

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8928 OF 2019 IN
FIRST APPEAL ST. NO. 12397 OF 2019

Executive Engineer

Applicant

Versus

Anjanabai namdeo Burle & others

Respondents

WITH
CIVIL APPLICATION NO. 8930 OF 2019 IN
FIRST APPEAL ST. NO. 12778 OF 2019

Executive Engineer

Applicant

Versus

Mehboob Ismail Shaikh & others

Respondents

Smt. S.D. Shelke, Advocate for the applicant.

Mr. R.V. Naiknaware, Advocate for respondent No. 1.

Mr. P.M. Kulkarni, AGP for respondent-State.

CORAM : M.G. Sewlikar, J.
DATE : 16th February, 2021.

PER COURT :

1. Heard.
2. Learned counsel Smt. Shelke submits that the acquiring body has deposited the entire amount of compensation. She has further stated that delay is committed due to administrative

formalities.

3. Learned counsel Shri Naiknaware objects for condonation of delay on the ground that no sufficient cause is made out.

4. In the case of Ningappa Thotappa Angadi Vs. Special Land Acquisition Officer and another in Civil Appeal No. 9415/2019 arising out of Special Leave petition (C) No.11015/2017, the Honourable Supreme Court has held as under :-

8. We find that the issue raised in this appeal is no longer res-integra. This Court in Dhiraj Singh (Dead) through LRs. and others Vs. State of Haryana and others held that :

“14. The appellants are identically situated and there is no reason to meet out a different treatment to them. We also note that, while in these cases, the High Court had refused to condone the delay and dismissed the LPAs of the appellants, other LPAs were allowed by the High Court itself by condoning the delay of the same magnitude in the same circumstances.

15. Equities can be balanced by denying the appellants' interest for the period for which they did not approach the Court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hypertechnical view of self-imposed limitations. In the matter of compensation for land acquisition, we are of the view that approach of the Court has to be pragmatic and not pedantic.

5. In view of above observations, the delay is condoned.
Appeal be registered, if it is otherwise fit for registration.

6. Civil application stands disposed of.

(M. G. SEWLIKAR)
JUDGE

dyb