

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

924 CIVIL APPLICATION NO. 2098 OF 2015 IN FAST/30283/2014

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION,
JALGAON
VERSUS
BHANUDAS SHIVRAM PATIL DIED THROUGH LRS PARVATIBAI
HILAL PATIL AND OTHERS

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Advocate for Applicant : Ms. Chaitali R. Kutti Choudhary
AGP for Respondent State : Mr. R. B. Bagul.

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WITH CA/2100/2015 IN FAST/30489/2014
WITH CA/2102/2015 IN FAST/30494/2014
WITH CA/2108/2015 IN FAST/30506/2014
WITH CA/2110/2015 IN FAST/30509/2014
WITH CA/2112/2015 IN FAST/30512/2014
WITH CA/17003/2015 IN FAST/31498/2014
WITH CA/17007/2015 IN FAST/31356/2014

CORAM : K.K. SONAWANE, J.

DATED : 22ND AUGUST, 2017.

Order :-

1] Heard learned counsel for the applicant-Acquiring Body and learned AGP for the respondent-State. Despite service of notice to the respondents-original claimants, nobody has cause appearance on their behalf.

2] Perused the applications. Learned counsel appearing for the applicant Acquiring Body submits that due to official procedure to present an appeal, delay has been caused. He submits that delay is not deliberate and intentional but owing to administrative compliance. As such, she prayed to condone the delay.

3] Learned AGP for respondent State raised objection and submits that delay has not been properly explained and it would be unjust and improper to condone the delay.

4] I have heard the submission canvassed on behalf of both sides and perused the applications as well as the impugned Judgment and Award against which the applicant Acquiring Body is intending to file an appeal.

5] The matters pertain to land acquisition proceedings. The learned Reference Court partly allowed the references of the respondents-original claimants filed under Section 18 of the Land Acquisition Act. The applicant Acquiring Body is intending to agitate the findings recorded by the learned Reference Court on the issue of market value arrived at by the learned Reference Court, which according to applicant-Acquiring Body, is exorbitant. It has been contended that after the impugned Judgment and Award of the Reference Court, the Acquiring Body being an independent institution, approached to its counsel as directed by the superior officers and obtained the tentative figure of proposed expenditure for filing an appeals. The applicant Acquiring Body made necessary arrangement of finance for requisite court fees etc., and thereafter, preferred the present appeals with applications for condonation of delay. The impugned delay was not intentional and deliberate but owing to compliance of official process.

6] I am of the considered opinion that reasonable opportunity needs to be given to the applicant Acquiring Body to ventilate its grievances in the Appellate Forum. It is to be noted that the matters pertain to the enhancement of compensation amount under the Land Acquisition Act, 1894. 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 condonation of delay, by adopting liberal and pragmatic approach. If the appeal/s of the appellant Acquiring Body is/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/ Acquiring Body to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the interest of justice. Hence, the application/s for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeals against the impugned Judgment and Award are hereby condoned. Registry to take requisite steps for registration of appeals and list the matters for further process on 25th September, 2017.

Sd./-

[K. K. SONAWANE]
JUDGE

RRD.