

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 7269 OF 1999
AND
CIVIL APPLICATION NO. 7270 OF 1999
IN
FIRST APPEAL (ST) NO. 25354 OF 1996

The State of Maharashtra ..Applicant.
vs.
Vitthal R. Gawande and ors. .. Respondents.

Mr. Y. Y. Dabke, Asst. Govt. Pleader for the Applicant- State.

CORAM : M. S. SONAK, J.
DATE : 16 JANUARY 2017.

P.C. :-

1] This matter relates to the year 1996. From the year 1999, it is evident that the State has not been prosecuting this matter with diligence. It was noticed that respondent No.2 has already expired. An application was taken out to bring on record the legal representatives of respondent no.2 after delay of 7 years and 151 days. In the civil application, no proper steps have been taken to effect service upon the respondents. The notings state that respondent Nos.2A to 2F and respondent Nos.3B to 3H are duly served. However, notice with regard respondent No.1 has been returned unserved with bailiff;s remark “dead”. Similarly, notice to respondent No.3A has been returned with the remark “*want of full and detail address*”.

2] This is the position in Civil Application No. 7269 of 1999 as also in Civil Application No. 7270 of 1999.

3] As noted earlier, the matter relates to the year 1996 and at least from the year 1999 onwards, it is evident that no proper steps have been taken to prosecute the same. There is really no explanation in the inordinate delay of 7 years and 151 days except for stating that the concerned LAO is required some time to address the details of the legal representatives and to furnish the same. This explanation is hardly sufficient for explaining inordinate delay of 7 years and 151 days. That apart, no proper steps have been taken to even effect service upon the respondents in the civil applications. Respondent No.1 has already expired and not just the civil applications, but even the appeal stand abated as against respondent No.1. No steps are taken in this regard even till date. Similarly, despite remarks from the bailiff, no steps are being taken to effect service upon respondent No.3A.

4] In this case, the impugned award was made on 1 July 1995. On the grounds of pendency of this appeal, no compensation has been paid to the landlosers. It must be noted that when the State resorts to compulsory acquisition, in many cases, the livelihood of the landlosers also stands acquired. Therefore, it is imperative that the compensation is paid to the landlosers at the earliest. On account of such casual approach on the part of the State in instituting the appeals after considerable delay and thereafter, not even taking proper steps to effect service upon the respondents, the landlosers have been deprived of compensation since 1995.

5] Upon cumulative consideration of the aforesaid, the civil applications are dismissed. Consequently, the appeal itself is dismissed. The interim order, if any stand abated.

(M. S. SONAK, J.)