

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

Writ Petition No.257 of 2020

1. Shri Ramesh Kisanlal Taldar,
Aged about 64 years,
Occ: Farmer, R/o Lane No.9,
Pragati Colony, Station Road,
Bhandara.
2. Shri Narayan Kisanlal Taldar,
Aged about 68 years,
Occ: Farmer, R/o near Sambhaji Celebration Hall,
Station Road,
Bhandara.
3. Shri Ail Rambhau Bhandarkar,
Aged about 56 years,
Occ: Farmer,
R/o Lane No.5, Pragati Colony,
Station Road,
Bhandara.
4. Sou. Shubhangi Sudhakar Kawale,
Aged about 65 years,
Occ: Farmer,
R/o near old General Hospital,
Hanuman Ward,
Bhandara.
5. Shri Khilu Yadao Bisane,
Aged about 63 years,
Occ: Farmer,
R/o near Plot No.9,
Gujrathi Colony,
Vidhya Nagar,
Bhandara.
6. Shri Kamlakant Kanhaiyalal Pashine,
Aged about 56 years,
Occ: Farmer,
R/o near Dussehara Maidan,
Mendham Road, Bhandara.

... Petitioners

Versus

1. The Government of India,
Department of Land Resources,
Ministry of Rural Development,
NBO Building,
Nirman Bhavan,
New Delhi-110 108,
through its Secretary.
 2. The State of Maharashtra,
Revenue and Forest Department,
Mantralaya,
Mumbai-400 032,
through its Secretary.
 3. The Divisional Commissioner,
Nagpur Division, Nagpur.
 4. The Collector,
Bhandara District, Bhandara.
 5. The Special Land Acquisition Officer and
Deputy Collector (Land Acquisition),
Ba & E C. No.9,
Bhandara.
 6. The Executive Director,
Vidarbha Irrigation Development Corporation,
Shinchon Seva Bhavan,
Civil Lines, Nagpur.
 7. The Executive Engineer,
Gosikhurd Rehabilitation Division Unit,
Plot No.13, Civil Lines, Nagpur,
(earlier named as 'Gosikhurd Rehabilitation Division,
Ambadi, Bhandara').
 8. The Sub-Divisional Engineer,
Gosikhurd Rehabilitation Sub-Division No.6,
Ambadi (Bhandara),
Tah. & Dist. Bhandara.
- ... Respondents

Shri S.S. Godbole, Advocate for Petitioners.

Smt. M.P. Munshi, Advocate for Respondent No.1.

Ms N.P. Mehta, Assistant Government Pleader for Respondent Nos.2 to 5.

Shri J.B. Kasat, Advocate for Respondent Nos.6 to 8.

CORAM : A.S. CHANDURKAR & URMILA JOSHI-PHALKE, JJ.

DATE : AUGUST 18, 2022

ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :

Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. The lands of the petitioners came to be acquired pursuant to the proceedings initiated under the Land Acquisition Act, 1894 for construction of Flood Protection Wall and Submergence under the Gosikhurd Project. The Award has been passed by the Collector, Bhandara on 30-7-2015. The petitioners sought rental compensation from the respondents on the ground that the possession of their respective lands was taken on 2-2-2008, which is prior to issuance of the notification under Section 4 of the said Act. In the Award at Paragraph 25, it has been observed that the possession of the lands was taken through mutual agreement dated 2-2-2008 and hence the land-owners would be entitled for rental compensation. The petitioners had made a representation to the Collector on 19-8-2019 seeking grant of such compensation. Since that representation has not yet been decided, the present writ petition has been filed.

3. After hearing the learned counsel for the parties, we find that the interest of justice would be served by directing the Collector to decide the petitioners' representation dated 19-8-2019 for grant of rental compensation. To facilitate such consideration, the petitioners through their representatives shall appear before the Collector, Bhandara, on 5-9-2022. The Collector after considering all aspects shall take a decision on the representation of the petitioners within a period of eight weeks from that date.

4. All questions with regard to entitlement of the petitioners are kept open.

5. Rule is made absolute in the aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

Lanjewar