

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (F) NO.287 OF 2021 IN
FIRST APPEAL STAMP NO. 12223 OF 2020

Uddhav s/o Laxman Kolhe Vs. The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Jafar Malnas, Advocate for appellant/applicant.
Ms Shamshi Haider, A.G.P. for respondents.

CORAM : PUSHPA V. GANEDIWALA, J.
DATE : 2nd SEPTEMBER, 2021.

Heard.

2. By way of this application, the applicant/claimant is seeking condonation of delay of 10775 days in preferring the first appeal against the judgment and award of the learned Reference Court in L.A.C. No. 567 of 1990, wherein the Reference Court awarded the compensation to the claimant at the rate of Rs.22,500/- per hectare for his land Survey No.16/2-A admeasuring 1.92 H.R. situated at Kalsa, Taluka Digras, District Yavatmal.

3. It is stated that this Court for the similarly situated lands, in First Appeal Nos.482 & 483 of 1992, enhanced compensation at the rate of Rs.65,000/- per hectare for dry crop land and Rs.1,30,000/- per hectare for irrigated land has been granted with all statutory benefits. The Hon'ble Supreme Court in the case of **K. Subbarayudu**

and others Vs. The Special Deputy Collector (Land Acquisition) reported in **2017 (12) SCC 840** condoned the delay of 3671 days, wherein the applicant/appellant was the farmer and it was found that there was sufficient cause for delay in order to do substantial justice to the farmer and to bring this farmer at par with similarly situated farmer who had received enhanced compensation in the same notification.

4. Considering the aforesaid facts and considering the reasons as stated in the application, the application is allowed. Appeal be registered.

5. The application stands disposed of.

FIRST APPEAL NO. _____ OF 2021

6. Heard.

7. ADMIT.

8. Ms Shamshi Haider, learned A.G.P. waives service of notice for respondents.

9. Stand over to two weeks.

JUDGE

Wagh