

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

924 CIVIL APPLICATION NO. 2659 OF 2015

IN FAST/8820/2014 WITH CA/2661/2015 IN FAST/8842/2014
WITH CA/2663/2015 IN FAST/8848/2014 WITH CA/2665/2015 IN
FAST/8862/2014 WITH CA/2667/2015 IN FAST/8931/2014

THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DEVISION, JALGAON

.. Applicant

VERSUS

RAMESH MAHADU KOLI AND OTHERS

.. Respondents

...

Advocate for Applicant : Mr. S.S. Chillarge &
Mrs. Chaitali R. Choudhary Kutti

AGP for Respondents No.2 & 3 : Mr. S.N. Ganachari

...

**CORAM : P.R. BORA, J.
Dated: July 04, 2017**

PER COURT :-

. Though in all these matters, the respondents i.e. original claimants are duly served, none of them has entered appearance in the matter. Delay of 590 days has occurred in filing the present appeals by the Acquiring Body. Smt. Kutti, the learned counsel appearing for the Acquiring Body submitted that, in complying with the procedural requirements i.e. obtaining sanctions from the higher office, securing legal opinion, procuring the necessary documents and the amount of court fee to be paid, the time was consumed and those are the reasons that the appeals could not be filed within the period of limitation. The learned Counsel submitted that, the compensation as has been awarded by the reference Court is apparently on higher

side and without there being any sufficient evidence therefor. The learned Counsel submitted that, the Special Land Acquisition Officer (SLAO) had offered the compensation at the rate of Rs. 87,000/- per hectare, which has been enhanced by the reference court to Rs. 2,00,000/- per hectare and the reference Court has also awarded a separate compensation for trees. The learned Counsel submits that, the substantial grounds are raised by the appellants in exception to the awards impugned in the present appeals and as such, the opportunity needs to be given to the acquiring body to agitate its appeals on merits.

2. Having regard to the submission so made and considering that the public money is involved, I am inclined to condone the delay which has occurred in filing the present appeals. Hence the following order.

ORDER

1. The delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. Civil applications stand disposed of.

2. On registration of the appeals, issue notice to the respondents returnable after 4 weeks. AGP waives service of notice for the State. Call for Record and Proceedings.

(P.R. BORA, J.)