

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

WRIT PETITION NO. 1513 OF 2019

Subhash s/o Shravanji Surjuse (Dead) through legal heirs Smt. Deepa wd/o Subhash
Surjuse and others

Vs.

State of Maharashtra through the Secretary, Waster Resources and Revenue
Department, Mantralaya, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. C. Mehadia, Advocate for petitioners.
Mr. N. R. Patil, AGP for respondent nos.1 and 2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/08/2022

Civil Application (CAW) No.1761 of 2019

1. Civil Application (CAW) No.1761 of 2019 seeks intervention. Mr. Mehadia, learned counsel for the petitioners has no objection, considering which, the application is allowed.

2. The intervenor be added as respondent no.3. The corrections be carried out forthwith.

3. Mr. Bhoyar, learned counsel waives service of notice for added respondent no.3.

WRIT PETITION NO. 1513 OF 2019

1. Heard Mr. Mehadia, learned counsel for the petitioners.

2. In view of the order dated 26.2.2019, the petitioners have given up the claim for interest from

1.4.1988 to 11.4.1989, which is claimed in the execution proceedings also. The contention now is that the petitioners are entitled for the rental compensation for the aforesaid period. The order which is sought to be executed in the execution proceedings, does not direct the payment of rental compensation, in view of which, the executing Court cannot assume an adjudicatory role and determine what is the rental compensation payable to the petitioners on account of a claim being made that the possession of the property in question was taken up before the date of notification under Section 4 of the Land Acquisition Act. That being the position, there is no reason to interfere in the impugned order. The petition therefore is without any merit and accordingly dismissed.

3. Needless to mention, that in case the petitioners have any entitlement to the rental compensation, they are free to avail the appropriate remedy, if permissible in law.

JUDGE

Sarkate