

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

CIVIL APPLICATION NO. 6090 OF 2010
IN FAST/6896/2010

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
VERSUS

THE STATE OF MAH AND OTHERS

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Advocate for Applicant : Mr. Tatyasaheb Bhosle.

AGP for Respondent No.1 : Mr. B. V. Virdhe.

Advocate for Respondent No.2 to 5 : Mr. D. R. Jaybhar.

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CORAM : K.K. SONAWANE, J.

DATED : 10TH JANUARY, 2018.

Order :-

Heard learned counsel for applicant- Acquiring Body and learned AGP for respondent No.1 – State of Maharashtra as well as learned counsel for respondents No.2 to 5 (original claimants).

2. Perused the application and relevant documents placed on record.

3. The applicant-Acquiring Body filed present application for condonation of 280 days delay caused in filing the first appeal against impugned Judgment and Award passed by the learned District Judge-II, Beed, in Land Acquisition Reference No. 384 of 2006 dated 12-01-2009. According to learned counsel for applicant, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. The applicant is Body corporate having its independent entity. After procuring the funds for court fees, appeal came to be filed, however, there is delay in filing the appeal. According to learned counsel for applicant, delay so caused is not intentional or deliberate, but it was caused due to compliance of official process. Therefore, he prayed to condone the delay.

4. The learned AGP for respondent No. 1 submits for suitable order in the interest of justice.

5. The learned counsel for respondents No.2 to 5 (original claimants) raised objection that the delay caused for filing first appeal has not been properly explained and same may not be condoned. He requested to reject the application.

6. I have given anxious consideration to the submissions advanced on behalf of both sides. Admittedly, matter pertains to the land acquisition proceedings involving public funds. The applicant- Acquiring Body is the Government Agency looking after the irrigation projects. In view of nature of the subject matter and the reasons mentioned in the application, I find that reasonable opportunity is essential to be granted to applicant- Acquiring Body to ventilate it's grievance in the Appellate Forum for redressal. Therefore, delay caused for filing First Appeal is required to be condoned. Accordingly, application for condonation of delay stands allowed in terms of prayer clause 'B'. The delay caused in preferring the First Appeal against impugned Judgment and Award is hereby condoned. The civil application stands disposed of in above terms accordingly. Registry to take requisite steps for further process.

7. After registration of appeal, issue notice to respondents.

8. Learned AGP waives service of notice for respondent No.1 State of Maharashtra. Mr. D. R. Jaybhar, learned counsel waives service of notice for respondents No.2 to 5 (original claimants).

9. Meanwhile, call for record and proceedings from the concerned Reference Court.

10. List the matter for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.