

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.R. RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

LA.App..No. 1369 of 2009 ()

AGAINST THE JUDGMENT IN LAR 45/1999 of II ADDL. SUB
COURT, THIRUVANANTHAPURAM DATED 26-11-2004

APPELLANT/ADDL. 2ND RESPONDENT:

THE DIRECTOR, INTERNATIONAL AIRPORT AUTHORITY,
TRIVANDRUM INTERNATIONAL AIRPORT
THIRUVANANTHAPURAM (NOW AIRPORTS AUTHORITY OF
INDIA), TRIVANDRUM INTERNATIONAL AIRPORT
THIRUVANANTHAPURAM).

BY ADV. SRI.V.SANTHARAM

RESPONDENTS/CLAIMANT AND FIRST RESPONDENT:

1. R.SIVARAJAN, RESIDING AT TC 35/772,
PUTHUVAL PUTHENVEEDU, MUTTATHARA VILLAGE
THIRUVANANTHAPURAM.
2. STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, COLLECTORATE,
THIRUVANANTHAPURAM.

R1 BY ADV. SRI.K.NANDAKUMAR
R2 BY GOVT.PLEADER SRI R.PADMARAJ

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMACHANDRA MENON & ANIL K.NARENDRA, JJ.

C.M.Application No.1889 OF 2009

&

L.A.A.No.1369 OF 2009

DATED THIS THE 16th DAY OF NOVEMBER, 2015

JUDGMENT

P.R.RAMACHANDRA MENON, J.

This appeal has been preferred by the Requisitioning Authority being aggrieved by the decree and judgment dated 26.11.2004 in L.A.R.No.45/1999 passed by the 2nd Additional Sub Court, Thiruvananthapuram. Admittedly, there is a delay of 1185 days in filing the appeal. The reasons stated in the affidavit in support of the application as given in paragraph Nos.2 and 3 read as follows:

"2. The above Land Acquisition Appeal was filed on 1.4.2009 challenging the judgment and decree dated 26.11.2004 in L.A.R.No.45/99 passed by the learned 2nd Addl.Sub Judge, Thiruvananthapuram. There is a few days delay in filing the appeal.

3. I submit that the certified copy of the judgment and decree was applied on 27.11.2004 and the same were obtained on 01.10.2005. Thereafter it was forwarded to our office by the counsel. On the receipt of the same, the matter has been referred to our head office at New Delhi for further steps. Our head office, after scrutiny, vide letter dated 28.8.2008 informed our office to file the

appeal. Under covering letter dated 23.03.2009, my office has instructed our standing counsel at Ernakulam to prepare and file the appeal. The appeal from the above LAR case ought to have been filed on or before 31.12.2005. The standing counsel took some time to prepare the appeal. The appeal was filed on 01.04.2009."

From the above it is quite evident that absolutely no reason has been given for the inordinate delay of more than three years, but for approaching the issue in a quite casual and cursory manner. The so called explanation offered from the part of the appellant does not deserve to be called as a reason, much less anything satisfactory. We do not find any ground to entertain the application. The application to condone the delay stands dismissed. As a natural consequence, the appeal as well.

Sd/-

**P.R.RAMACHANDRA MENON,
JUDGE**

Sd/-

**ANIL K.NARENDRA,
JUDGE**

dsn