

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

5 CIVIL APPLICATION NO.1945 OF 2022
IN FIRST APPEAL STAMP NO.5686 OF 2020

JANKABAI SANTOBA CHAVAL (DIED) THROUGH L.Rs.
NARAYAN SANTOBA CHAVAL & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Advocate for Applicants : Mr.D.M.Kakade
AGP for Respondent-State : Mr.S.S.Dande
Advocate for Respondent no.3 : Mr.A.M.Phule

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CORAM : S.G.DIGE, J.
DATE : 04.07.2022

P.C. :

1] Heard the learned counsel for the applicants, learned AGP for the respondent-State and learned counsel for respondent no.3.

2] The learned counsel for the applicants submits that in connected group of matters, compensation is enhanced to the land owners. The delay in those matters were condoned and order was passed by this Court. In the present matter, the applicants are agricultural labourers.

Due to their weak financial condition and lack of knowledge about filing of the Appeal within stipulated period, the applicants could not file the appeal within stipulated period, hence, requested to allow the application. The learned counsel for the applicants relied on the order passed by this Court in connected group of matters in Civil Application No.15921 of 2013 in First Appeal Stamp No.7306 of 2013 with connected matters and the judgment of the Hon'ble Supreme Court in the case of **Dhiraj Singh (D) Tr. Vs. Haryana State** in Civil Application No.6599-6601 of 2014, decided on 21.07.2014.

3] The learned counsel for respondent no. 3 submitted that there is more than 4000 days delay for filing appeal. No plausible explanation is given for the said delay. The applicants are agricultural labourers and lack of knowledge are not sufficient ground to condone the huge delay, hence, requested to dismiss the application.

4] Considering the submissions of both the learned counsel as well as in connected group of matters, this Court

has condoned the delay for filing the appeals. In those matters, this Court has enhanced the amount. If it so, the applicants cannot be deprived from getting the amount. The Hon'ble Apex Court in the case cited supra by the learned counsel for the applicants has observed that 'no doubt, there is a long delay in filing the appeals. However, we find that it is a case of payment of compensation to these Appellants who were the land owners and which land was taken away by compulsory acquisition. However, land owners whose lands were taken over by the same notification, have been able to get the compensation (a) '200/- per square yard whereas the compensation given to the Appellants is @ ' 101 per square yard for their entire land. In the matter of land acquisition where land of peasants is acquired, a different approach has to be taken. These persons should not be deprived of the reasonable compensation for their lands. If other similarly situated land owners are given the compensation @ '200/- square yard, there is no reason to pay the compensation to the Appellants at much lesser rate. Delay was condoned in the said appeals. The ratio of the

said case is squarely applicable to the case at hand, hence, I pass the following order :-

ORDER

i] The application is allowed. Delay for filing appeal is condoned. The applicants shall not claim interest and statutory benefits for delayed period. The applicants shall file undertaking in that regard. Appeal be registered subject to removal of office objections, if any.

ii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**

DDC