

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

CIVIL APPLICATION NO. 12127/2016 IN FAST/23534/2016

ARUN EKNATH BHAGWAT (DIED) THR LRS GAUTAM AND ORS
VERSUS
THE EX. ENGINEER, AREA DEVELOPMENT DIV. IRRIGATION DIVISION,
AURANGABAD AND ANR

...
Advocate for Applicants : Mr. N. K. Kakade.
Advocate for Respondent No.1 : Smt. Ranjana D. Reddy.
AGP for Respondent No.2: Mr. B. V. Virdhe.

...
WITH CA/12111/2016 IN FAST/23553/2016
WITH CA/12131/2016 IN FAST/23549/2016
...

CORAM : K.K. SONAWANE, J.

DATED : 12TH OCTOBER, 2017.

Order :-

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

2. It has been submitted that, these applications are moved for condonation of delay of 467 days 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 it caused due to compliance of official process. 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 respondent/s (original claimant/s) 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 and in view of time required for procedural formalities, some reasonable latitude is essential to be extended in favour of applicant- Acquiring Body to ventilate its grievance in the Appellate Forum for redressal. In case, delay is not condoned, no one individual would be affected, but the public interest is at stake. Therefore, I do not find any impediment to allow the applications. 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. K. 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.