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

**964 CIVIL APPLICATION NO. 3118 OF 2020
IN FAST/7811/2020**

The State Of Maharashtra And Ors

....Applicant

VERSUS

Mainabai Prabhakar Patil (died) Thr Lrs Vasant Prabhakar Patil

.....Respondent

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

Advocate for Respondent No.1 : Mr. Adgaonkar Ravibhushan P

.....

WITH

**CIVIL APPLICATION NO. 3119 OF 2020
IN FAST/7811/2020**

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13TH FEBRUARY, 2024.

ORDER :-

The applicant – State seeks to condone delay of 2417 days caused in filing the First Appeal against the judgment and award dated 17.4.2013 passed by the Reference Court in LAR No. 2 of 2013.

2. Mr. **Takale**, learned AGP appearing for the applicant would submit that impugned the award has been passed in the year 2013. The proposal for filing the appeal was received to the office of Govt. Pleader on 19.5.2014. However, it was not accompanied by requisite Court fees and documents. He would further point out that the State of Maharashtra came out with a certain policy vide Govt. Resolution dated 3.1.2016 and Corrigendums dated 23.2.2017 and 13.8.2018 as regard to

filing of the appeals against the awards passed by the Reference Court. In view of change in policy of the Government, proposal for filing appeal in present was reviewed and finally, the matter was again sent to the office of Government Pleader on 10.2.2020. Thereafter, the present appeal is filed. He would submit that there are no malafides on the part of the applicant. The delay has been occurred on due to administrative reasons and, same deserves to be condoned.

3. Mr. Adgaonkar, learned advocate, however, strongly opposes the prayer. He would submit that since 2013, respondents/agriculturists are waiting just compensation towards acquired lands. Till this date, no amount is paid/deposited in terms of the award passed by the Reference Court. He would point out that there is no explanation for huge delay from 2014 till 2020. The Government Resolution issued during the intervening period specifically lays down that no appeal shall be preferred, where, the award of compensation by the Reference Court is less than 4 time of the assessment made by the Land Acquisition Officer.

4. He would point out that in the present case, the Reference court has awarded compensation just 4 times above what has been assessed by the LAO, which is not exponential. By inviting attention of this Court to certain observations from the order of the Reference Court, he submits that comparative sale instances from the adjacent villages have been tendered into evidence and relying upon the same, the enhanced compensation is awarded. He would, submit that there is no explanation for delay. Even by applying liberal standards, inordinate delay caused in filing the appeal is not worthy condonation.

5. Having considered the submissions advanced, apparently lands of the respondents have been acquired in the year 1989 for the purpose of Kasral Percolation Tank, since then respondents are waiting for fair compensation towards their acquired land. The reference Court after considering the comparative sale instances passed award dated 17.4.2013. The proposal for filing the appeal was sent to the office of the Government Pleader in 2014. However, no further steps for providing Court Fees and requisite documents were taken. Although it is contended that in 2016, the Government has laid down certain policy decision and issued Government Resolution in this regard, It can be gathered that those Government Resolutions were not relevant for award in the present case.

6. Even after 2016 onward till 2020, no steps were taken by the applicant for filing the appeal. The application sans requisite reasons to condone inordinate delay of 2417 days caused in filing the appeal. Further, on merit also, enhancement of compensation granted by the Reference Court appears to be just and proper and based on the evidence on record. The learned AGP fairly concedes that, this is singular appeal pertaining to subject acquisition award. In that view of the matter, no case is made out for condoning the delay.

Hence, the application stands rejected. Consequently, the appeal along with application for stay stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-