

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1589 OF 2015
IN
FIRST APPEAL STAMP NO. 1756 OF 2015
WITH
CIVIL APPLICATION STAMP NO. 1758 OF 2015
IN
FIRST APPEAL STAMP NO. 1756 OF 2015

The Executive Engineer,
Latur Minor Irrigation Division,
Latur, District Latur

APPLICANT

VERSUS

1. Bhalchandra s/o Nilkanthappa Shetkar,
Age : 54 years, Occu. Agriculture,
R/o Nilanga, Tq. Nilanga, Dist. Latur
2. The State of Maharashtra,
through the Collector, Latur

RESPONDENTS

Mr. P.R. Tandale, Advocate for the applicant
Mr. S.G. Sangle, A.G.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 05/02/2015

ORAL ORDER :

1. Heard Mr. P.R. Tandale, learned counsel for the applicant.
2. Delay of 3127 days caused in filing the first appeal is sought to be condoned by the present

application.

3. It was submitted that the proposal for taking decision in respect of filing the first appeal was referred to the superior authority. Thereafter, certified copies were obtained on 04.02.2010. Those were thereafter forwarded to the office of the Commissioner and after obtaining legal opinion, the draft of the appeal memo was prepared and therefore, delay in filing the appeal, as detailed supra, is caused.

4. It should be noted that the delay caused in filing the first appeal is of 3127 days i.e. 8 years and six months. The reading of the award would show that the award in another land acquisition reference bearing No. 774/1992 regarding the same acquisition was before the learned Additional District Judge, on the basis of which the compensation was granted. The notification under section 4 of the Land Acquisition Act, in the present case, was issued long back on 27.10.1988. Thereafter, after the offer from the Land Acquisition Officer, the land acquisition reference was filed in the year 1992 and it was ultimately decided by the reference court on 31st March, 2006.

5. Considering the period of delay and finding that no sufficient reasons are forwarded for condonation of delay and further that this case appears to be the classic example of the lethargy at the official level, condonation of delay would, in fact, be punishment to the land owners. The delay condonation application is, therefore, rejected.

6. In view of rejection of civil application for condonation of delay, the civil application St. No. 1758/2015 for grant of stay, does not survive and hence, it stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

npj/ca1589-15