

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

CIVIL APPLICATION NO. 16490 OF 2016 IN FAST/34046/2016

THE GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THR THE EXECUTIVE ENGINEER AND ANR.
VERSUS

GANAYYA SATLING SWAMI, DIED THROUGH HIS LRS.

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Advocate for Applicant No.1 : Mr.Avinash D. Hande h/f.
Mr. Anil M. Gaikwad.

AGP for Applicant No.2 - State : Mr. A. M. Phule.

Advocate for Respondents-original claimants : Mr. Abhijit More.

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CORAM : K.K. SONAWANE, J.

DATED : 6th JUNE, 2018.

Order :-

Heard learned counsel for applicant- Acquiring Body and learned counsel for respondents-original claimants as well as learned AGP for applicant No. 2 - State of Maharashtra. Perused the application.

2. The applicant moved present application for condonation of delay caused in filing the first appeal against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition References filed under section 18 of the Land Acquisition Act, 1894 (in short, "L.A.Act"). According to learned counsel for the applicant- Acquiring Body, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of L.A.Act. The applicant is Body corporate having its independent entity. After procuring the funds for court fees appeals came to be filed, however, there is delay in filing the appeal. According to learned counsel for applicant, delay so caused is not intentional or deliberate, but it was caused due to compliance of official process. Therefore, he prayed to condone the delay.

3. The learned AGP for applicant No. 2 submits for suitable order in the interest of justice.

4. The learned counsel for respondent-original claimant raised objection that the satisfactory reasons for such inordinate and huge delay caused for filing first appeal has not been properly explained by the applicant. He requested to reject the application.

5. I have given anxious consideration to the submissions advanced on behalf of both side. Admittedly, matter pertains to the land acquisition proceedings involving public funds. The applicant- Acquiring Body is the Government Agency looking after the irrigation projects. In view of nature of the subject matter and the reasons mentioned in the application, an reasonable opportunity is essential to be granted to the applicant- Acquiring Body to ventilate it's grievance in the Appellate Forum for redressal. Therefore, delay caused for filing First Appeal is required to be condoned. Accordingly, application for condonation of delay stands allowed in terms of prayer clause 'A'. The delay caused in preferring the First Appeal against impugned Judgment and Award is hereby condoned. The civil application is disposed of in above terms accordingly. Registry to take requisite steps for further process.

6. After registration of appeal, issue notice to respondents-original claimants.

7. Mr. More, learned counsel waives service of notice for respondents-original claimants.

8. Meanwhile, call for record and proceedings from the concerned Reference Court.

9. List the matter for final hearing at the stage of admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.