

1. By notification under Section 4, dated 1.2.1996, land of original claimant Sheku Ambu Kale, admeasuring 2 Hectors 78 R, situated at Sahangaon, Taluka Kannad, District Aurangabad was acquired for Khari Minor Irrigation Project. Land Acquisition Officer passed final award on 12.12.2000, awarding compensation @ Rs.425/- per R, holding the land as dry land. In

L.A.R. No.164/2001, the Reference Court held that 2 Hectors 13 R was dry land and 40 R land was perennially irrigated, and awarded compensation @ Rs.655/- per R for dry land, and Rs.1310/- per R for irrigated land. Still, not satisfied, the claimants have preferred the present Appeal. The reference Court has delivered the judgment on 18.11.2011. The appeal is preferred on 17.7.2017, with delay of 1972 days.

2. Learned advocate for the applicants submits that, the other claimants whose lands were acquired under the same notification had preferred First Appeal with delay and the delay was condoned subject to waiver of statutory benefits for the delayed period. Thereafter, the First Appeal was heard and partly allowed and the compensation of Rs.850/- per R has been awarded for dry land. The legal heirs of the deceased claimant are similarly situated. Due to poverty and ignorance, they could not prefer the appeal in time. In view of acquisition of the property including the houses, the claimants were displaced from the village and were moving from place to place for earning the source of livelihood. Learned Advocate for appellants submits that, the claimants should get the same compensation as the other claimants whose similar lands are acquired under the same notification. He submits that, the claimants are undertaking to waive the statutory benefits for the delayed period.

3. Mr. Surwase, learned counsel for respondent No.2 has no objection, subject to waiver of statutory benefits for the delayed period, and submits that, the matter can be placed before the Lok Adalat.

4. Though there is huge delay of 1972 days, as held 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 Apex Court has taken a view that all the land owners, whose similar lands are acquired under one notification should get the same rate of compensation from the acquiring body. If on the ground of ignorance, poverty or illiteracy the land owners are not in a position to file appeal within reasonable time, still huge delay can be condoned for placing them at par with other landholders. In the case of **Samiyathal and others Vs. Special Tahsildar and others**, reported in **[2012(2) R.C.R. (Civil) 441]**, the Apex Court extended the benefit of same compensation for the land acquired under the same notification in similarly situated lands to some of the claimants who had not preferred any appeal, due to ignorance, poverty and other handicaps.

5. In Dhiraj Singh's case (supra), it was directed that

the claimants would not be entitled for interest.

6. Considering the facts, the Civil Application is allowed subject to condition that the applicants shall not be entitled for statutory benefits for the period of delay as undertaken by the applicants. The First Appeal be registered.

7. First Appeal is admitted.

8. Mr. B.R. Surwase, learned Advocate waives service on admission of appeal.

9. By consent of parties, the appeals be fixed in the next Lok Adalat.

(A.M. DHAVALA)
JUDGE

fmp/