

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1298 OF 2016
AND
CIVIL APPLICATION NO.1299 OF 2016
IN
FIRST APPEAL (ST.) NO.1628 OF 2016
WITH
FIRST APPEAL (ST.) NO.1628 OF 2016**

**PRIYA
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The State of Maharashtra and anr. ... Applicants
V/s.
Arun Madhavrao Patil ... Respondent

Mr.A.R.Patil, AGP for the State/Applicants.
None for the Respondent.

**CORAM : MADHAV J. JAMDAR, J.
DATE : DECEMBER 04, 2021.**

P.C.:-

1. Heard Mr.Patil, the learned Additional Government Pleader for the applicants.

2. There is delay of 8 years and 175 days in filing the appeal. The learned Additional Government Pleader submitted that there are several administrative difficulties and therefore, the delay was caused in filing first appeal. This court by order dated 29th August, 2019 although issued notice to the respondent observed that when the State claimed that procedural formalities do consume some time, the State would come up with some explanation and the explanation offered in the application is too vague. Order dated 29th August, 2019 passed by this court is quoted herein below for ready reference.

“1. The State of Maharashtra through the Special Land Acquisition Officer, at Nashik and Executive Engineer, Urdhwa Godavari Project, Nashik are aggrieved by the judgment and award dated 23rd April, 2007 passed by the learned Adhoc District Judge-I, Nashik in L.A.R. No. 86 of 2001. The Civil Application No. 1298/2016 is taken out, seeking condonation of delay of 8 years and 175 days in filing the First Appeal.

2. The application sketchily attempts to describe the said period of 8 years and 175 days. But what can be seen is that till 2015, no steps have been taken and it is only on 11th August, 2015 the Solicitor of Government, Law and Judiciary Department issued resolution for filing of the First Appeal. There is no explanation offered explaining the time gap in the two important dates i.e. between 9th July, 2007 when the certified copy of the judgment was received and the date mentioned as 11th August, 2015 when the Law and Judiciary Department issued resolution for filing of the First Appeal. The State, no doubt, can claim to have some privilege in not filing appeals in land acquisition matters within limitation and in particular, when the State claim that procedural formalities do consume some period of time. However, one has to be conscious of the fact that the State should come up with some reasonable explanation, though in the present application the explanation offered is too vague. Though, it is not expected to explain each days delay.

3. With this prima facie view, issue notice to the respondents, seeking their response on application for condonation of delay, returnable after 4 weeks.”

3. Perusal of application shows that although some administrative difficulties are set out in the application, there are no sufficient reasons set out to condone inordinate delay of 8 years and 175 days. The impugned award is dated 23rd April, 2017. The certified copies were ready and delivered on 10th July, 2007. The District Government Pleader, Nasik forwarded his opinion/ proposal to the Law and Judiciary Department, Mantralaya, Mumbai on 3rd August, 2007. There is no explanation whatsoever for the

period of 2007 to 2015 mentioned in the civil application. As no sufficient reasons are mentioned in the civil application and as the delay is of inordinate period of 8 years and 175 days, civil application No.1298 of 2016 is dismissed.

4. In view of dismissal of Civil Application No.1298 of 2016, nothing survives in the Civil Application No.1299 of 2016 and also in the First Appeal (St.) No.1628 of 2016.

(MADHAV J. JAMDAR, J.)

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