

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

919 CIVIL APPLICATION NO.12502 OF 2021
IN FAST/30085/2021

UTTAM RAOSAHEB KAVALE

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR, PARBHANI AND ORS

...

Advocate for Applicant : Mr D.M. Kakade
AGP for Respondent/State : Mr S.G. Sangle
Advocate for Respondent No. 3 : Mr R.R. Imale

AND

920 CIVIL APPLICATION NO.12503 OF 2021
IN FAST/30078/2021

LAXMAN SITARAM ZOL (DIED)
THR LRS GANGUBAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR, PARBHANI AND ORS

Advocate for Applicant : Mr D.M. Kakade
AGP for Respondent/State : Mr S.G. Sangle
Advocate for Respondent No. 3 : Mrs S.G. Chincholkar

AND

921 CIVIL APPLICATION NO.12504 OF 2021
IN FAST/30087/2021

SAYED MUNAF SAYED LATIF AND ORS

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR, PARBHANI AND ORS

Advocate for Applicant : Mr D.M. Kakade
AGP for Respondent/State : Mr S.G. Sangle
Advocate for Respondent No. 3 : Mr R.R. Imale

AND

922 CIVIL APPLICATION NO.12505 OF 2021
IN FAST/30072/2021

BHAGIRATHI BABASAHEB LATE

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR, PARBHANI AND ORS

Advocate for Applicant : Mr D.M. Kakade
AGP for Respondent/State : Mr S.G. Sangle
Advocate for Respondent No. 3 : Mr R.R. Imale

AND

923 CIVIL APPLICATION NO.12506 OF 2021
IN FAST/30091/2021

MANIK KUNDLIK ZOL AND ANR

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR, PARBHANI AND ORS

Advocate for Applicant : Mr D.M. Kakade
AGP for Respondent/State : Mr S.G. Sangle
Advocate for Respondent No. 3 : Mr R.R. Imale

AND

924 CIVIL APPLICATION NO.12508 OF 2021
IN FAST/30089/2021

DAMODHAR BABURAO ZOL

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR, PARBHANI AND ORS

Advocate for Applicant : Mr D.M. Kakade
AGP for Respondent/State : Mr S.G. Sangle
Advocate for Respondent No. 3 : Mr R.R. Imale

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 23rd March, 2022

PER COURT :

1. These are the application for condonation of delay moved by the applicants/original claimants.

2. Heard Mr D.M. Kakade, learned counsel for the applicants, Mr S.G. Sangle, learned AGP for the State and Mr R.R. Imale, learned counsel for respondent No. 3/acquiring body.

3. Mr Kakade, learned counsel for the applicants/original claimants seeks leave to place on record copy of order dated 30th August, 2021 passed by the Co-ordinate Bench of this Court in Civil Application No. 8955/2021 in First Appeal Stamp No. 18438/2021 wherein the delay is condoned. Leave granted.

4. The copy of order dated 30th August, 2021 is taken on record and marked 'X' for identification.

5. Mr Kakade, learned counsel for the applicants/original claimants submitted that the applicants/original claimants are ready to waive statutory benefits and interest for the delayed period.

6. Mr S.G. Sangle, learned AGP for the State and Mr R.R. Imale, learned counsel for the acquiring body strongly opposed to condone the delay. Both of them pointed out that there is delay of more than 14 years. The delay is inordinate. It may cause injustice to the State and acquiring body if delay is condoned. Both of them submitted that the applications may be dismissed.

7. Mr D.M. Kakade, learned counsel for the applicants submitted that connected matters were placed before the Lok Adalat after condoning the delay and those were settled.

8. I found certain force in the submissions of Mr S.G. Sangle, learned AGP for the State and Mr Imale, learned counsel for the acquiring body having regard to the large volume of delay. There is more than 14 years delay in

preferring the appeals. Even though claimants happen to be the farmers, one can understand that there should be reasonable delay. Here the delay appears to be of a large volume. However, as pointed out by Mr Kakade, learned counsel for the applicants/original claimants, connected appeals were listed before the Lok Adalat after condonation of delay and those have been settled. The claimants have been placed similarly. It would not be proper to treat them differently by rejecting their applications for condonation of delay.

9. The Hon'ble Supreme Court in case of ***Dhiraj Singh (D) Tr. Vs. Haryana State*** reported in ***MANU/SC/0778/2014*** held that in the matter of land acquisition, where land of farmers is acquired, a liberal approach is to be taken. These persons should not be deprived of the reasonable compensation for their lands. Their statutory right of appeal cannot be thrown away at the threshold on the technicality of limitation. It is not proper to take hyper technical view. The appellants can be directed to waive statutory benefits and interest for the delayed period so as to make equity.

10. Having regard to the large volume of delay, the claimants are required to pay certain costs. Hence, following order is passed.

ORDER

(i) The applications are hereby allowed in terms of prayer clause (A) on condition that the applicants/original claimants shall furnish undertaking with the Registrar (Judicial) of this Court stating therein that they would not claim statutory benefits and interest for the delayed period.

- (ii) The applicants/original claimants shall pay costs of Rs. 5,000/- (Rupees Five Thousand Only) in each appeal with the Secretary, High Court Legal Services Sub-Committee, Aurangabad within a period of four weeks from today.
- (iii) The Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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