

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

932 CIVIL APPLICATION NO.1462 OF 2017
IN FIRST APPEAL [STAMP] NO.30912 OF 2014
WITH
CIVIL APPLICATION NO.1463 OF 2017
IN FIRST APPEAL [STAMP] NO.30912 OF 2014

THE EXECUTIVE ENGINEER, MPD, DHULE
VERSUS
MAHARU JAGANNATH WANI & ANOTHER

...
AND

CIVIL APPLICATION NO. 3301 OF 2020
IN FIRST APPEAL [STAMP] NO.30776 OF 2014
WITH
CIVIL APPLICATION NO. 3302 OF 2020
IN FIRST APPEAL [STAMP] NO.30776 OF 2014

THE EXECUTIVE ENGINEER, MPD, DHULE
VERSUS
SANTOSH NAVAL KOLI [DECEASED]
THROUGH L.Rs. RAJENDRA & OTHERS

...
Mr.Ajay D.Pawar, Advocate for the applicants in both
applications.
Mr.R.D.Sanap, AGP for the respondent–State in both
applications.
...

CORAM : V. K. JADHAV, J.
DATED : 01.09.2021

PER COURT :

1] Heard learned counsel for the applicant –
acquiring body and learned AGP for respondent no.2. None

present for respondent no.1–original claimant though duly served.

2] There is delay of 1241 days caused in preferring Appeals against the judgment and award passed by the Reference Court in LAR No.106 of 2005. The applicant – acquiring body was the party respondent before the Reference Court.

3] Learned counsel for the applicant submits that the Executive Director of Tapi Irrigation Development Corporation by letter dated 01.10.2011 intimated to all Executive Engineers that as per Government Resolution dated 12.03.2009, certain guidelines are required to be followed for filing Appeal. Time is prescribed in the said Government Resolution for preferring appeal. Learned counsel for the applicant submits that in most of the cases even though the proposals were submitted before the Law and Judiciary Department, opinion was not given for filing Appeal for considerable period. Thus, the Corporation has taken decision that the opinion of counsel appointed by the Corporation be sought and immediately appeal be preferred before this Court.

4] Though, learned counsel for the applicant – acquiring body has vehemently submitted about procedure prescribed for preferring appeal by seeking opinion of the Panel Advocates, however, there is an inordinate delay in

preferring appeal, which is not satisfactorily explained. It is not clear from the averments made in the applications as to when the panel advocate has given the opinion and as to when the decision was taken to prefer an appeal.

5] In view of above, I am not inclined to condone the delay caused in filing appeal. Hence, the following order :

ORDER

- i] Applications are hereby rejected.
- ii] Court fees be refunded to the applicant – acquiring body as per Rules.
- iii] In view of above, Civil Application Nos.1463 of 2017 and 3302 of 2020 seeking stay do not survive and same are disposed of accordingly.

[V. K. JADHAV, J.]