

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

906 CIVIL APPLICATION NO.4967 OF 2018
IN FAST/7920/2018

WITH

CA/4968/2018 IN FAST/7920/2018 WITH CA/4969/2018 IN
FAST/7917/2018 WITH CA/4970/2018 IN FAST/7917/2018
WITH CA/4971/2018 IN FAST/7923/2018 WITH
CA/4972/2018 IN FAST/7923/2018 WITH CA/4973/2018 IN
FAST/7914/2018 WITH CA/4975/2018 IN FAST/7914/2018
WITH CA/4976/2018 IN FAST/7783/2018 WITH
CA/4977/2018 IN FAST/7783/2018

THE STATE OF MAHARASHTRA
VERSUS
SITARAM ANNA BANSODE AND ANR

...

Advocate for Applicant : Mrs. SS Raut, AGP
Mr.AM Phule, Adv. For Respondent/s.

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CORAM : P.R. BORA, J.
DATED : 28th SEPTEMBER, 2018.

PER COURT:-

1. Learned Counsel Shri More submits that he has instructions to appear in all these matters for the respondent, i.e. original claimant/s. In the circumstances, though the office remark shows the matters in await service category, the service of notice is held to be complete. The learned counsel shall file his appearance in all these matters wherein it has not been filed, on behalf of the respondent – original claimants.

2. Delay of 1016 days has occurred in filing

the appeals by the State. Learned AGP Shri Phule submitted that in making the procedural compliances the delay has occurred. The learned AGP further submitted that substantial grounds are raised in exception to the Awards impugned in the present appeals. The learned AGP contended that when the Special Land Acquisition Officer had offered the compensation @ Rs.550/- per Are, the Reference Court has enhanced it to Rs.5,500/- per Are. The learned AGP further submitted that the hike given in the market value of the acquired lands is arbitrary. The learned AGP, therefore, prayed for condoning the delay and to give an opportunity to the State to prosecute its appeals on merits.

3. Shri More, learned counsel has opposed for condoning the delay stating that for the huge delay of more than around three years, no sufficient reasons are assigned.

4. After having considered the submissions so made and more particularly having regard to the fact that ultimately the public money is involved and in view of the fact that the enhancement, as has been awarded by the Reference Court is ten times of the compensation offered by the Special

(3)

Land Acquisition Officer, the entire evidence will have to be re-scrutinized. I am, therefore, inclined to allow these applications. Hence, the following order, -

ORDER

. The delay caused in filing the appeals is condoned. The Civil applications for condonation of delay are disposed of.

5. Learned counsel for the original claimants brought to my notice that though the State has obtained stay subject to deposit of the amount of compensation in this court within 12 weeks and though the said period has expired, the State has not yet deposited the amount of compensation. The learned AGP submits that he will pursue the matter with the concerned authorities and will see that the amount of compensation is deposited as early as possible.

6. Appeals be registered in accordance with law. On registration of the appeals, issue notice to the respondent/s. Advocate Shri More waives service for respondent – original claimant. Service complete.

7. The learned counsel for parties agree

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that the matters can be disposed of finally at the stage of admission.

8. List the matters for final disposal at admission stage after four weeks.

(P.R. BORA)
JUDGE

bdv