

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 11081 OF 2014  
IN FAST/19763/2014

MUNICIPAL COUNCIL OSMANABAD THROUGH ITS CHIEF OFFICER  
VERSUS  
VITTHAL MARUTI PAWAR PATIL DIED THROUGH LRS RUKIMINIBAI AND OTHERS

...  
Advocate for Applicant : Mr. Ramesh V. Naiknavare  
AGP for Respondents: Mr. S.R. Yadav

**CORAM : K.K. SONAWANE, J.**

**DATE : 21st September, 2017.**

**PER COURT:**

1. Heard learned counsel for the applicant-Acquiring Body and learned counsel for respondents – original claimants as well as learned AGP for respondent - State.
2. Perused the applications. The learned counsel for the applicant-Acquiring Body submits that applicant had no knowledge about the Judgment and Award passed by the learned Reference Court, but applicant came to know about the impugned Judgment and Award lateron, and thereafter, certified copies of the judgment and Award was obtained for filing First Appeals in this Court. The learned counsel fervidly submits that the delay so caused was not intentional or deliberate, but caused due to compliance of official process. The matters pertain to compensation arising out of the Land Acquisition proceeding. In case, delay is not condoned it

would cause injustice and prejudice to the Acquiring Body. The learned Reference Court has granted compensation in exorbitant manner, therefore, he prayed to condone the delay by allowing the applications.

3. The learned counsel for respondents-original claimants vociferously opposed the contentions put forth on behalf of applicant and submits that the Municipal Council was not vigilant since beginning and also did not take care with reasonable precautions to prosecute the matters. The impugned Award came to be passed in March, 2011 and since then for about two years upto February, 2014 applicant did not take any action for filing the appeals. There was inordinate delay in filing the appeals, which has not been properly explained by the applicant – Acquiring Body. Hence, he prayed for rejection of applications.

4. I have given anxious consideration to the submissions advanced on behalf of both sides. Perused the applications and relevant documents produced on record. The matters pertain to land Acquisition Proceedings. Learned Reference Court partly allowed the Reference Petitions for enhancement of compensation by the original claimants. The impugned Judgment and Award came to be passed in the month of March, 2011. According to learned counsel for applicant, the applicant-Acquiring Body was not aware of the impugned Judgment and Award. But, after getting the knowledge, the Acquiring Body has shown inclination to prefer the appeals and after compliance of requisite formalities, filed the present appeals. The delay caused was not intentional or deliberate, but it caused due to compliance of official process.

5. It is to be noted that the matters pertain to the enhancement of compensation amount under the Land Acquisition Act. The appellant is the Government Agency I.e. Acquiring Body and in view of public interest, it is imperative to extend latitude while dealing with the application for condonation of delay, by adopting liberal and pragmatic approach. If the appeals of the appellant i.e. Acquiring Body are not allowed to be presented for further process on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. Therefore, I do not find any impediment to allow the applicant to present an appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose in the interest of justice. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals and list the matter for further process on 2<sup>nd</sup> November, 2017.

6. The Civil Application is disposed of in above terms accordingly.

**[K.K. SONAWANE]**  
**JUDGE.**

grt/-