

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10722 OF 2016

Sanjay S/o Damodhar More

..Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. A.N. Kakade, Advocate for Petitioner

Mr. S.P. Tiwari, Assistant Government Pleader for
Respondent No.1

Mr. J.R. Shah, Advocate for Respondent No. 3

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 3rd APRIL, 2019

ORAL ORDER:

1. The petitioner seeks directions against the respondents to pay rental compensation as determined by the Special Land Acquisition Officer by his letter dated 27.07.2016 to the tune of Rs. 62,79,856/-.

2. Mr. Kakade, the learned Counsel for the petitioner relies on the calculation made in the letter dated 27.07.2016 by the Special Land Acquisition Officer.

3. According to Mr. Shah, the learned Counsel for the respondent No.3, the petitioner has received an excess amount. The

petitioner is not entitled for the said amount.

4. The Special Land Acquisition Officer has also made calculations and filed a chart.

5. As far as the rental compensation on the land acquired under the Award for a area admeasuring 468.90 sq. mtrs. is concerned, there does not remain any dispute. The petitioner is awarded Rs. 5,09,341/- for a period 20th September, 1999 to 28th July, 2004 i.e. since the date of possession till the date of Award.

6. For a land admeasuring 843.75 sq. mtrs., Award was never passed. The petitioner approached this Court by filing Writ Petition. The directions were issued to the respondents and the value of the land i.e. Rs. 23,62,500/- was paid to the petitioner subsequently. According to the petitioner, it was paid in the year 2014.

7. The petitioner would be entitled for rental compensation on the amount of Rs. 23,62,500/- from 20th September, 1999 till the date of payment, as no Award has been passed for the said land.

8. The Special Land Acquisition Officer shall calculate the amount of rental compensation for a area of land admeasuring 843.75 sq. mtrs. holding its value as Rs. 23,62,500/-. The rental compensation shall be calculated @ 8 % per annum from 20th

September, 1999 till the date, the payment was made by the Corporation to the petitioner of an amount of land value. The said calculation shall be made by the Special Land Acquisition Officer within a period of four weeks from today. If as per the said calculation, the amount remains due and payable by the Corporation to the petitioner, then the same shall be paid within a period of three months thereafter. This calculation is only with regard to the land admeasuring 843.75 sq. mtrs. There does not remain any dispute with regard to the land admeasuring 468.90 sq. mtrs. as the same is a subject matter of the Award and for that, rental compensation has been calculated and paid.

9. The parties shall make the payment as per the amount determined by the Special Land Acquisition Officer as observed supra.

10. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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