

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

926 CIVIL APPLICATION NO. 11581 OF 2010
IN FAST/15443/2010
WITH CA/11582/2010 IN FAST/15443/2010

THE EXE ENGINEER, NMC DIVISION
VERSUS
THE STATE OF MAH AND ANR

...
Advocate for Applicant : Mr. Vilas R. Sonwalkar
AGP for respondent-State : Mr. S.N. Morampalle
Advocate for respondent-claimants : Mr. C.K. Shinde

...
WITH CA/11585/2010 IN FAST/15448/2010
WITH CA/11586/2010 IN FAST/15448/2010
WITH CA/11587/2010 IN FAST/15421/2010
WITH CA/11588/2010 IN FAST/15421/2010
...

CORAM : K.K. SONAWANE, J.

DATED : 27th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for the applicant-Acquiring Body. Learned AGP for State of Maharashtra. Despite service of notice, no one else appeared on behalf of respondent No. 2 in CA No. 11581 of 2020.
2. Present applications seeking leave to present appeal against the impugned Judgment and Award passed by learned Reference Court in Land Acquisition proceedings filed by original claimants under Section 18 of the Land Acquisition Act, 1894 which came to adjudicated on merit on 08-12-2000. It is to be noted that applicant-Acquiring body is intending to file appeals with application for condonation of delay against impugned Judgment and Award of the Reference Court dated 08-12-2000. It is strange to appreciate that present applications are pending for its adjudication on merit since year 2010. There were no endeavour on the part of applicant-Acquiring Body to get proceedings circulated for issuance of notice to respondents for further progress. Eventually, on 03-11-2017, this Court issued notice to respondents for further progress into the matters.

3. Admittedly, the applicant is intending to agitate the validity and propriety of impugned Judgment and Award passed by learned Reference Court in the year 2000. The applicant approached to this Court for filing the appeal in the year 2010. The applicant did not pursue the matter with due diligence and promptly since year 2010, which resulted into no progress of the matter upto 2017.

4. In view of negligent conduct and demeanour of the applicant-Acquiring Body there is no property to allow the applicant to file appeals after colossal delay to agitate validity of the impugned Judgment and award passed by Reference Court long-back in the year 2000. Therefore, applications seeking leave to present an appeal being devoid of merit, stands dismissed.

5. In view of aforesaid, nothing further survive for consideration in pending civil applications and the same stand disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK