

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 CIVIL APPLICATION NO. 7576 OF 2016
IN FAST/9029/2016 WITH CA/7577/2016 IN FAST/9029/2016 WITH CA/7579/2016
IN FAST/10636/2016 WITH CA/7581/2016 IN FAST/10636/2016 WITH
CA/7583/2016 IN FAST/10633/2016 WITH CA/7585/2016 IN FAST/10633/2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD THR
GMIDC AURANGABAD
VERSUS
SOPAN RAMANNA MANU AND ANR

...
Advocate for Applicant : Mr. Gaddime Arvind N.
AGP for Respondents/ State : Mr. S. M. Ganachari
Advocate for Respondent no.1 : Mr. S. A. Wakure

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CORAM : PR. BORA, J.
DATE : 05-07-2017.

P. C. :

1) Heard learned Counsel appearing for the parties. The delay of 842 says has occurred in filing the appeals by the acquiring body. It is contended that in procedural compliance, the time was consumed and that is the main reason that appeals could not be filed within the period of limitation. Learned Counsel for the applicants submits the substantial grounds are raised by the acquiring body in exception to the impugned judgment. Learned Counsel submits that while SLO had offered the compensation at the rate of Rs.160/- per Are, the Reference Court has enhanced the same by determining the market value of the acquired lands at the rate of Rs.1,500/- per Are. Learned Counsel, therefore, prayed for allowing the applications and to hear the appeals on merits.

2) Learned Counsel appearing for the respondents i.e. original claimants has opposed for condoning the delay. Learned counsel submits the huge delay of 842 days has not been properly explained. Learned Counsel further submitted that in absnece of any plausible reason assigned by the acquiring body, the delay cannot be condoned. Learned Counsel, therefore, prayed for rejection of the applications.

3) As submitted by learned Counsel appearing for the acquiring body, the Reference Court has enhanced the amount of compensation from Rs.160/- per Are to Rs.1,500/- per Are. Prima facie, it appears that huge hike is given. It would be therefore, necessary to rescrutinize the evidence in that regard. Moreover, it also cannot be ignored that public money is involved. I am, therefore, inclined to allow the present applications. Hence, the following order.

ORDER

1. The applications are allowed. Delay caused in filing the appeals is condoned.
2. Appeals be registered in accordance with law.
3. Civil Applications stand disposed of.
4. On registration of the appeal, issue notice to the respondents. Ld. Counsels Shri Wakure waives for the respondent i.e. original claimants. AGP Mr. S. M. Ganachari, waives for State/respondent no.2 in these matters. Service complete.
5. List the matters for admission after six weeks. Call for

R & P.

6. The execution of the award impugned in the present appeals shall stand stayed subject to deposit of entire amount under each of the said award with interest thereon by the acquiring body in this court within twelve weeks from the date of this order. Civil Applications for stay disposed of.

(P.R. BORA)
JUDGE