

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

CIVIL APPLICATION NO. 17 OF 2018 IN FAST/40046/2017

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT CONSOLIDATION
DIVISION, OMERGA AND ORS
VERSUS
PRAKASH HARI JADHAV AND ANR

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Advocate for Applicant No.1 : Mr. Vishal S. Badakh.
AGP for Applicants No.2 and 3 : Mr. A. M. Phule.
Advocate for Respondents : Mr.N.R.Pawade h/f. Mr. Laxmikant C. Patil.

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WITH CA/19/2018 IN FAST/40155/2017
WITH CA/21/2018 IN FAST/40127/2017
WITH CA/23/2018 IN FAST/40151/2017
WITH CA/25/2018 IN FAST/40134/2017
WITH CA/27/2018 IN FAST/40122/2017
WITH CA/29/2018 IN FAST/40140/2017
WITH CA/31/2018 IN FAST/40116/2017
WITH CA/33/2018 IN FAST/40147/2017

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CORAM : K.K. SONAWANE, J.
DATED : 15th JUNE, 2018.

Order :-

Heard learned counsel for applicant No.1 - Acquiring Body and learned AGP for applicants No. 2 and 3. Perused the applications.

2. Issue notice to the respondents-original claimants. Mr. N. R. Pawade h/f. Mr. L. C. Patil, learned counsel waives service of notice for respondents-original claimants.

3. The applicants moved present applications for condonation of delay caused in filing the first appeals 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. According to learned counsel for the applicant, 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.

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

5. The learned counsel for respondents-original claimants raised objection that the satisfactory reasons for such inordinate and huge delay caused for filing first appeals have not been properly explained by the applicants. He requested to reject the application.

6. I have given anxious consideration to the submissions advanced on behalf of both side. Admittedly, matters pertain 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 applications, 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, applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused in preferring the First Appeals against impugned Judgment and Award is hereby condoned. The civil applications are disposed of in above terms accordingly. Registry to take requisite steps for further process.

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

8. Mr. Pawade h/f. Mr. Patil, learned counsel waives service of notice for respondents-original claimants.

9. Meanwhile, call for record and proceedings from the concerned Reference Court. List the matters for final hearing at the stage of admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.