

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

CIVIL APPLICATION NO. 12121 OF 2016 IN FAST/23543/2016

THE EXECUTIVE ENGINEER, AREA DEVELOPMENT DIVISION, IRRIGATION
DIVISION, AURANGABAD AND ANOTHER
VERSUS
SHAHURAO BHANUDAS BHAGWAT

...
Advocate for Applicant No.1 : Smt. Ranjana D. Reddy.
AGP for Applicant No.2 : Mr. S. R. Yadav-Lonikar.
AGP for Respondent/s : Mr. N. K. Kakade.

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CIVIL APPLICATION NO. 12113 OF 2016 IN FAST/22936/2016
CIVIL APPLICATION NO. 12115 OF 2016 IN FAST/23525/2016
CIVIL APPLICATION NO. 12117 OF 2016 IN FAST/23519/2016
CIVIL APPLICATION NO. 12119 OF 2016 IN FAST/23546/2016
CIVIL APPLICATION NO. 12123 OF 2016 IN FAST/23536/2016
CIVIL APPLICATION NO. 12125 OF 2016 IN FAST/23559/2016
CIVIL APPLICATION NO. 12129 OF 2016 IN FAST/23556/2016
CIVIL APPLICATION NO. 12133 OF 2016 IN FAST/23531/2016
CIVIL APPLICATION NO. 12135 OF 2016 IN FAST/23528/2016
CIVIL APPLICATION NO. 12137 OF 2016 IN FAST/23522/2016
...

CORAM : K.K. SONAWANE, J.

DATED : 28TH SEPTEMBER, 2017.

Order :-

Heard the learned counsel for applicant No.1- Acquiring Body and the learned counsel for respondent/s (original claimant/s).

2. These applications are moved for condonation of delay for filing First Appeal against impugned Judgment and Award passed by the learned Reference Court in the Land Acquisition Reference proceedings filed under Section 18 of the Land Acquisition Act, 1894 on behalf of respondent/s (original claimant/s). According to learned counsel for applicant No.1- Acquiring Body, the so-called delay caused is not intentional and deliberate, but owing to compliance of official process. After impugned Judgment and Award, applicant No.1 Acquiring Body has to obtain certified copies of impugned Judgment and Award, as well as to seek legal opinion from the concerned Department with requisite budgetary allocation for court proceedings. After due compliance, applicant filed present appeals. But, there is

delay caused in filing appeals. Hence, learned counsel for applicant Acquiring Body requested to condone the delay.

3. Learned counsel for respondents-original claimants has raised objection and submits that delay has not been properly explained and same may not be condoned.

4. I have given anxious consideration to the submissions advanced on behalf of both sides. Perused the applications. Admittedly, matters pertain to the land acquisition proceedings involving public funds. The applicant- Acquiring Body is the government agency looking after the irrigation projects. There were changes in the offices, who were in-charge of the Jayakwadi Project. In view of nature of the subject matter and the reasons mentioned in the applications, I find that reasonable opportunity is essential to be granted to applicant- Acquiring Body to ventilate it's grievance in the Appellate Forum for redressal. Therefore, delay caused for filing First Appeal is required to be condoned. Accordingly, applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused in preferring the First Appeals against impugned Judgment and Award is hereby condoned. The civil applications stand disposed of in above terms. Registry to take requisite steps for further process.

5. After registration of appeal, issue notice to the respondents-original claimants. Mr. N. R. Kakade waives service of notice for respondents-original claimants. Meanwhile, call for record and proceedings from the concerned Reference Court. After compliance of procedural formalities, print, etc., list the matters for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.