

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.607 OF 2017
IN
FIRST APPEAL (ST) NO.41788 OF 2003

The State of Maharashtra and Anr.	.. Applicants
Versus	
Madhu Bala Patil (decd.) through LR's	.. Respondents

Mr. A.R. Patil, AGP for applicants.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1. Heard learned AGP for the applicants.
2. By this Civil Application applicant is seeking condonation of 2 years 100 days delay in filing First Appeal challenging the judgment and award dated 31.03.2001 passed by 2nd Additional District Judge, Kolhapur in Land Acquisition Reference No. 175 of 1993.
3. The learned AGP for applicant submits that before filing the First Appeal they have to take approval from several departments. Hence, there is delay in filing First Appeal before this Court. He submits that they have good chance of success in the present proceedings.
4. The learned AGP for applicant submits that in the present proceedings the Special Land Acquisition Officer issued

notification under Section 4 of the Land Acquisition Act dated 11.08.1983 for acquiring respondent/original claimant's land for resettlement of projected affected persons under Doodhganga Project. He submits that after following due process of law the Special Land Acquisition Officer passed an award dated 30.03.1988 and awarded compensation in respect of acquired land at the rate of Rs.10,000/- to 45,000/- per Hectare. He submits that being aggrieved by the said award, respondent/claimant preferred reference under Section 18 of the Land Acquisition Act and in that reference, the Reference Court awarded compensation at the rate of Rs.30,000/- per Hectare. He submits that they have good chance of success in the present matter. He submits that in the interest of justice this Hon'ble Court be pleased to condone the delay in filing First Appeal.

5. I have heard the learned AGP for applicant at length. It is to be noted that, in the present proceedings, the respondent's 61 Ares land was acquired by the applicant. The reference Court awarded additional compensation of Rs.5144/- for land in favour of the respondent/original claimant. To call the claimant for 5144/- in the High Court is not proper. Apart from that there is no explanation on the part of the applicant for inordinate delay of more than 2 years 100 days in filing First Appeal. Hence, Civil Application stands rejected.

6. No order as to costs.

(K. K. TATED, J.)