

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO. 5798 OF 2015
IN FAST/10798/2015

THE SPECIAL LAND ACQUISITION OFFICER NO.3 UPPER
TAPI PROJECT HATNUR, JALGAON AND
VERSUS
GOPAL BHIKA PATIL

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Advocate for Applicants : Mr. AM Phule, AGP.

CORAM : P.R.BORA, J.

DATE : 5th August, 2016.

PER COURT :

1) Heard. Delay of 3120 days has occurred in filing the present appeal by Special Land Acquisition Officer against the judgment and order passed in LAR No. 2039/2005. The averments in the application filed for condonation of delay reveal that the proposal was received to the office of Government Pleader on 22nd November, 2006 with direction for filing the first appeal. It is further contended that in obtaining certified copies, getting the typed copies and for collecting the necessary funds for paying court fees etc., time was consumed. It is further

averred that Demand Draft of Court fees was received to the office of Government Pleader on 9.11.2012.

2) On perusal of the contentions raised in the application for condonation of delay, there remains no doubt that present is the case of gross negligence on part of the Government authorities. The Award under Section 11 of the Land Acquisition Act was passed in the present matter on 7th June, 2002 and the Reference Court has decided the Land Acquisition Reference, vide judgment passed on 27th February, 2006. As contended in the application, the instructions for filing the appeal were received to the office of Government Pleader, Aurangabad in November, 2006. There is absolutely no explanation as to why the appeal could not be filed thereafter within reasonable period. The averments further reveal that the court fee was received for filing present appeal in the year 2012. Why the period of six years was consumed for receiving the court fee is also not explained.

. It is further surprising that though court fees was received in the year 2012, the present appeal with application for condonation of delay, came to be filed in March 2015. There is absolutely no explanation as to why the appeal could not be filed till the year 2015 when the court fee was received in the year 2012. In absence of any plausible explanation for the delay caused at every stage and more particularly considering the total period of delay, which is of about nine years, I am not inclined to allow the present application. Hence, the following order, -

ORDER

- i) The application for condonation of delay is rejected;
- ii) Consequently, the appeal on stamp is also dismissed. Pending civil application, if any, stands disposed of.

(P . R . BORA)
JUDGE

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