

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO.3959 OF 2019

PANDHARINATH DAJI THORVE THROUGH LRS.
AJINATH PANDHARINATH THORVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Thombre S.S.
AGP for the respondent – State : Mrs. M.A. Deshpande
Advocate for the respondent no. 3 : Mr. U.B. Bondar
...

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 31 JANUARY 2023

PC :

Heard.

2. The petitioners are claiming rental compensation pursuant to the directions of the reference Court in a proceeding under section 18 of the Land Acquisition Act, 1894.

3. It appears that the reference Court holding the petitioners entitled to claim rental compensation has expected the land acquisition officer to determine it.

4. It appears that the petitioners by the communication dated 16-05-2018 requested the respondent no. 4 - Special Land Acquisition Officer to determine the rental compensation as per the award of the reference Court.

5. It appears that the respondent no. 4 - Special Land Acquisition Officer (SLAO) by his communication dated 24-05-2018 has

directed the respondent no. 3 - Executive Engineer of the Zilla Parishad, Beed to submit appropriate proposal for being processed.

6. We fail to comprehend as to why the SLAO would need a proposal from the acquiring body. Award of the reference court merely expects him to undertake calculation regarding rental compensation to which the petitioners are held to be entitled to. The liability to pay it would continue to be borne by the acquiring body. The SLAO was merely expected to conduct an enquiry and fix the rental compensation to which the reference court has found the petitioners entitled to.

7. We direct for the time being that the SLAO (respondent no. 4) shall now undertake an enquiry if any and determine the rental compensation payable to the petitioners pursuant to the awards passed by the reference court as expeditiously as possible and in any event within four months. On such rental compensation being determined, the respondent – Zilla Parishad shall pay / deposit it with the SLAO as expeditiously as possible and in any event within six months of communication of the determination of the compensation by the SLAO.

8. Writ petition is disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

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