

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

BALAJI
GOVINDRAO
PANCHAL

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FIRST APPEAL NO.1310 OF 2023

Sanjay Sanchalal Chhajed

..Appellant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Sachin Punde, for the Appellant.

Mr. K. C. Shinde, AGP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 4th APRIL, 2024

PC.

1. This Appeal is filed challenging judgment and order dated 1st November, 2017, dismissing reference under Section 18 of the Land Acquisition Act. The reference was filed on 12th November, 1997 in the Court at Alibag. The same came to be transferred in the year 2000 and it was renumbered as Land Acquisition Reference No.1061 of 2000. The claim of the Appellant was that the amount of compensation that was granted was not adequate. The SLAO had granted compensation at the rate of Rs.35/- per sq.mtrs., whereas the market value was at the rate of Rs.150/- sq.mtrs. In spite of various chances, Appellant/Claimant did not file any evidence oral as well as documentary. The Court therefore was constrained to consider the Appeal. The Court observed that reference was pending for 18 years for evidence. Even advocate didn't remain present on

any date. The Court *suo-moto* issued notice on 07.01.2015 to the Power of Attorney holder of the claimant who was reported to be dead. There was no address given of the claimant in the Court and therefore no notice could be issued. The Court was thus constrained to dismiss the reference.

2. Today when the Appeal is called out, it is submitted that the Appellant had filed reference through Power of Attorney holder. He was not given information about the proceedings by the Power of Attorney holder. It is seen that the Appellant was totally negligent in prosecuting the reference. Even thereafter, the Appeal is filed on 21.09.2021. The footnote shows that the Application for certified copy was filed on 28.08.2019 and the same was given on 11.02.2021 and the Appeal was filed on 21.09.2021. Though now delay is condoned, it is seen that at every stage, Appellant has not shown due diligence in prosecuting the proceedings. Learned advocate however submits that now if the LAR is remanded, he would prosecute the LAR diligently.

3. This Court is of the opinion that the LAR was filed in 1997 and the same was not prosecuted. Now if the matter is remanded and in case is allowed, there would be question of payment of statutory dues and the same would be because of lack of due diligence on the party of the Appellant.

4. Learned AGP therefore takes strong objection even to

remand the reference. He submits that it was necessary for the Appellant to diligently prosecute the land acquisition reference.

5. This Court finds that in the present case there is sheer negligence of the Appellant. Appellant cannot blame any other machinery for the same.

6. This Court finds that the Appeal deserves to be dismissed and the same is hereby dismissed.

[KISHORE C. SANT, J.]