



C.M.P.No. 9887 of 2018

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A.S.Sr. No. 29629 of 2018

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P.T.ASHA, J.

Questioning the enhancement of the award amount in a Land Acquisition Proceedings, the 2nd respondent has filed the above Appeal. However, in filing the above Appeal a delay of 1934 days has crept in.

2. The petitioner has filed an affidavit in support of the petition to condone the delay. In the said affidavit, the deponent, namely, the Executive Engineer of the petitioner Board would state that the Government Pleader who had defended the LAOP case had not kept the board informed about the stage of the LAOP proceedings and had not diligently followed the same. The case papers were also not with them. It was only when they received a legal notice dated 28.06.2017, that the deponent who is a present Officer had come to know about the LAOP case and the award that has been passed thereon. Immediately, they had forwarded the same to the Head Office at Chennai and sought for a legal opinion. Based on the legal opinion, they had filed for certified copies of the



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Judgement and Decree in C.A.No.4807 of 2017 afresh. The copy application was filed on 15.09.2017 and the same was made ready on 13.02.2018. Thereafter, due to certain administrative glitches, the appeal could not be filed immediately and as a result, the delay has occurred.

3. The respondent, though they have not filed a counter, had vehemently opposed the above petition stating that the delay is inordinate.

4. The appellant board seeks to question the award passed by the Sub Judge, Namakkal in L.A.O.P.No.1 of 2003 in and by which the learned Sub Judge, Namakkal had enhanced the award amount from Rs.35,724/- per acre to a sum of Rs.65 per sq.ft. The learned appellant would submit that the adoption of this arbitrary amount is without proof and the Court has ignored the documents produced by the appellant.



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5. Heard the learned counsels on the either side.

6. Considering the fact that sufficient reasons have been given for condoning the delay, which has not been seriously contested by the respondent / claimant the delay can be condoned on terms. The appellant shall pay a sum of Rs.1000/- to the High Court Advocate's Clerk's Welfare Association by 18.10.2023.

7. Accordingly, the delay is condoned. The Registry is directed to number the appeal and post the matter on 20.10.2023.

17.10.2023

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17.10.2023