

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

CIVIL APPLICATION NO. 16649 OF 2016
IN FAST/25154/2016

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,
OSMANABAD AND ANOTHER
VERSUS
SAHEBA MAHADA GUNJAL DIED THR HIS LRS RAMESH AND OTHERS

...
Advocate for Applicants : Mr. A. R. Kale.
Advocate for Respondents State/SLAO : Mr.S.R.Yadav-Lonikar.
...

CORAM : K.K. SONAWANE, J.

DATED : 10TH NOVEMBER, 2017.

Order :-

Heard the learned counsel for applicant - Acquiring Body and the learned AGP for respondents No. 5 and 6. Despite service of notice, none appears for respondents No. 1 to 4 (original claimants).

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 - Acquiring Body, the so-called delay caused is not intentional and deliberate, but owing to compliance of official process. Hence, he requested to condone the delay.

3. Learned AGP for respondents – the State of Maharashtra and S.L.A.O. submits to pass suitable order in the interest of justice.

4. As referred supra, none appears for the respondents No. 1 to 4 (original claimants), therefore, opportunity is not received for hearing on their behalf. I have considered the submissions advanced on behalf of the learned counsel for applicant. Admittedly, matter pertains to the land acquisition proceedings involving public funds. The applicant- Acquiring Body is the government agency looking after the

irrigation projects on behalf of the State of Maharashtra. I find that reasonable opportunity is essential to be granted to applicant-Acquiring Body to ventilate its grievance in the Appellate Forum for redressal. In such circumstances and the reasons mentioned in the application, there is no impediment to condone the delay. In case, the delay is not condoned, no one individual would be affected, but the public funds would be at stake. Therefore, delay caused for filing First Appeal is required to be condoned. Accordingly, application for condonation of delay stands 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. Learned AGP waives service of notice for respondents No. 5 and 6. Meanwhile, call for record and proceedings from the concerned Reference Court. After receipt of record and proceedings, list the matter in due course.

[K. K. SONAWANE]
JUDGE

rrd.