

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.8078/2016group

**932 CIVIL APPLICATION NO. 8078 OF 2016
IN FAST/16257/2016**

**WITH
CA/8076/2016 IN FAST/16241/2016
WITH
CA/8077/2016 IN FAST/16241/2016
WITH
CA/8079/2016 IN FAST/16257/2016
WITH
CA/8080/2016 IN FAST/16260/2016
WITH
CA/8081/2016 IN FAST/16260/2016
WITH
CA/8082/2016 IN FAST/16232/2016
WITH
CA/8083/2016 IN FAST/16232/2016
WITH
CA/8416/2016 IN FAST/16238/2016
WITH
CA/8418/2016 IN FAST/16238/2016
WITH
CA/8438/2016 IN FAST/16235/2016
WITH
CA/8439/2016 IN FAST/16235/2016**

THE STATE OF MAHARASHTRA THR DY. COLLECTOR,
(L.A.)NO.15, AHMEDNAGAR
VERSUS
BALASAHEB PARAJI VIDHATE AND ANR

...
AGP for Applicant State : Mr. S.P.Deshmukh
Mr.Vikhe Patil Prabhakar B., Adv., for Respondent nos. 1
and 2.

...
CORAM : P.R. BORA, J.
Dated: September 16, 2016
...

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(2)

CA NO.8078/2016group

PER COURT :-

1. Delay of 2580 days has occurred in filing the present appeals. On perusal of the applications it is revealed that the legal opinion as well as approval from the Law and Judiciary Department was received to the Government Pleader's office at the High Court Bench at Aurangabad on 29th of March, 2010. The contents of the applications further reveal that after receiving such approval, the appeals were drafted and necessary documents were procured in the month of June, 2010. It is further stated that the amount of Court fees was sought from the Government, however, it was informed that it may not be necessary to pay the Court fees since Government was filing the appeal. It is submitted that for the aforesaid reasons the delay has occurred in filing the present appeals.

2. Apparently, it appears that the reasons which are assigned, are not at all sufficient for justifying the delay which has occurred in filing the appeals. Admittedly, the award was passed on 26th of August, 2008, and though the Department of Law and Judiciary has approved the proposal of filing the appeals and accordingly informed the Government Pleader's office vide communication dated 29th of March, 2010, a period of

AGP/-

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more than six years has been consumed in filing the appeal. The delay has not at all been sufficiently explained.

3. The Apex Court in the case of **B.Madhuri Gaud Vs. B.Damodar Reddy, 2012 (12) SCC 693** held that if sufficient cause is not shown, delay should not be condoned.

4. The Apex Court, in the matter of **Maniben Devraj Shah Vs. Municipal Corporation of Brihan Mumbai, reported in 2012 (5) SCC 157**, held that no premium be given for total lethargy or utter negligence of State officer / machinery / agency / instrumentality and condonation of delay caused by such officer cannot be allowed as a matter of course by accepting the plea that dismissal on the ground of limitation will cause injury to public interest.

5. The present matters demonstrate gross negligence on the part of the concerned Government authorities. As noted hereinabove, the approval was received from the Law and Judiciary Department in the month of March, 2010, for filing the appeals in the present matters. Why for the further period of six years was spent is not at all explained by the applicants. The

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reasons which are assigned, in no case, can be said to be just and sufficient. Moreover, even on merits, I do not see any merit for entertaining the present appeals. The Special Land Acquisition Officer had offered compensation at the rate of Rs. 487/- per R. whereas the Reference Court has enhanced the said amount to Rs.650/- per R. The judgment of the Reference Court reveals that sufficient evidence was adduced by the claimants to substantiate their claims and considering the evidence, a well reasoned order is passed by the Reference Court.

6. For the reasons stated above, the Civil Applications for condonation of delay are rejected. Consequently, the Appeals on Stamp Number are also dismissed. Pending Civil Applications, if any, stand, disposed of.

(P.R. BORA, J.)

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