

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO. 623 OF 2017

IN FAST/38902/2016

WITH

CA/624/2017 IN FAST/38902/2016

WITH

CA/625/2017 IN FAST/39080/2016

WITH

CA/626/2017 IN FAST/39080/2016

WITH

CA/627/2017 IN FAST/39071/2016

WITH

CA/628/2017 IN FAST/39071/2016

WITH

CA/629/2017 IN FAST/39075/2016

WITH

CA/630/2017 IN FAST/39075/2016

THE STATE OF MAHARASHTRA AND ANR
VERSUS
RAMDAS LIMBRAJ DARKUNDE AND ORS

...

AGP for Applicants : Mr. R.B.Bagul
Mr.Shirsath P.B., Adv., for respective respondents.

...

CORAM : P.R. BORA, J.

Dated: July 25, 2017

...

PER COURT :-

1. In CA No.627/2017, though Office remark shows that legal representatives of deceased respondent no.2 are not taken on record, Shri Shirsath, learned Counsel for other respondents in the matter, submits that he has already appeared for the legal representatives of the said deceased respondent no.2. In view of the submission so made, the legal representatives, on behalf of whom Shri Shirsath has entered appearance, be taken on record.

Service complete.

2. Delay of 515 days has occurred in filing the appeals by the State. Shri Bagul, learned A.G.P., submitted that in making procedural compliances delay has occurred. Learned A.G.P. submitted that sanctions are to be obtained from the higher office and approval is also required to be taken from the Law and Judiciary Department. In obtaining such sanctions, the delay has been caused. Learned A.G.P. submitted that substantial grounds are raised by the State in exception to the impugned judgment and award. Learned A.G.P. submitted that when the Special Land Acquisition Officer has awarded compensation for Jirayat Group I lands at the rate of Rs.36,000/- per hectare, the Reference Court has enhanced it to Rs.1,24,996/- per hectare. Learned A.G.P. submitted that there was no sufficient evidence to give such a hike in the market rate of the acquired lands. Learned A.G.P. submitted that considering that the public money is involved, opportunity be given to the State to agitate the matter on merits.

3. Shri Shirsath, learned Counsel appearing for the respondents / original claimants opposed for condonation of delay. Learned Counsel submitted that the reasons as are assigned are insufficient to condone the delay. Learned Counsel, therefore, prayed for rejecting the applications.

4. I have duly considered the submissions made on behalf of the learned Counsel appearing for the respective parties. Though it is true that the delay seems to have occurred because of the lethargy on the part of the officers concerned and the negligence of such officers is apparent on the face of record, it cannot be ignored that the enhancement as has been awarded by the Reference Court in the market value of the acquired lands prima facie appears to be on higher side. As has been submitted by the learned A.G.P., as the Special Land Acquisition Officer had offered compensation at the rate of Rs.36,000/- per Hectare, and the same has been enhanced by the Reference Court to Rs.1,24,996/- per hectare. It, therefore, appears to me that the evidence will have to be re-scrutinized. I, hence, deem it appropriate to condone the delay which has occurred in filing the present appeals. Shri Shirsath, the learned Counsel for the claimants, requested to expedite the hearing of the appeals. Request deserves to be considered. Hence, the following order:

ORDER

1. The Civil Applications for condonation of delay are allowed. The delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. Civil Applications for condonation of delay stand disposed of. On registration of the appeals, issue notice to

the respondents. Shri Shirsath, learned Counsel, waives service for respondents i.e. original claimants. Service complete.

2. List the matters for final disposal at admission stage on 23rd August, 2017. Call for R & P.

3. The execution of the awards impugned in the present appeals shall stand stayed subject to deposit of the entire amount under each of the aforesaid awards with interest accrued thereon in this Court by the State within twelve weeks from the date of this order.

. Civil Applications for stay stand disposed of.

(P.R. BORA, J.)

...

AGP/623.17CA