

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.9582 of 2014

18 CIVIL APPLICATION NO. 9582 OF 2014
IN
FAST/18736/2014
WITH
CA/9583/2014
IN
FAST/18736/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
PRAKASH BABURAO KOTAMALE

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Advocate for Applicants : Mr. C.V.Dharurkar

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CORAM : P.R. BORA, J.
Dated: June 05, 2017

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PER COURT :-

1. Heard Shri C.V.Dharurkar, learned Counsel appearing for the appellant State. The respondent, though served, has not appeared in the matter.

2. Delay of 730 days has been caused in filing the present appeal. Learned A.G.P. submits that, in securing approval from the Law and Judiciary Department and, thereafter, in collecting the necessary documents for preferring the appeal, the time was consumed and that is the reason that the appeal could not be filed within the stipulated period of limitation. Learned A.G.P. submits that the delay be condoned and the State be given an opportunity to agitate the matter on merits.

agp/-

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3. The record reveals that the impugned award was passed on 23rd of April, 2012. The approval was received from the Department of Law and Judiciary for filing the appeal against the impugned award on 31st May, 2012. It is the contention in the application that, thereafter, necessary documents were sought from the concerned Department, however, the same could not be received within time. The reason so stated, apparently, is unacceptable. It cannot be accepted that for securing the necessary documents from the concerned Department period of one and half year was consumed. Even otherwise, on perusal of the impugned judgment and the relevant material, it does not appear that the compensation as awarded by the Reference Court is unreasonable or on higher side. The Special Land Acquisition Officer had offered the compensation at the rate of Rs.384/- per Are. The claimants had claimed the compensation before the Reference Court at the rate of Rs.5,000/- per Are. The Reference Court, after having considered the material placed on record and, more particularly, the sale instances placed on record, determined the compensation at the rate of Rs.1325/- per Are. In view of the fact that the compensation as has been determined by the Reference Court is based on sale instances duly proved by the claimants, it does not appear to me that any apparent error has been committed by the Reference Court. As such, even otherwise, there does not appear any merit in the appeal. I am, therefore, not inclined to allow the present application. Hence,

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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(3) CA NO.9582 of 2014

the following order:

ORDER

1. The Civil Application (No.9582/2014) stands rejected. Consequently, the First Appeal on Stamp (No.18736/2014) and Civil Application (No.9583/2014) for stay, stand rejected.

(P.R. BORA, J.)

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