



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 WRIT PETITION NO.10037 OF 2025

KHANDU AABA TAMBE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. C.K. Shinde, Advocate for petitioners

Mr. A.M. Phule, AGP for respondent Nos.1 to 3

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 27th JANUARY, 2026

ORDER :

. The petitioners seek directions to respondents to pay the amount of interest payable under Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for the sake of brevity hereinafter referred to as “**the said Act**”) under Award No.2017/LNQ/SR/10/2007 dated 09.11.2017 declared by respondent No.3. The petitioners are also seeking directions to respondent No.3 to pay the rental compensations to them from the date of taking possession of their land till the date of passing of Award. The petitioners state that the lands of the

petitioners came to be acquired by private negotiations on 01.05.2005. Possession was also taken immediately thereafter, however, no Award was passed under the Land Acquisition Act. The petitioners have approached the authorities on several occasions and requested them to pass the consent Award in respect of land which has been acquired. Subsequently the consent Award came to be declared by the authorities on 09.11.2017. The petitioners state that they were also entitled for getting rental compensation in accordance with the Government policy vide Government Resolutions dated 01.12.1972 and 02.04.1979. The petitioners, therefore, preferred a representation asking the respondents to pay rental compensation from the date of possession i.e. 01.05.2005 till the date of Award i.e. 09.11.2017. However, respondent No.3 has rejected the representation of petitioners on 22.03.2025 stating that Award has been passed by way of private negotiations and, therefore, they are not entitled for any rental compensation.

2 The Advocate for petitioners has argued that the Government policy is in existence which clearly states that possession of land has been taken by Government under the provisions of Land Acquisition Act. In that case from the date of possession till the date of Award the rental compensation will have to be paid to aggrieved persons.

3 Per contra, learned AGP appearing for respondents/State makes reference of the order passed on 22.03.2025 and submits that the acquisition of land is by way of private negotiations, in which the consent letters have been obtained by petitioners. The petitioners are ready and willing to accept the compensation amount in *lump sum* and they will not raise any further claims in respect of fair compensation which has already been paid. He, therefore, submits that the petitioners are not entitled for any other compensation in the light of these consent letters.

4 Upon hearing both the Advocates we showed our dissatisfaction towards observation made by respondent No.3 in the impugned order dated 22.03.2025 and point out to learned AGP that the statement in the consent letter is only in respect of fair compensation and the issue pertaining to rental compensation is not part of said consent letter. In view of same the learned AGP, upon taking instructions from respondent No.3, makes a statement that the petitioners are entitled for rental compensation and accordingly, the authorities will calculate the rental compensation, which is required to be paid to petitioners and after the said calculation is finalized the same will be paid to petitioners thereafter. Accordingly, we accept the statement of learned AGP that petitioners are entitled for rental compensation.

5 We direct respondent No.3 to calculate the amount of rental compensation to be paid to petitioners after hearing all the necessary parties. The amount so calculated should be paid to petitioners within a period of one month from the date of determination of rental compensation by the authorities. Accordingly, the writ petition stands **disposed of**.

6 We also make it clear that if the determined rental compensation is not paid within a period of one month, then on the next date, which will be kept for recording compliance of the order, the acquiring body will be directed to deposit cost in this Court.

7 Place the matter on 10.03.2026 for compliance.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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