IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CIVIL APPLICATION NO. 6400 OF 2018
IN FAST/10201/2018 WITH CA/6401/2018 IN
FAST/10201/2018 WITH CA/6402/2018 IN
FAST/10439/2018 WITH CA/6403/2018 IN
FAST/10439/2018 WITH CA/6404/2018 IN
FAST/10443/2018 WITH CA/6405/2018 IN
FAST/10443/2018 WITH CA/6406/2018 IN
FAST/10434/2018 WITH CA/6407/2018 IN
FAST/10434/2018 WITH CA/6408/2018 IN
FAST/10447/2018 WITH CA/6409/2018 IN
FAST/10447/2018 WITH CA/6410/2018 IN
FAST/10422/2018 WITH CA/6411/2018 IN
FAST/10422/2018 WITH CA/6412/2018 IN
FAST/10427/2018 WITH CA/6413/2018 IN
FAST/10427/2018 WITH CA/6414/2018 IN
FAST/10461/2018 WITH CA/6415/2018 IN
FAST/10461/2018 WITH CA/6416/2018 IN
FAST/10453/2018 WITH CA/6417/2018 IN
FAST/10453/2018 WITH CA/6418/2018 IN
FAST/10430/2018 WITH CA/6419/2018 IN
FAST/10430/2018 WITH CA/6420/2018 IN
FAST/10457/2018 WITH CA/6421/2018 IN
FAST/10457/2018

THE EXECUTIVE ENGINEER L.M.P. DIVISION, LATUR
VERSUS
BABRUWAN KASTUR BODKE AND OTHERS
...

WITH

934 CIVIL APPLICATION NO. 6439 OF 2018
IN FAST/10193/2018 WITH CA/6440/2018 IN
FAST/10193/2018 WITH CA/6441/2018 IN
FAST/10481/2018 WITH CA/6442/2018 IN
FAST/10481/2018 WITH CA/6443/2018 IN
FAST/10485/2018 WITH CA/6444/2018 IN
FAST/10485/2018 WITH CA/6445/2018 IN
FAST/10498/2018 WITH CA/6446/2018 IN
FAST/10498/2018 WITH CA/6448/2018 IN

FAST/10467/2018 WITH CA/6454/2018 IN
FAST/10467/2018 WITH CA/6457/2018 IN
FAST/10491/2018 WITH CA/6459/2018 IN
FAST/10491/2018 WITH CA/6461/2018 IN
FAST/10475/2018 WITH CA/6464/2018 IN
FAST/10475/2018 WITH CA/6465/2018 IN
FAST/10471/2018 WITH CA/6467/2018 IN
FAST/10471/2018 WITH CA/6468/2018 IN
FAST/10503/2018 WITH CA/6469/2018 IN
FAST/10503/2018

WITH

935 CIVIL APPLICATION NO.6885 OF 2018
IN FAST/10186/2018 WITH CA/6886/2018 IN
FAST/10186/2018 WITH CA/6887/2018 IN
FAST/10707/2018 WITH CA/6888/2018 IN
FAST/10707/2018 WITH CA/6889/2018 IN
FAST/10732/2018 WITH CA/6890/2018 IN
FAST/10732/2018 WITH CA/6891/2018 IN
FAST/10727/2018 WITH CA/6892/2018 IN
FAST/10727/2018 WITH CA/6893/2018 IN
FAST/10718/2018 WITH CA/6894/2018 IN
FAST/10718/2018 WITH CA/6895/2018 IN
FAST/10699/2018 WITH CA/6896/2018 IN
FAST/10699/2018 WITH CA/6897/2018 IN
FAST/10704/2018 WITH CA/6898/2018 IN
FAST/10704/2018 WITH CA/6899/2018 IN
FAST/10711/2018 WITH CA/6900/2018 IN
FAST/10711/2018 WITH CA/6901/2018 IN
FAST/10723/2018 WITH CA/6903/2018 IN
FAST/10723/2018 WITH CA/6904/2018 IN
FAST/10714/2018 WITH CA/6905/2018 IN
FAST/10714/2018

WITH

936 CIVIL APPLICATION NO.7278 OF 2018
IN FAST/10196/2018 WITH CA/7279/2018 IN
FAST/10196/2018 WITH CA/7280/2018 IN
FAST/10611/2018 WITH CA/7281/2018 IN
FAST/10611/2018 WITH CA/7282/2018 IN
FAST/10640/2018 WITH CA/7283/2018 IN
FAST/10640/2018 WITH CA/7284/2018 IN

FAST/10622/2018 WITH CA/7285/2018 IN
FAST/10622/2018 WITH CA/7286/2018 IN
FAST/10631/2018 WITH CA/7287/2018 IN
FAST/10631/2018 WITH CA/7288/2018 IN
FAST/10628/2018 WITH CA/7289/2018 IN
FAST/10628/2018 WITH CA/7290/2018 IN
FAST/10634/2018 WITH CA/7291/2018 IN
FAST/10634/2018 WITH CA/7292/2018 IN
FAST/10643/2018 WITH CA/7293/2018 IN
FAST/10643/2018 WITH CA/7294/2018 IN
FAST/10625/2018 WITH CA/7295/2018 IN
FAST/10625/2018 WITH CA/7296/2018 IN
FAST/10616/2018 WITH CA/7297/2018 IN
FAST/10616/2018

WITH

937 CIVIL APPLICATION NO.7753 OF 2018
IN FAST/11815/2018 WITH CA/7754/2018 IN
FAST/11815/2018 WITH CA/7755/2018 IN
FAST/12085/2018 WITH CA/7756/2018 IN
FAST/12085/2018 WITH CA/7757/2018 IN
FAST/12074/2018 WITH CA/7758/2018 IN
FAST/12074/2018 WITH CA/7759/2018 IN
FAST/12071/2018 WITH CA/7760/2018 IN
FAST/12071/2018 WITH CA/7761/2018 IN
FAST/12095/2018 WITH CA/7762/2018 IN
FAST/12095/2018 WITH CA/7763/2018 IN
FAST/12092/2018 WITH CA/7764/2018 IN
FAST/12092/2018 WITH CA/7765/2018 IN
FAST/12088/2018 WITH CA/7766/2018 IN
FAST/12088/2018 WITH CA/7767/2018 IN
FAST/12079/2018 WITH CA/7768/2018 IN
FAST/12079/2018

WITH

939 CIVIL APPLICATION NO. 9104 OF 2018
IN FAST/10206/2018 WITH CA/9105/2018 IN
FAST/10206/2018 WITH CA/9106/2018 IN
FAST/10820/2018 WITH CA/9107/2018 IN
FAST/10820/2018 WITH CA/9108/2018 IN
FAST/10817/2018 WITH CA/9109/2018 IN
FAST/10817/2018 WITH CA/9110/2018 IN

FAST/10814/2018 WITH CA/9111/2018 IN
FAST/10814/2018 WITH CA/9112/2018 IN
FAST/10806/2018 WITH CA/9113/2018 IN
FAST/10806/2018 WITH CA/9114/2018 IN
FAST/10798/2018 WITH CA/9115/2018 IN
FAST/10798/2018 WITH CA/9116/2018 IN
FAST/10823/2018 WITH CA/9117/2018 IN
FAST/10823/2018 WITH CA/9118/2018 IN
FAST/10826/2018 WITH CA/9119/2018 IN
FAST/10826/2018 WITH CA/9120/2018 IN
FAST/10830/2018 WITH CA/9121/2018 IN
FAST/10830/2018 WITH CA/9122/2018 IN
FAST/10801/2018 WITH CA/9123/2018 IN
FAST/10801/2018 WITH CA/9125/2018 IN
FAST/10811/2018 WITH CA/9126/2018 IN
FAST/10811/2018

WITH

942 CIVIL APPLICATION NO. 12137 OF 2018
IN FAST/10227/2018 WITH CA/12138/2018 IN
FAST/10227/2018 WITH CA/12140/2018 IN
FAST/10665/2018 WITH CA/12142/2018 IN
FAST/10665/2018 WITH CA/12143/2018 IN
FAST/10690/2018 WITH CA/12144/2018 IN
FAST/10690/2018 WITH CA/12145/2018 IN
FAST/10658/2018 WITH CA/12146/2018 IN
FAST/10658/2018 WITH CA/12147/2018 IN
FAST/10651/2018 WITH CA/12148/2018 IN
FAST/10651/2018 WITH CA/12149/2018 IN
FAST/10683/2018 WITH CA/12151/2018 IN
FAST/10683/2018 WITH CA/12152/2018 IN
FAST/10686/2018 WITH CA/12153/2018 IN
FAST/10686/2018 WITH CA/12154/2018 IN
FAST/10661/2018 WITH CA/12155/2018 IN
FAST/10661/2018 WITH CA/12158/2018 IN
FAST/10678/2018 WITH CA/12162/2018 IN
FAST/10670/2018 WITH CA/12163/2018 IN
FAST/10670/2018 WITH CA/12164/2018 IN
FAST/10695/2018 WITH CA/12165/2018 IN
FAST/10695/2018 WITH CA/12167/2018 IN
FAST/10674/2018 WITH CA/12169/2018 IN
FAST/10674/2018 WITH CA/12170/2018 IN

FAST/10655/2018 WITH CA/12171/2018 IN
FAST/10655/2018

WITH

943 CIVIL APPLICATION NO. 12202 OF 2018
IN FAST/11824/2018 WITH CA/12203/2018 IN
FAST/11824/2018 WITH CA/12204/2018 IN
FAST/12106/2018 WITH CA/12205/2018 IN
FAST/12106/2018 WITH CA/12206/2018 IN
FAST/12117/2018 WITH CA/12207/2018 IN
FAST/12117/2018 WITH CA/12208/2018 IN
FAST/12113/2018 WITH CA/12209/2018 IN
FAST/12113/2018 WITH CA/12210/2018 IN
FAST/12109/2018 WITH CA/12211/2018 IN
FAST/12109/2018 WITH CA/12212/2018 IN
FAST/12102/2018 WITH CA/12213/2018 IN
FAST/12102/2018 WITH CA/12214/2018 IN
FAST/12129/2018 WITH CA/12215/2018 IN
FAST/12129/2018 WITH CA/12216/2018 IN
FAST/12124/2018 WITH CA/12217/2018 IN
FAST/12124/2018 WITH CA/12218/2018 IN
FAST/12120/2018 WITH CA/12219/2018 IN
FAST/12120/2018 WITH CA/12220/2018 IN
FAST/12098/2018 WITH CA/12221/2018 IN
FAST/12098/2018

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Advocate for Applicants : Shri S.G. Sangle
AGP for Respondents : Shri A.M. Phule
Advocate for Respondent No.1 : Shri R.K.Ashtekar

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CORAM : P.R. BORA, J.
DATE : 03.10.2018

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ORDER:

1. In all these matters, Shri R.K. Ashtekar, learned counsel is appearing for the original claimants. Shri S.G. Sangle,

learned counsel is appearing for the acquiring body and Shri A.M. Phule, learned AGP is appearing for the State.

2. The lands, which are subject matter in all these Appeals, were acquired for Dongargaon High Level Barrage. The Special Land Acquisition Officer had offered the compensation for the land acquired for the said project at the rates starting from Rs.2435/- per Aar to Rs.3565/- per Aar for dry land and double of the said amount for irrigated land. In the Reference Applications, the Reference Court has determined the market value of the said land at Rs.13,250/- per Aar for dry land and Rs.26,500/- per Aar for irrigated land.

3. Dissatisfied with the enhancement in the compensation so awarded by the Reference Court, the acquiring body has preferred present First Appeals. Since some delay has

occasioned, the acquiring body has preferred present Applications seeking condonation of delay.

4. The delay occasioned is of 740 days in some matters and maximum delay caused is of 841 days in some matters. The time consumed in making procedural compliances is the main reason assigned by the acquiring body for occurrence of delay.

5. The learned counsel for the claimants has strongly opposed for condoning delay stating that the reasons stated for occurrence of delay for such a huge period are not cogent. The learned counsel submits that for lack of sufficient cause provided by the acquiring body, the applications be rejected.

6. I have given due consideration to the submissions made by the learned counsel appearing for the respective parties.

7. It is true that the delay caused is of a long period. However, the reasons assigned by the applicants cannot be outrightly rejected. Though, the particulars explaining the delay are not provided in the applications, it can be understood that in obtaining sanction from higher authorities and in seeking legal opinion and then for procurement of the Court fees, some time could have been certainly consumed. Moreover, I am more concerned with the submission made by the learned counsel for the applicants that the enhancement in the amount of compensation is arbitrary. As noted herein above, when the Special Land Acquisition Officer had offered compensation at maximum rate of Rs.3,920/- per Are and minimum rate of Rs.2,435/ per Are, the Reference Court had enhanced it to Rs.13,250/- per Are for dry land and Rs.26,500/- per Are for irrigated land. In the circumstances, it appears to me

that the delay caused in filing the appeals needs to be condoned. It cannot be forgotten that public money is involved in these matters. In the circumstances, in the larger interest I am inclined to condone the delay so that the objections raised in the Appeals can be heard on their own merits. Hence the following order:

ORDER

1. The applications are allowed.

2. The delay caused in filing the First Appeals is condoned.

3. Civil Applications for condonation of delay stand disposed of.

4. Appeals be registered in accordance with law.

5. On registration of the Appeals, issue notice to the respondents. Shri R.K.Ashtekar, learned counsel waives notice for respondent no.1 – claimants in all these matters. Shri A.M.Phule, learned AGP waives notice for respondent – State as well as

Special Land Acquisition Officer in all these matters.

6. Service complete.

7. List the First Appeals for further consideration after eight weeks from the date of this order.

8. In Stay Applications, heard the learned counsel appearing for the parties. The execution of the awards impugned in the present Appeals shall stand stayed subject to deposit of 75% of the amount of award with interest accrued thereon in this Court by the acquiring body within eight weeks.

9. Civil Applications for stay stand disposed of.

10. Stand over to eight weeks.

[P.R.BORA]
JUDGE

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