

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAC) NO.50 OF 2018
IN
CIVIL REVISION APPLICATION ST. NO.17862 OF 2018

Udebhan s/o Pichgu Ganvir and anr.

-vs-

The Collector, Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri K. S. Motwani, Advocate for applicants.

Shri K. R. Lule, Assistant Government Pleader for non-
applicant Nos.1 and 2.

CORAM : A.S.CHANDURKAR, J.

DATE : October 03, 2018

Heard.

By this application it is prayed that the delay in filing Civil Revision Application for challenging the order dated 11/02/2004 passed by the Special Land Acquisition Officer refusing to forward the reference made by the applicants under Section 18 of the Land Acquisition Act, 1894, be condoned.

In the application it has been stated that though the proceedings under Section 18 of the said Act were filed within limitation, the fact that the Special Land Acquisition Officer refused to forward the reference was not communicated to the applicants. This knowledge

was got only after information was sought under provisions of the Right to Information Act, 2005. It is further stated that the applicants had also filed Writ Petition before this Court seeking direction for sending the reference to the Civil Court. However said Writ Petition was dismissed. It is therefore prayed that in the aforesaid facts the delay in preferring the Civil Revision Application be condoned.

The learned Assistant Government Pleader after inspecting the records, on instructions, states that the said record does not indicate any communication being issued to the applicants informing them that the reference made by them was not being sent to the Civil Court.

In the aforesaid backdrop as the records maintained by the Special Land Acquisition Officer do not indicate any communication on the part of the said office of not referring the reference to Civil Court, the delay is liable to be condoned.

As regards the question of interest on the amount of compensation if granted, I find that though there is no communication to the applicants as regards not

referring the proceedings to the Civil Court, there is also inaction on the part of the applicants for considerable period. Thus, by balancing the equities the applicants can be granted the benefit of interest only for half of the period of delay that has been caused. Hence, subject to the applicants not being entitled for interest on the amount of compensation if enhanced for half of the period of delay that has been caused in filing the Civil Revision Application, the delay stands condoned.

Civil Application is allowed and disposed of.

JUDGE