

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (CAF) NO.2820 OF 2016

IN

FIRST APPEAL STAMP NO.14368 OF 2016

(Executive Engineer, L.P. Yojna Ganeshpur, District Washim ..vs.. Vikram s/o Taukaram Walke and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 23-08-2016

Heard Shri P.B. Patil, Advocate for the
applicant/appellant.

2. By this application, the applicant/appellant prays for condonation of delay of 2152 days in filing the appeal to challenge the award passed by the trial Court under Section 18 of the Land Acquisition Act, 1894.

The explanation is given in paragraph Nos. 2 and 3 of the application as follows :

“2. The necessary papers were called from the office of L.A.O. and proposal was prepared. The said proposal was considered by Executive Engineer and the Superintending Engineer on 28-08-2015 and by the Legal Advisor on 7-10-2015 and by Executive Director on 31-10-2015. The aforesaid authorities have recommended for filing appeal.

3. It is submitted that the matter was allotted to panel counsel on 20-11-2015 vide letter No.6875. The panel counsel by his letter dated 30-11-2015

demanded the Court fees to Department. The Court fee was made available by the Department vide letter No.7673 which received on 12-01-2016. meantime when counsel verified the record for preparation of appeals, it is found that the certified copies of award in two matters including present one was not supplied, therefore, same was demanded to the department on 12-01-2016. In view of this, application for certified copy was made on 29-04-2016 which was received on 03-05-2016 and was supplied to the counsel on 17-06-2016 vide letter dated 16-06-2016. After receipt of the certified copy of award the appeal was prepared and thereafter filed immediately. However, during the course of aforesaid process delay of 2152 days is caused in filing accompanying appeal.”

3. The applicant/appellant has failed to justify the delay and the averments as recorded above show callousness on the part of the concerned officials dealing with the matter. There is no explanation for the delay from 18-05-2010 (date of award) till 28-08-2015) on which date the proposal was considered by Executive Engineer and Superintending Engineer.

It is noticed in several cases that there is gross negligence and callousness on the part of the concerned officials in prosecuting the matters. As the public exchequer is involved, in Civil Application No.2048 of 2016 in First Appeal Stamp No.25593/2015, this Court has already called for the report in the matter from the Executive Director of Vidarbha Irrigation Development Corporation.

Though the applicant/appellant represents a statutory corporation, the inordinate delay cannot be condoned for mere asking.

The application is dismissed.

Consequently, the appeal is rejected.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 24-08-2016.

P.A. to Hon'ble Judge.