

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.11 of 2013

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The State Of Bihar through Collector of Nawada

.... Appellant/s

Versus

1. Arjun Prasad
2. Sachidanand Prasad
3. Suresh Prasad
4. Naresh Prasad
5. Mannu Prasad

All are sons of Late Tetar Ram, R/O at present Hardiya, Sector -C, P.O. +
P.S. Rajauli, Distt. - Nawada

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kameshwar Prasad Gupta, GP-10

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 28-11-2016 Heard the learned G.P.-10 appearing on behalf of the
appellant.

The present First Appeal has been filed under Section 54 of The Land Acquisition Act, 1894 against the judgment and award dated 27.7.2012 passed in L.A. Case No.497 of 1986 by the learned 1st Additional District Judge, Nawada. The instant First Appeal is barred by limitation. By an order dated 02.08.2013 passed by the learned Lawazima Board, the learned counsel appearing on behalf of the appellant was granted four weeks time for filing limitation petition for condonation of delay occurred in filing the present First Appeal. However, that was not carried out.

In above view of the matter, the present First Appeal was placed before a Bench of this Court with an appropriate office note. The appellant was granted further three weeks time by an order dated 11.08.2014 passed by a co-ordinate Bench of this



Court for filing limitation petition and for removing the defects pointed out by the Stamp Reporter, which was peremptory in nature. Thereafter, a petition for condonation of limitation was filed giving rise to I.A.No.6256 of 2014. The aforesaid Interlocutory Application was taken up for consideration on 07.09.2016 and by the aforesaid order dated 07.09.2016 notices were issued to the respondents herein by ordinary process as well as registered cover with A/D and requisites etc. were required to be filed within a period of three weeks. The aforesaid order dated 07.09.2016, which was peremptory in nature, has not been complied with. Therefore, I.A.No.6256 of 2014 stood dismissed, which has been pointed out by the office note dated 19.11.2016/22.11.2016.

The learned counsel appearing on behalf of the appellant-State of Bihar does not dispute the aforesaid office note.

In above view of the matter particularly in view of the fact that the present First Appeal is barred by limitation and limitation petition filed on behalf of the appellant-State of Bihar for condonation of delay has already stood dismissed, this Court is left with no option but to dismiss the present First Appeal, being barred by limitation. It is ordered accordingly.

Consequently, the present First Appeal, as a whole, stands dismissed being barred by limitation. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

Arvind/-

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