

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

53 WRIT PETITION NO.13721 OF 2019

SOJARBAI JIJABHAU MANE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO.13725 OF 2019

NAMDEO DADARAO KASHID

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mrs. Anjali Dube (Bajpai), Advocate for the
Petitioners in both Writ Petitions.

Mrs. A. V. Gondhalekar, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 08th JANUARY, 2020.

PER COURT:-

1. The learned counsel for petitioners submits that petitioners had filed an application under Section 28-A of the Land Acquisition Act alongwith application for condonation of delay. The application for condonation of delay is not entertained on the ground that the authority has no power to condone the delay. The learned counsel relies on the judgment and order of the Apex Court in a case of **Karam Chand (Dead) By Lrs. & Anr. Vs.**

State of Himachal Pradesh & Anr. in Civil Appeal No.17323 of 2017 dated October 27, 2017.

2. We have also heard learned A.G.P..

3. The Apex Court in the said order has observed that though limitation is prescribed and it is expected that the aggrieved party takes remedies within such prescribed time, the delay can be extended in appropriate cases. Subject to declining the interest for the delayed period, the compensation can be re-determined and paid to the appellants.

4. In view of that, the authority shall consider the application filed by petitioners for condonation of delay on its own merits and in light of the order of the Apex Court in the case of **Karam Chand (Dead) By Lrs. & Anr. Vs. State of Himachal Pradesh & Anr.** (supra) which may be pointed out by petitioners to the authority.

5. Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE