

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

CIVIL APPLICATION NO.6275 OF 2018 IN FAST/8655/2018

VITTHAL GOVIND PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CIVIL APPLICATION NO.6276 OF 2018 IN FAST/8906/2018

UTTAM GANGARAM MANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CIVIL APPLICATION NO.6277 OF 2018 IN FAST/8910/2018

VYANKATRAO VITTHALRAO PANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CIVIL APPLICATION NO.6278 OF 2018 IN FAST/8908/2018

HARISHCHANDRA GANGARAM MANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. V.G. Sakolkar, Advocate for the Applicants
Mr. S.G. Sangle, AGP for Respondent nos. 1 and 2 in all CAs.

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th FEBRUARY, 2022

PER COURT:-

1. These are the applications for condonation of delay.
2. Issue notice to respondents. Mr. Sangle, waives notice for respondent nos. 1 and 2.
3. Heard Mr. Sakolkar, learned counsel for the applicants and Mr. Sangle, learned AGP for respondent nos. 1 and 2.
4. Mr. Sakolkar, learned counsel for the applicants submits that the applicants are poor farmers. They could not arrange for the funds to prefer the appeals within time. There was no intentional delay on the part of the applicants. He urged to condone the delay.
5. Mr. Sangle, learned AGP for respondent nos. 1 and 2 opposed to condone the delay. He submits that no sufficient reasons are assigned by the applicants for condonation of delay.
6. On going through the respective applications, it is noticed that there is delay of 1071 days delay in each application for condonation of delay, in preferring the appeals.

7. These proposed appeals are arising out of compulsory land acquisition matters for enhancement preferred by the claimants. In view of decision in case of *K. Subbarayudu vs. Special Deputy Collector 2017 (12) SCC 840*, different yardstick needs to be applied while dealing with the applications for condonation of delay in cases of first appeals arising out of compulsory land acquisition matters for enhancement preferred by the claimants / agriculturists.

8. Having regard to the guidelines laid down by the Hon'ble Supreme Court in case of *K. Subbarayudu vs. Special Deputy Collector 2017* (supra), it is necessary to condone the delay in all these applications arising out special land acquisition cases at the hands of poor farmers who could not preferred the appeals within time due to their financial constrain. For the reasons stated in the respective applications and in the interest of justice, applications for condonation of delay, more particularly para nos. 3 and 4, the delay needs to be condoned.

ORDER

(i) The applications for condonation of delay is hereby allowed in terms of prayer clause (B).

(ii) Registry to make scrutiny of the appeals as per procedure and those be numbered after furnishing the usual undertaking by the claimants regarding waiving of statutory benefits and interest about delayed period and then place before the Court for admission.

(iii) The civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane