

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.7351 OF 2023**

**DAYANAND DATTUBA RAUT AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY  
AND OTHERS**

...

Mr. Santosh B. Bhosale, Advocate for the Petitioners.

Mr. S. B. Yawalkar, AGP for Respondents-State.

...

**CORAM : RAVINDRA V. GHUGE AND  
Y. G. KHOBRAGADE, JJ.**

**DATE : 10<sup>th</sup> JULY, 2023.**

**PER COURT:-**

1. The petitioners have put forth prayer Clauses 'C' and 'D' as under:-

*“C. This Hon’ble Court may be pleased to issued appropriate writ, orders or directions against the Respondent No.5 to pay 8 percent amount over the amount of award granted by Reference Court and 6 percent interest per annum from the date of possession (05.05.2004) till the payment of compensation to the petitioners within 6 weeks from the receipt of the order of this Hon’ble Court.*

*D. This Hon’ble Court may be pleased to issued appropriate writ, orders or directions against the Respondent No.4 to determine the amount of rental compensation by affording opportunity of hearing to the petitioners and the respondent no.5 and to pay the said amount of compensation to the Petitioners within stipulated period.”*

2. The learned Advocate for the petitioners submits that the petitioners desire to delete prayer Clause 'C' and would press for only prayer Clause 'D'.

3. Having considered the details of the Award dated 22.08.2013 and the pending representation dated 19.10.2022, which respondent no.4 has to consider, **this petition is disposed off** with a direction to respondent no.4 to consider the rules/statute applicable and by following the due procedure laid down in law, deal with the representation dated 19.10.2022 on its own merits, within a period of 90 days. Needless to state, all the stakeholders would be given an opportunity of hearing as is prescribed in law.

4. After determination of the issue, respondent no.4 would act in accordance with law, without any delay.

**(Y. G. KHOBRAGADE)**  
**JUDGE**

**(RAVINDRA V. GHUGE)**  
**JUDGE**