TH JULY, 2018.

PER COURT:-

1. Petitioners claim that possession of their landed property was taken over prior to initiation of land acquisition proceeding and, they are entitled to claim rental compensation.

2. Petitioners tendered applications to the Collector / Sub Divisional officer to determine rental compensation. If at all, the lands belonging to petitioners have been taken over in possession for public purpose before initiation of land acquisition proceeding, petitioners shall be entitled to claim rental compensation on the amount determined under the award passed by the Land Acquisition officer so also on the enhanced amount awarded by the reference Court, if any.

3. In the circumstances, the ends of justice would meet by issuing directions to respondents 3 and 4 to determine the amount of rental compensation payable to petitioners within specified time and by issuing further directions to respondent no. 5 to pay the same within specified period.

4. Writ petitions are thus disposed of with direction to respondents 3 and 4 to determine the amount of rental compensation in accordance with the provisions of law as expeditiously as possible, preferably within period of four months from today and it is accordingly directed. On determination of amount of rental compensation, if petitioners are entitled to receive the amount, respondent no. 5 shall make payment of amount so determined by

respondents 3 and 4 as expeditiously as possible, preferably within a period of three months from the date of such determination.

5. With the directions as above, writ petitions are disposed of.

[A. M. DHAVALA]
JUDGE

[R. M. BORDE]
JUDGE

Punde