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963 R. sr.no..odt

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

**963 CIVIL APPLICATION NO. 2970 OF 2020
IN FAST/7612/2020**

The State Of Maharashtra And Another

....Applicant

VERSUS

Kishan Tulsiram Kheere (died) Thr LRs Sweta And Anr

.....Respondent

.....
Advocate for Applicant : Mr. S.K. Shirse, Assistant Govt. Pleader

.....

WITH

**CIVIL APPLICATION NO. 2971 OF 2020
IN FAST/7612/2020**

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13TH FEBRUARY, 2024.

ORDER :-

The applicant/State seeks to condone the delay of 4255 days caused in filing the appeal against the judgment and award dated 3.4.2008 passed by the Reference court in LAR No. 1058 of 1992.

2. Mr. Shirse, the learned AGP would submit that the delay is caused on account of administrative exigencies and the applicant has not derived any disadvantage. He would fairly concede that till this date, the amount is not deposited in terms of the award passed by the Reference Court.

3. Having considered the submissions advanced, and on perusal

of the reasons given in application seeking condonation of delay, it can be gathered impugned award was passed on 3.4.2008 and the proposal for filing appeal was forwarded to the office of the Govt. Pleader at Aurangabad on 31.1.2009, but no further steps to file appeal were taken till 25.2.2020. There is absolutely no explanation for delay of more than 11 years i.e. from 2009 till 2020. It is apparent that land of the respondent No.1 has been acquired by the applicant in the year 1991. The respondent was not adequately compensated. Therefore, he sought enhancement of compensation by resorting to the provisions of Section 18 of the Land Acquisition Act. The reference court passed award dated 3.4.2008 granting enhanced compensation, However, till this date applicant could not receive benefit of award.

4. Perusal of the reasoning part of impugned judgment of Reference Court depicts that sale instances from village Borgaon were considered for assessment of enhanced compensation which is just four times of assessment made by Land Acquisition Officer. Pertinently, state has already floated policy to not to prosecute appeals against awards of Reference Court where enhancement is less than four times of assessment by LAO.

5. In that view of the matter, particularly, when no sufficient cause is made out to condone the inordinate delay, the application is liable to be dismissed. Consequently, the first appeal as well as application for stay stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-