

((1))

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

CIVIL APPLICATION NO.8413 OF 2017 IN
FIRST APPEAL ST. NO.12774 OF 2017

Shivaji s/o Tukaram Chaval ... APPLICANT

VERSUS

The Special Land Acquisition Officer
and others ... RESPONDENTS

.....
Shri A.B. Kale, Advocate for applicant
Shri A.P. Basarkar, A.G.P. for State
Shri S.B. Mene, Advocate for respondent No.3

.....

WITH

CIVIL APPLICATION NO.8414 OF 2017 IN
FIRST APPEAL ST. NO.12989 OF 2017

Sumanbai w/o Shivaji Chaval ... APPLICANT

VERSUS

The Special Land Acquisition Officer
and others ... RESPONDENTS

.....
Shri A.B. Kale, Advocate for applicant
Shri A.P. Basarkar, A.G.P. for State
Shri S.B. Mene, Advocate for respondent No.3

.....

WITH

CIVIL APPLICATION NO.8415 OF 2017 IN
FIRST APPEAL ST. NO.12991 OF 2017

Panditrao s/o Annasaheb Chaval ... APPLICANT

((2))

VERSUS

The Special Land Acquisition Officer
and others

... RESPONDENTS

.....

Shri A.B. Kale, Advocate for applicant
Shri A.P. Basarkar, A.G.P. for State
Shri S.B. Mene, Advocate for respondent No.3

.....

WITH

CIVIL APPLICATION NO.8416 OF 2017 IN
FIRST APPEAL ST. NO.12987 OF 2017

Asaram s/o Paraji Chaval

... APPLICANT

VERSUS

The Special Land Acquisition Officer
and others

... RESPONDENTS

.....

Shri A.B. Kale, Advocate for applicant
Shri A.P. Basarkar, A.G.P. for State
Shri S.B. Mene, Advocate for respondent No.3

.....

CORAM: A.M. DHAVAL, J.

DATED : 10th August, 2018.

ORAL ORDER :

1. Heard learned Advocates. The applicants are challenging the judgment passed by the Reference Court, dated 2.5.2008. There is huge delay of 3176 days. Under the normal law of limitation, such a huge delay cannot be explained or cannot be held to be sufficient. However, it is submitted that,

the appeals preferred by the claimants, whose lands were acquired under the same notification of the same project are admitted by condoning the delay and some of the appeals are decided and some enhancement has been granted. On the principle of parity as laid down in the case of **Dhiraj Singh (D) Tr. L.Rs. Etc. Etc. Vs. Haryana State and Ors. Etc. Etc.**, reported in **[2015(1) SCC (Civil) 236]** and **Imrat Lal and others Vs. Land Acquisition Collector & others** reported in **[2012 (2) R.C.R. (Civil) 437]**, the appellants also deserve to be considered for enhancement of their compensation. Hence, the delay is condoned subject to condition that the appellants shall not be entitled for statutory benefit for the period of delay. Civil Applications for condonation of delay are disposed of.

2. The appeals be registered and be listed for admission, and the condition shall be incorporated in the first order of the appeal.

(A.M. DHAVALA)
JUDGE

fmp/