

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

WRIT PETITION NO. 2719 OF 2016

**BRAHMADEO KUNDALIK CHAVHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Shubham Jayabhar, Advocate h/f Mr.D.R.Jayabhar,
Advocate for the petitioner
Mr.S.K.Tambe, AGP for respondent/State

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 11.09.2018

P.C. :-

The learned counsel for the petitioner submits that the petitioner has filed an application seeking rental compensation. However, the same is not decided as yet. The petitioner is entitled for the rental compensation.

2. The award has been passed.

3. The learned AGP submits that till the passing of the award the possession was never taken from the petitioner.

4. The petitioner would be entitled for rental compensation, if the possession is taken prior to the issuance of the notification under Section 4 of the Land

Acquisition Act. We have perused the copy of the award. In the award, it is observed that the possession of the land under the Land Acquisition Act should be handed over to the acquiring body. As such till date the award is passed possession was not taken.

5. In the light of the above, as the possession has not been taken prior to the issuance of Section 4 notification, the petitioner would not be entitled for rental compensation.

6. The Writ Petition as such disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]