

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

CIVIL APPLICATION NO.8812 OF 2019 IN FAST/11529/2019

THE EX. ENGINEER, MINOR IRRIGATION DIVISION, LATUR
VERSUS
SUREKHA JARACHAND DESHMUKH AND ORS

...
Advocate for Applicant-Acquiring Body : Mr. R. D. Biradar
Advocate for Respondents-claimants : Ms.L.R.Thakur h/f. Mr. L. C. Patil
AGP for Respondent-State : Mr. R. B. Bagul

...
WITH CA/8814/2019 IN FAST/12351/2019
WITH CA/8816/2019 IN FAST/12348/2019
...

CORAM : K.K. SONAWANE, J.

DATED : 06th JANUARY, 2020.

ORDER :-

Heard learned counsel for applicant- Acquiring Body and learned counsel for respondent-original claimants as well as learned AGP for respondents-State. Perused the applications and other relevant documents produced on record.

2. The applicant-Acquiring Body moved present applications for condonation of 985 days' 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 Land Acquisition Act, 1894. 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 appeals. 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 respondents-State submits for suitable order in the interest of justice.

4. The learned counsel for respondent-original claimant raised objections that the inordinate and huge delay caused for filing first appeals has not been properly explained by the applicant. He requested to reject the applications.

5. I have given anxious consideration to the submissions advanced on behalf of both the sides. 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 reasons mentioned in the application, I find that reasonable opportunity is essential to be granted to applicant- Acquiring Body to ventilate it's grievance in the Appellate Forum for redressal. Therefore, delay caused for filing First Appeals is required to be condoned.

6. Accordingly, Civil Applications are allowed in terms of prayer clause (B). The delay of 985 days' caused in filing First Appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process. The Civil Applications stands disposed of in above terms.

7. On registration of first appeals, issue notice to the respondents. Mr. Laxmikant C. Patil, learned counsel waives service of notice for the respondents-claimants, whereas, learned AGP waives service of notice for respondents- the State of Maharashtra.
8. Call for record and proceedings from the concerned Reference Court.
9. Meanwhile, the applicant-Acquiring Body shall deposit decretal amount awarded by the learned Reference Court in LAR No. 602, 603 and 604 of 2002 dated 15-04-2016, within a period of three weeks from today. In case, applicant-Acquiring Body fails to deposit the amount as directed above, the requisite order will be passed on next date.
10. List the First Appeals for further process on 03-02-2020.

[K. K. SONAWANE]
JUDGE

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