

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3425 of 2017

In

First Appeal (st) No. 4653 of 2017

With

Civil Application No.3426 of 2017

In

First Appeal (st) No. 4653 of 2017

The State of Maharashtra
through Special Land Acquisition
Officer & anr.

... Applicant

v/s.

Shri Vitthal Jagannath Shirsath
(since deceased)
through LRs
Smt. Shakuntala Vitthal Shirsath
& ors.

... Respondents

Mr. A.R.Patil, AGP for the applicant.

CORAM : Anil S. Kilor, J

19th January 2022

P.C.

This is an application moved by the State of Maharashtra for
condonation of delay.

2. The learned AGP states that there is a delay of 2 years and 225 days. He submits that sufficient cause has been shown in the application for delay.

3. It is submitted that due to official procedure the delay has been caused and it is properly explained in Paragraph-2 onwards.

4. None for the respondents though they are duly served.

5. Undisputedly, the delay in this matter is an inordinate delay of 2 years and 225 days i.e. almost 3 years. The amount of compensation in lieu of acquisition of land of the claimants, involved in the present appeal is Rs.41,756/-.

6. The Hon'ble Supreme Court of India in the case of *State of Madhya Pradesh and others v/s. Bherula*¹ has held that the law of limitation undoubtedly binds everybody including the Government. It is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special

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obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

7. After going through the reasons stated in the application for condonation of delay, usual explanation that the time consumed in the official procedure, is the cause of delay. Thus, in the light of observations made by the Hon'ble Supreme Court of India in the case of Bherulal (supra), I am of the opinion that there was no proper explanation offered by the State Government in this matter except giving various dates by producing a chart in the application. Hence, the department has miserably failed to give any acceptable and cogent reasons sufficient to condone such huge delay. Accordingly, I pass the following order:-

ORDER

- i) Application is rejected.
- ii) No order as to costs.

(Anil S.Kilor, J)