



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 CIVIL APPLICATION NO. 2259 OF 2024
IN RC/32/2006
IN FIRST APPEAL ST. NO. 17454 OF 2005
WITH
FIRST APPEAL ST. NO. 17454 OF 2005

Mrs Narmadabai Ramlal Chinchole

....Applicant

VERSUS

The Special Land Acquisition Officer, Upper Tapi Project, No. 1 (hatnur),
Jalgaon

.....Respondent

.....

Advocate for Applicant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. V.M. Chate
Advocate for Respondent 2 : Mr. V.V. Tarde

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 20, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. Civil Application No. 2259/2024 in Rejected Case No. 32/2006 in First Appeal St. No. 17454/2005 is filed for quashing the order dated 10.1.2006 passed by the Registrar of this Court for non removal of the office objections regarding court fees and for condoning the delay of 6603 days caused in filing the present civil application and for restoration of the First Appeal St. No. 17454/2005.
3. The learned counsel for the applicant/claimant submits that the lands of the claimant is compulsorily acquired, the acquired land was the major source of income of claimant and due to financial difficulty the claimant

could not remove the office objections within time. The learned counsel for the claimant submits that the claimant will not claim any interest for the delay period caused in filing the present application.

4. The learned counsel for Acquiring body has strongly opposed the application on the ground of huge delay.

5. For the reasons stated in the application and in view of the statement made by the learned counsel for the original claimant, the delay of 6603 days caused in filing the present application is condoned. The appeal is restored to its original stage. The order of the Registrar dated 10.1.2006 is quashed and set aside to the extent of present applicant. The application is allowed, subject to condition that the claimant/applicant shall not be entitled for the interest or statutory benefits for the delay period of 6603 days.

6. The learned counsel for the appellant has placed on record the copy of the order dated 28.2.2024 passed by this Court in First Appeal No. 706/2007 (Shri. Satish Tukaram Chudhary & Ors. Vs. The Special Land Acquisition Officer and Anr.) along with other connected first appeals and submits that the present appeal arises out of the same acquisition proceeding and the above order can be applied in the present matter. The learned counsel for the respondent No. 2 has not disputed the above submissions made by the learned counsel for the petitioner.

7. In view of the same, following order is passed in First Appeal St. No. 17454/2005.

ORDER

- i) The award of the Reference Court is modified to the extent of Bagayat land and the appellant is granted compensation of Rs.4 lacs per hector to the Bagayat land and as far as trees are concerned, the claimants are entitled to receive compensation to the extent of 80% of the amount of the valuation report.
- ii) The claimant will be entitled to statutory benefits and interest on the enhanced amount. Compensation and interest would be worked out accordingly, except for the delayed period of 6603 days.
- iii) Award be modified accordingly. First Appeal is disposed of. All pending civil applications, if any, stand disposed of.
- iv) The concerned appellant-Claimant is directed to pay the deficit court fees, if any, at the time of modification of the award.

(ARUN R. PEDNEKER, J.)

ssc/