

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

LAAS MP No.1390 of 2017
And
LAAS No.568 of 2017

ORDER (Oral): (*per Suresh Kumar Kait, J*)

LAAS MP No.1390 of 2017: Vide present petition, the petitioners seek a direction, thereby directing to condone the delay of 6300 days in filing the Land Acquisition Appeal Suit.

2. In the affidavit filed in support of the present petition, it is stated that the father of the 1st petitioner/claimant i.e., Pattipati Thirumala Naidu in LAOP No.98 of 1991, was pursuing the case on behalf of them with the counsel in the lower court. The 3rd petitioner and other claimants were totally depending on the father of the 1st petitioner and he used to inform now and then about the stage of the case and has assured them that he will be regular in touch with the counsel. Therefore, they believed and trusted him. However, unfortunately, the said P. Thirumala Naidu died on 30.04.1997. They had no knowledge about the stage of the case and ultimately when the adjoining land in Reach No.5 owners of the land informed them in the month of March, 2016 that they have received enhanced compensation in LAOP No.3 of 2011 and then only, they came to know that the enhanced compensation paid to the neighbouring land owners. When they approached the counsel in the lower court and enquired about the stage of the case, they were informed that their case LA OP No.98 of 1992 was dismissed, confirming the award passed by the respondent herein.

3. As stated above, that one P. Thirumala Naidu, was pursuing the case of the petitioners before the court below, but he died on 30.04.1997. LA OP No.98 of 1992 was dismissed on 21.09.1999.

4. Admittedly, P. Thirumala Naidu died on 30.04.1997. The petitioners should have been vigilant after the death of P. Thirumala Naidu and keep watch on their case. It is also admitted case of the petitioners that P. Thirumala Naidu used to inform now and then about the stage of the case. Therefore, their submission that the petitioners were not aware of the stage of the case cannot be believed.

5. The learned counsel for the petitioners submits that the claimants, who are poor persons and the courts, including the Hon'ble Supreme Court, have been very lenient in condoning the delay in such cases and prays this court to condone the delay in filing the appeal.

6. We do not dispute about the same. Even this court also has condoned the delay involving considerable period. However, there must be a sufficient and cogent cause for condoning delay, as otherwise, the purpose of Land Acquisition Act would be defeated.

7. In the present petition, there is inordinate delay of 6300 days in filing the appeal, which is not explained properly. The petitioners have accepted the order dated 21.09.1999 passed in LA OP No.98 of 1992, therefore, not challenged timely. Therefore, We find no ground to condone the inordinate delay of 6300 days in filing the appeal. Accordingly, LAAS MP No.1391 of 2017 is dismissed. Consequently, LAAS No.568 of 2017 is rejected. No costs.

SURESH KUMAR KAIT, J

U. DURGA PRASAD RAO, J

Date: 13.09.2017
BSS

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LAASMP No.1390 of 2017
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(per SKK, J)



Date: 13.09.2017

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