

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.15378/2016group

914 CIVIL APPLICATION NO. 15378 OF 2016
IN FAST/27501/2016

WITH

CA/15379/2016 IN FAST/27501/2016

WITH

CA/15380/2016 IN FAST/28226/2016

WITH

CA/15381/2016 IN FAST/28226/2016

WITH

CA/15382/2016 IN FAST/28180/2016

WITH

CA/15383/2016 IN FAST/28180/2016

WITH

CA/15384/2016 IN FAST/28211/2016

WITH

CA/15385/2016 IN FAST/28211/2016

WITH

CA/15386/2016 IN FAST/28214/2016

WITH

CA/15387/2016 IN FAST/28214/2016

WITH

CA/15388/2016 IN FAST/28221/2016

WITH

CA/15389/2016 IN FAST/28221/2016

WITH

CA/15390/2016 IN FAST/28232/2016

WITH

CA/15392/2016 IN FAST/28232/2016

WITH

CA/15394/2016 IN FAST/28237/2016

WITH

CA/15396/2016 IN FAST/28237/2016

WITH

CA/15397/2016 IN FAST/28177/2016

WITH

CA/15398/2016 IN FAST/28177/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2) CA NO.15378/2016group

THE M.K.V.D.C. THR EXECUTIVE ENGINEER, (P.T. AND M.I.WORKS)
NO.1, OSMANABAD AND
VERSUS
DNYANOBA MANOHAR BHOJANE

...
Advocate for Applicants : Mr. Gaikwad Anil M.
Advocate for Respondents : Mr. L.C.Patil

...
CORAM : P.R. BORA, J.
Dated: July 14, 2017

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PER COURT :-

1. Heard Shri A.M.Gaikwad, learned Counsel appearing for the acquiring body, and Shri L.C.Patil, learned Counsel appearing for respondents i.e. original claimants.

2. Delay of 838 days has been caused in filing the present appeals by the acquiring body. Shri Gaikwad, learned Counsel, submitted that in complying with the procedural requirements, the time has been consumed. Learned Counsel submitted that sanction has to be obtained at various levels, and thereafter, legal opinion from the Law and Judiciary Department is also to be sought. Learned Counsel submitted that in making these compliances, the time was consumed and that is the reasons that the appeals could not be filed within the period of limitation. Learned Counsel submitted that the Reference Court has unreasonably enhanced the amount of compensation. Learned Counsel pointed out that when the Special Land Acquisition Officer had offered compensation to the dry land at the rate of Rs.360/-

agp/-

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per Are, the Reference Court has enhanced the same to Rs.2409/- per Are, relying upon the sale instances of some small pieces of land. Learned Counsel submitted that the enhancement is apparently unreasonable. Learned Counsel submitted that in such circumstances, the appeals need to be heard on merits. Shri L.C.Patil, learned Counsel appearing for the original claimants, opposed for condonation of delay stating that the delay has not been sufficiently explained.

3. Though it appears that the delay has been caused because of some lapses on the part of the concerned officers of the acquiring body, it cannot be ignored that the compensation as has been enhanced by the Reference Court, prima facie, appears to be on higher side. The entire evidence, therefore, will have to be re-scrutinized. Having regard to the fact that public money is involved, I am inclined to allow the present applications for condonation of delay so that the appeals can be heard on merits. Hence, the following order:

ORDER

1. The delay caused in filing the appeals is condoned. Civil Applications for condonation of delay stand disposed of.
2. The Appeals be registered in accordance with law.

agp/-

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3. On registration of the appeals, issue notice to the respondents. Shri L.C.Patil, learned Counsel, waives service for respondents / original claimants. Service complete. Call for R & P.
4. List the matters for admission after four weeks.
5. The execution of the awards impugned in the present appeals shall stand stayed subject to deposit of entire amount under each of the aforesaid award along with the interest thereon in this Court by the acquiring body within twelve weeks from the date of this order. Civil Applications for stay stand disposed of.

(P.R. BORA, J.)

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