



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No. 4253/2024

Prakashchandra Ranglal Zambad Vs. The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. H.V.Dhage, Advocate for the petitioner.
Mr. A.A.Madiwale, AGP for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 08/10/2025.

1. Heard Mr. H.V.Dhage, learned counsel for the petitioner and Mr. A.A.Madiwale, learned AGP for the respondent.

2. The petitioner has assailed the order dated 6.7.2023 passed by the learned District Judge Akola, whereby the application for condonation of delay in filing review petition against the award passed by the 2nd Additional District Judge, Akola came to be rejected.

3. Mr. Dhage, learned counsel for the petitioner submitted that the delay is caused because the petitioner's Advocate was suffering from cancer and was not attending the Court or looking after the court cases. He submitted that the petitioner was under a genuine belief that the trial court must have granted enhanced compensation for all three lands (including Sr.No.272/2) and he did not file execution proceeding for recovery of the enhanced compensation of the remaining two lands for 14 years after the judgment. The learned counsel for the petitioner submitted that the reason for delay is that his advocate was not diligent. The petitioner claims to have waited for 14 years for the junior advocate to file execution proceeding. When the same was filed in 2018, he found that the third land Sr. No.272/2 was missing in the judgment of

enhanced compensation.

4. After considering the grounds raised in the application, learned District Judge-4, Akola rejected the application as there was huge delay of 15 years and 04 months and observed that the petitioner was not diligent and delay was not properly explained. The learned counsel for the respondent supported the order and submitted that the learned District Judge has considered the matter rightly and huge delay, which was not explained by the petitioner cannot be condoned at the cost of public exchequer.

5. Having gone through the contents of the writ petition, it appears that the matter pertains to the acquisition of agricultural land belonging to the petitioner. Taking into consideration that the payment of compensation under the Land Acquisition law is a beneficial and social welfare legislation, the Court is required to ensure that the person whose land has been acquired receives the compensation.

6. In view of the above, I am inclined to allow the writ petition and set aside the order passed by the learned Court below, subject to the condition that the petitioner shall file an undertaking stating that he will not claim any interest on the awarded amount from the date of the award till the date of filing of the application. Subject to the aforesaid condition, the writ petition stands allowed.

(Siddheshwar S. Thombre, J)

mukund ambulkar