

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

907 CIVIL APPLICATION NO. 5659 OF 2015
IN FAST/13366/2015

EXECUTIVE ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIVISION, OMERGA
VERSUS
BASWANT RAYAPPA BIRAJDAR AND OTHERS

...

WITH

CA/5661/2015 IN FAST/13568/2015

WITH

CA/5663/2015 IN FAST/13562/2015

WITH

CA/5665/2015 IN FAST/13573/2015

...

Advocate for Applicant : Mr Sangle Shirish G.
Mr S P Sonpavale AGP for Respondent State
Advocate for Respondent 1 : Mr Patil Laxmikant C.

...

CORAM : V.K. JADHAV, J.

Dated: March 02, 2017

...

PER COURT :-

1. Heard learned counsel for the acquiring body.
2. Learned counsel submits that due to some administrative difficulties, delay has occurred in filing the appeal before the Court. Learned counsel submits that though notification under section 4 for the acquired land was published on 27.4.2000, possession of the acquired land was taken prior to publication of section 4 notification. As per the record possession was taken on 1.8.1999 and as such, the sale deed which came to be executed on 21.1.2000 the

villagers were knowing about the acquisition proceedings in respect of the acquired land. Learned counsel submits that Reference Court has not considered the same.

3. On perusal of the application, it appears that delay has not been explained satisfactorily. No details are given as to on what administrative difficulties the appeal could not be preferred within a period of limitation.

4. Furthermore, this Court in FA No.2292/2005 and other connected matters and in CA Nos 7674/2015 in FAST No.18627/2015 with other connected matters, CA No.2095/2017 with other connected matters has dismissed the first appeals preferred from the same award by the acquiring body.

5. In view of this, no purpose would be served by condoning the delay. This Court in the above appeals, already dealt with submissions made on behalf of the applicant acquiring body. Even otherwise also, the submissions made on behalf of the applicant acquiring body devoid of any merits. The grounds raised by the learned counsel for acquiring body was not raised before the Reference Court.

6. In view of the above discussion, civil applications for condonation of delay are hereby rejected.

(V.K. JADHAV, J.)

...

aaa/-