

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Misc. No. 12245 /CI of 2015 and
RFA No. 5969 of 2015 (O&M)
LAC No. 660 of 2011
Date of decision : 1.10.2015**

Executive Engineer/ Construction Northern Railway Appellant
vs
Sona Devi and others Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. R.T.P.S.Tulsi and Mr. Sunil K.Sahore, Advocates,
for the appellant.

Rajesh Bindal, J

By filing the present appeal, Union of India is seeking reduction of compensation awarded to the landowners for the acquired land. Along with the appeal, application seeking condonation of 362 days delay in filing thereof has also been filed.

Briefly, the facts are that vide notification dated 19.1.2007, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land situated in village Babra, Tehsil and District Jhajjar for construction of Rohtak-Jhajjar-Rewari New Railway Line. Notification under Section 6 of the Act was issued on 30.3.2007. The Land Acquisition Collector (for short, 'the Collector') vide award dated 28.5.2007, assessed the compensation of acquired land @ ₹ 16,00,000/- per acre. Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 5.5.2014 assessed the market value of the acquired land @ ₹ 16,21,204/- per acre, besides granting damages on account of severance. It is this award which has been challenged by the appellant- Union of India.

The only ground mentioned in the application seeking condonation of delay is that on account of lengthy process required for

dealing with the cases and taking final decision for filing the appeal, the delay has occurred.

After hearing learned counsel for the appellant, I do not find that any ground has been made out to condone 362 days delay in filing the appeal. Hon'ble the Supreme Court in Office of the Chief Post Master General and others Vs. Living Media India Ltd. and another, 2012 (2) Civil Court Cases 1 did not accept the prayer for condonation of delay in filing appeal by the State while opining that law of limitation undoubtedly binds everybody including the Government State & its instrumentalities. They should be placed on equal footing in the matter of condonation of delay. Although a liberal view can be taken to advance substantial justice; but until and unless the State has reasonable and acceptable explanation for the delay, it cannot be condoned. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. Relevant paragraph of the said judgment is reproduced here under:

“13. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the filed was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed

to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

In the case in hand, nothing has been mentioned, who were the persons responsible for delay and what action has been taken against them. Not only this, even a perusal of the impugned award shows that total 14 petitions were decided by the learned Reference Court. The appeal has been filed only in one case. Learned counsel for the applicant-appellant has not been able to point out before the Court as to whether the award of the Court below has been challenged in any other case, which were decided along with the present case.

For the reasons mentioned above, I do not find any reason to condone huge delay of 362 days in filing the appeal. Accordingly, the application is dismissed. Consequently, the appeal as well as other accompanying applications are also dismissed.

1.10.2015
vs.

(Rajesh Bindal)
Judge