

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3258 OF 2017
IN FAST/3627/2017

THE EXECUTIVE ENGINEER, M.I.D. OSMANABAD
THR G.M.I.D.C. AURANGABAD
VERSUS
LATUR GORAKSHAN SANSTHA, LATUR THR ITS SECRETARY
K.V. RATHI AND ORS

...
Mr. S.G. Bhalerao, Advocate for applicant
Mr. S.S. Rathi, Advocate for respondent no.1
Mr. B.V. Virdhe, AGP for respondent - State
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 11-04-2018

ORDER :

1. Learned counsel for the applicant - acquiring body refers to the contents of the application, particularly in paragraphs 2 and 3 and states that the delay has occurred under the circumstances referred to therein.
2. Learned counsel Mr. Rathi appearing for respondent - trust purports to oppose, stating that no corresponding material is placed on record to support the contents of the application.

3. *Although,* it is being so submitted, veracity of contents of the application does not appear to be seriously disputed. It has been particularly referred to that there has been communication gap after decision by the reference court. It is further referred to that while the proceedings were initiated, it was the State which had been looking after the matter and subsequently, there had been formation of the acquiring body. In the process, official decision making process took considerable period and delay has been caused.

4. Having regard to these aspects not being in dispute, particularly having regard to decision of supreme court in the case of *Collector, Land Acquisition, Anantnag and anr. Vs. Mst. Katiji & ors.* reported in *1987 SC AIR 1353* and further quite a few orders passed by this court on applications for condonation of delay filed by acquiring body, present application is allowed in terms of prayer clause (B) and is disposed of. Delay is condoned. First appeal to proceed with.

[SUNIL P. DESHMUKH]
JUDGE

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