



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

Writ Petition (WP) No. 1053 of 2019

Anandrao S/o Shaligram Sable

Versus

State of Maharashtra, through the Secretary, Waster Resources & Revenue
Department, Mantralaya, Mumbai-32

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.C.Mehadia, Advocate for the petitioner.

Ms. Soniya Thakur, AGP for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 2nd JANUARY, 2024.

Heard Shri Mehadia, learned counsel for
the petitioner.

2. In view of the order dated 25th January, 2019, the petitioner has given up the claim for interest from 10th April, 1988 to 11th April, 1989, which is claimed in the execution proceedings also. The contention now is that the petitioner is 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 petitioner 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 petitioner has any entitlement to the rental compensation, he is free to avail the appropriate remedy, if permissible in law.

[ANIL S. KILOR, J.]