

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

**Civil Misc. No. 12452 /CI of 2015 and
RFA No. 6091 of 2015 (O&M)
LAC No. 178 of 13.8.2011
Date of decision : 6.10.2015**

Greater Mohali Area Development Authority Appellant
 VS
 Santosh Kaur and another Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Balwinder Singh, Advocate, for the appellant.

Rajesh Bindal, J

By filing the present appeal, Greater Mohali Area Development Authority is seeking reduction of compensation awarded to the landowner for the acquired land. Along with the appeal, application seeking condonation of 316 days delay in filing thereof has also been filed.

Briefly, the facts are that vide notification dated 28.12.1998, issued under Section 4 of the Land Acquisition Act, 1894 (for short, the Act), State of Punjab sought to acquire land situated within the Municipal Area of Anandpur Sahib, District Ropar, for widening from main road to Gurdwara Sri Keshgarh Sahib and from Gurdwara Sri Keshgarh Sahib to Gurdwara Seesganj Sahib and then to Gurdwara Bhora Sahib. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award dated 17.2.2006, assessed the compensation of acquired land. Dissatisfied with the award of the Collector, the land owner filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 13.5.2014 assessed the market value of the acquired land @ ₹ 1,100/- per square yard. It is this award which has been challenged by the appellant- Greater Mohali Area Development Authority.

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 316 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.”

The appeal along with the application for condonation of delay of 316 days was filed by the applicant-appellant before this Court on 28.7.2015 stating therein that delay had occurred while securing legal opinion and approval for filing of appeal. It is claimed that the delay is bonafide, not intentional or willful.

The aforesaid facts do not make out a case for condonation of huge delay of 316 days in filing the appeal. Some laxity can be given to the State or its instrumentalities in condonation of delay in availing remedies but that does not mean that they can be permitted to sleep over the matter and file appeal whenever they get up from slumber.

Even otherwise, it is a case where the appeal is being filed by the beneficiary for whose use land has been acquired. These authorities normally raise hue and cry that their interest is not watched by the State authorities so they should be impleaded as parties in those proceedings and be given right to defend and file appeal. But in the present case the facts are otherwise. There is no detail in the application as to how the file was dealt with and who is the person responsible for causing the delay.

In view of the above, the application for condonation of delay is dismissed. Consequently, the appeal and other accompanying applications are also dismissed.

6.10.2015
vs.

(Rajesh Bindal)
Judge