

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

C.A.F. NO.439/2016
IN
FIRST APPEAL STAMP NO.19148/2015

The Executive Engineer, Bembla Project Division, Yavatmal
 ..VS..
 State of Maharashtra, through its Collector, Amravati and others

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 22.8.2016.

Heard Shri P.B. Patil, Advocate for the applicant
 and Shri S.B. Bissa, A.G.P. for the respondent Nos.1 and 2.
 None appears for the respondent No.3, though served.

The delay of 546 days in filing the appeal is
 explained in paragraph Nos.2 and 3 of the application. The
 details given in paragraph No.2 are relevant for the present
 purpose and, therefore, paragraph No.2 is reproduced below:

“2) The local counsel applied for certified copy on 04.04.2014 which received to him on 21.04.2014. The local counsel informed about the same to the department by his letter Dt.28.04.2014. Thereafter necessary papers were called from the office of L.A.O. and necessary proposal was prepared. The said proposal was considered by Executive Engineer and the Superintending Engineer on 26.6.2014 and thereafter by the Legal Advisor on 24.3.2015 and by Executive Director on 23.6.2015. The aforesaid authorities recommended for filing appeal.”

The explanation given for seeking condonation of inordinate delay cannot be said to be sufficient, however, after examining the merits of the matter and the fact that the Land Acquisition Officer had granted compensation at the rate of Rs.59,000/- per hector and the Reference Court has enhanced the amount of compensation to Rs.1,50,000/- per hector and several matters are pending, the delay is condoned on condition that the appellant pays costs of Rs.20,000/- to the respondent No.3 - claimant within two months.

The amount of costs shall be recovered from the Executing Engineer and the Superintending Engineer who have not taken any steps in the matter for considerable time.

If the amount of costs is not paid and receipt is not produced on record of this appeal within two months, this order shall stand recalled and the civil application shall stand dismissed without reference to Court. The civil application is **disposed** in the above terms.

JUDGE

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 24.8.2016.