

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***CIVIL APPLICATION NO.608 OF 2017
IN
FIRST APPEAL (ST) NO.41796 OF 2003***

The State of Maharashtra & Anr. ...Applicants
Vs
Dattatraya Hari Patil ... Respondent

***AND
CIVIL APPLICATION NO.708 OF 2017
IN
FIRST APPEAL (ST) NO.41800 OF 2003***

The State of Maharashtra & Anr. ...Applicants
Vs
Shri Yeshwant Daulu Patil
(Deceased by his Legal Heirs)
1) Nanubai Y. Patil & Ors. ... Respondents

***AND
CIVIL APPLICATION NO.710 OF 2017
IN
FIRST APPEAL (ST) NO.41810 OF 2003***

The State of Maharashtra & Anr. ...Applicants
Vs
Shankar Rama Magdum ... Respondent

...

Ms. Tanaya Goswami, Additional Government Pleader for the Applicants.

CORAM : SANDEEP K. SHINDE J.

DATE : JANUARY 5, 2022.

P.C. :

Heard the learned AGP for the State.

2 These applications are moved by the State of Maharashtra seeking condonation of two years and hundred days' delay occurred in preferring First Appeals against the judgment and award dated 31st March, 2001 passed in Land Acquisition Reference Nos.41/1992, 43/1992 and 44/1992 passed by the IInd Additional District Judge, Kolhapur. Notification under Section 4 of the Land Acquisition Act was issued on 11th August, 1983. The Special Land Acquisition Officer passed an award on 30th March, 1988. On 31st March, 2001, Land Acquisition References were decided. It appears, on 18th January, 2002, the District Government Pleader, Kolhapur opined that it was not fit case to prefer an appeal against the award passed in aforesaid references. Yet, the State of Maharashtra issued Resolution on 25th August, 2003 authorising the Government Pleader to file an appeal. As such, appeals were filed in November, 2003 accompanied by

applications seeking condonation of delay. Although, the award in Land Acquisition Reference was passed on 31st March, 2001, the State took the decision to prefer an appeal in 2003. It also appears that though proposal was received by the Law & Judiciary Department in March, 2003, decision to file an appeal was taken in August, 2003. There is no explanation on record as to why decision could not be taken soon after receiving the proposal from the Land Acquisition Officer. That even otherwise, fact cannot be ignored that the lands in question were acquired in 1988.

3 In consideration of the facts stated above, in my view, the State has not shown '*sufficient cause*' to condone the delay of 2 years and 100 days occurred in preferring the First Appeals.

4 Civil Applications are dismissed.

(SANDEEP K. SHINDE, J.)