



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 7038 OF 2023
IN FAST/15581/2023**

LAXMAN RAOSAHEB PHAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR LATUR AND ORS

...

Mr. Namdev D. Kendre, Advocate for Applicant.
Mr. A. M. Phule, AGP for Respondent Nos.1 and 2.
Mr. V. P. Narwade, Advocate for Respondent No.3.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 29th APRIL, 2024.**

PER COURT:-

1. By this application, the applicant seeks to condone the delay of 222 days caused in filing the Appeal against award dated 20.06.2022 passed by the Reference Court under the provisions of Land Acquisition Act.

2. Mr. Kendre, learned Advocate appearing for the applicant submits that the applicant is farmer. He lost his land due to compulsory acquisition of the land. The Land Acquisition Officer passed meager award. The applicant had approached the Reference Court seeking enhanced compensation. However, the material placed on record is not properly appreciated and the applicant is not adequately compensated. Therefore, he approached this Court in this Appeal. He would submit that the delay of 222 days has been caused on account of the reasons beyond control of the applicant and explained in paragraph nos.2 to 5 of the application.

3. The learned A.G.P. as well as learned Advocate appearing for respondent no.3 oppose the prayer to condone the delay.

4. Having considered the fact that the applicant is litigating for getting just compensation towards acquired land and the fact that the delay of 222 days has been duly explained in paragraph nos.2 to 5 of the application, case is made out to condone the delay. Hence, the following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 222 days caused in filing the First Appeal against the Award passed by the Reference Court at Latur is condoned.
- c. Appeal be registered.
- d. On registration of Appeal, issue notice to the respondents. The learned A.G.P. waives notice for respondent nos.1 and 2. Mr. Narwade, learned Advocate waives notice for respondent no.3.
- e. Call for Records and Proceedings.
- f. To be tagged alongwith First Appeal No.3631/2022.

(S. G. CHAPALGAONKAR)
JUDGE