

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

CIVIL APPLICATION NO. 16220 OF 2016 IN FAST/35408/2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION, DIVISION NO.1
AURANGABAD AND ANOTHER
VERSUS
NANASAHEB SHEKU TAYDE

...
Advocate for Applicants : Ms. Ranjana D. Reddy.
AGP for Respondents: Mr. S.R.Yadav-Lonikar.
Advocate for Respondent No.1 : Mr. A. M. Hajare.

...
WITH CA/16222/2016 IN FAST/35398/2016
WITH CA/16224/2016 IN FAST/35404/2016
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CORAM : K.K. SONAWANE, J.

DATED : 10TH NOVEMBER, 2017.

Order :-

1. When the matter is called out, none appears for respondents-original claimants. The applications pertain to condonation of delay. In view of nature of subject matter, there is no impediment to adjudicate present applications in absence of learned counsel for respondents-original claimants.

2. Heard learned counsel for applicant No.1 - Acquiring Body as well as learned AGP for applicants No.2 and 3 State of Maharashtra and Special Land Acquisition Officer. Perused the application and relevant documents produced on record. Matters pertain to enhancement of compensation amount awarded by the learned Reference Court under Section 18 of the Land Acquisition Act, 1894. The applicant No.1 is the Acquiring Body and Government Agency. It has been alleged that the learned Reference Court awarded exorbitant amount of compensation for the lands under acquisition. Therefore, the applicant No.1 - Acquiring Body is intending to agitate the findings expressed by the learned Reference Court. The delay caused in filing first appeal was not intentional or deliberate. Hence, learned counsel for applicant- Acquiring Body prayed to condone the delay in the interest of justice.

3. I have considered the submissions advanced on behalf of applicant- Acquiring Body. The matters pertain to land acquisition proceedings involving public funds. According to applicant Acquiring Body, learned Reference Court has awarded exorbitant compensation amount in favour of respondent-original claimant. I find reasonable opportunity is required to be given to the applicant- Acquiring Body to ventilate it's grievances in the Appellate Forum for redressal. There is sufficient cause to condone the delay. In case, the delay is not condoned, no one individual is going to affect, but the public fund is at stake. Moreover, it is rule of law that, while dealing with the application for condonation of delay, the liberal and pragmatic approach is required to be adopted by avoiding pedantic approach. Therefore, I have no impediment to condone the delay. Accordingly, civil applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused in preferring the First Appeal against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

4. After registration of appeal, issue notice for final hearing of appeal at the admission stage to respondent/s-original claimant/s. Meanwhile, call for record and proceedings from the concerned Reference Court. List the appeals for hearing at admission stage in due course.

5. Accordingly, Civil Applications in above terms stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.