IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 CIVIL APPLICATION NO. 7198 OF 2018
IN FAST/12226/2018

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV. THR. MOHAN BALIRAM KADE, SUB DIV. ENGINEER, OSMANABAD
VERSUS
SATYABHAMA SHIVAJI GHOGRE

...
Advocate for Applicant : Shri Shyam C. Arora
Advocate for Respondent/original claimant : Shri V.V.Tarde
...

WITH CA/7200/2018 IN FAST/12229/2018
WITH CA/7202/2018 IN FAST/12154/2018
WITH CA/7204/2018 IN FAST/12150/2018
WITH CA/7207/2018 IN FAST/12159/2018
WITH CA/7209/2018 IN FAST/12147/2018
WITH CA/7211/2018 IN FAST/12143/2018
WITH CA/7214/2018 IN FAST/12233/2018
WITH CA/7216/2018 IN FAST/12132/2018
WITH CA/7218/2018 IN FAST/12248/2018
WITH CA/7220/2018 IN FAST/12135/2018
WITH CA/7222/2018 IN FAST/12140/2018
WITH CA/7224/2018 IN FAST/12163/2018
WITH CA/7226/2018 IN FAST/12181/2018
WITH CA/7228/2018 IN FAST/12237/2018
WITH CA/7230/2018 IN FAST/12173/2018
WITH CA/7232/2018 IN FAST/12222/2018
WITH CA/7234/2018 IN FAST/12244/2018
...

CORAM : P.R.BORA, J.

DATE: 19th September, 2018

PER COURT:-

1 Heard Shri S.C.Arora, learned Counsel appearing for the applicants/appellants in these matters and Shri V.V.Tarde, learned Counsel

appearing for the respondents/original claimants in all these matters.

2 Delay for the period ranging from 976 days to 1070 days has occurred in filing these appeals by the Acquiring Body. The learned Counsel for the Acquiring Body submitted that the appellant No.1 is the Government undertaking and certain procedure has to be followed if the decision of the Reference Court has to be challenged in the High Court. The learned Counsel submitted that the sanction has to be obtained and thereafter, the necessary funds are to be procured for paying the Court fees. The learned Counsel submitted that in making all these compliances, the delay has occasioned and that is the only reason the appeals could not be filed within the stipulated period of limitation.

3 The learned Counsel submitted that substantial grounds are raised in exception to the awards impugned in the present appeals. It is further contended that Special Land Acquisition Officer (SLAO) has awarded compensation @ Rs.650/ per Are for dry land. The Reference Court has enhanced the compensation to Rs.7,150 i.e. 11 times more than the compensation awarded by the SLAO. The learned Counsel submits that the Reference Court has wrongly placed its reliance on earlier Judgment though, the lands involved in that matter cannot be in any way held to be comparable with the subject lands in the present matters. The learned Counsel submitted that in the circumstances, the Acquiring Body needs to

be given an opportunity to contest the matters on merits.

4 Learned Counsel Shri Tarde, has opposed the applications stating that delay has not been properly explained. Even if the appellant needs to obtain some sanctions, the time which has been consumed is inordinate. In such circumstances, the delay cannot be condoned and should not be condoned. The learned Counsel, therefore, prayed for rejecting the applications.

5 I have given due consideration to the submissions made on behalf of the learned Counsel appearing for the parties. I have also gone through the contentions raised in the applications as well as grounds of objections raised by the applicant in exception to the impugned awards.

6 It is true that the delay caused is of a huge period, however, the reasons which are assigned in the applications cannot be outrightly rejected or disbelieved. Even if it appears that there is some negligence on the part of the concerned Officials, it cannot be ignored that ultimately public money is involved in all these matters and in such circumstances, the matters need to be decided on merits. In view of above, I am inclined to allow these applications. Hence, the following order:-

ORDER

I) All these Civil Applications are allowed.

II) The delay caused in filing the Appeals is condoned.

III) Civil Applications stand disposed of.

IV) The Appeals be registered in accordance with law. On registration of appeals, issue notice to the respondents. Learned Counsel Shri V.V.Tarde waives service of notice for respondents/original claimants. Service complete.

V) List the First Appeals for further consideration on 17.10.2018.

VI) Endeavour will be made to dispose of the Appeals finally at the admission stage.

VII) Call Record and Proceedings.

(**P.R.BORA**)
JUDGE

SPT