

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 15327 of 2010

The State of Maharashtra,
Through the Collector, Osmanabad.

.. Applicant / Appellant
(Original respondent)

versus

Vithal Naga Somwanshi,
Age : - ,
Occupation : Agriculture,
R/o. Nagur, Taluka : Omerga,
District : Osmanabad.

.. Non-applicant / Respondent
(Original claimant)

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*Mr. A.M. Phule, Assistant Government Pleader, for
the applicant.*

Mr. M.P. Tripathi, Advocate, for the non-applicant.

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CORAM : A.M. BADAR, J.

DATE : 7TH DECEMBER 2015

PER COURT :

1. This is an application by the State seeking condonation of delay of 5540 days caused in filing appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard the learned Assistant Government Pleader appearing for the applicant - State as well as the learned Counsel appearing for the

non-applicant / original claimant.

3. Considering the quantum of delay occasioned in filing the appeal, in normal course this Court would not have condoned the delay. However, averments made in the application are demonstrating some glaring facts as to how there was total inaction on the part of some authorities in preventing waste of public fund.

4. It is seen that the judgment and award sought to be challenged was passed on 29-4-1995. It was passed by the learned Civil Judge (Senior Division), Osmanabad. In the year 1996 itself, the Officials of Judicial Cell have decided not to challenge the same. However, the Divisional Commissioner of Aurangabad made grievance in this regard to the Principal Secretary of Law & Judicial Department by written communication dated 31-5-1997 itself. He made specific grievance that particular Courts in Marathwada region had awarded exorbitant compensation but still Judicial Cell has not preferred appeal challenging such awards.

5. It is further pointed out by the State in this application that while considering First Appeals bearing Nos. 517/1997 and 537/1997 from Osmanabad District, this Court found that a particular Judicial Officer from Osmanabad had awarded exorbitant compensation but still no appeals challenging such awards are filed by the State. This application is making clear that this court has issued directions in this regard to the State. It is seen that in pursuant to the directions of this Court, the State has verified all matters and found that the judgment and award needs to be

challenged. It is reported that scrutiny of all matters was done individually.

6. Considering the larger interest of society involved in the matter because of exorbitant awards passed by a particular Court, coupled with directions reportedly issued by this Court, I am of the considered view that the matter needs judicial scrutiny on merit.

7. Moreover averments made in the application are not controverted by filing counter affidavit. The reasons so stated amounts to sufficient cause.

8. Hence, the Application is allowed. Delay in filing appeal is condoned. First Appeal be registered. The Civil Application stands disposed of accordingly.

(A.M. BADAR)
JUDGE

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