

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.106 of 2017

1. The State of Bihar
2. The Special Land Acquisition Officer, Patna Flood Protection Project, Patna.

... .. Appellant/s

Versus

1. Prabhu Sao, Son of late Lato Sao, Resident of Village - Chiraila, P.S. - Rajauli, District - Nawada, living at present village - Hardiya, Sector- C, P.S. Rajauli, District - Nawada.
2. Misri Sao, Son of late Lato Sao, Resident of Village - Chiraila, P.S. - Rajauli, District - Nawada, living at present village - Hardiya, Sector- C, P.S. Rajauli, District - Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. G.P. Ojha, G.A.-7
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

33 08-09-2025

Re. I.A. No. 01 of 2017 (6694 of 2017)

The instant interlocutory application has been filed by the appellants, i.e., the State of Bihar and the Special Land Acquisition Officer, Patna Flood Protection Project, Patna, with a prayer to condone the delay of 01 year, 08 months, and 24 days in preferring this appeal.

2. It is submitted by the appellants' counsel that the impugned order dated 06.08.2015 and impugned award dated 14.08.2015 were passed by the Court of Sub-Judge-1st, Nawada in L.A. Case No. 50/95-169/12. Thereafter, the concerned Government Pleader, Nawada, informed the Special Land Acquisition Officer on 26.04.2016 regarding the passing of the



impugned award. Subsequently, the said Land Acquisition Officer sent information to the Director, Land Acquisition and Rehabilitation, Water Resources Department, Patna, vide letter no. 571 dated 01.08.2016, to sanction the awarded amount, as at that time, in view of Notification No. 943 dated 17.08.2015, it was not open for the authorities to prefer a First Appeal in matters where the value of compensation was less than Rs. 5,00,000/- (Rupees Five Lakh). In the meantime, in several cases it was detected that there was no reference by the Special Land Acquisition Officer, yet land acquisition cases were initiated and the awarded amount was received through fake applications. Thereafter, the Director, Land Acquisition and Rehabilitation, Water Resources Department, Bihar, Patna, vide letter no. 1540 dated 09.09.2016, directed the Special Land Acquisition Officer to enquire into the matter. He enquired into the matter and sent the enquiry report to the Director vide letter no. 835 dated 26.11.2016, revealing that no such reference was made before the learned court below with respect to the claim of the petitioner. Thereafter, a legal opinion for filing the appeal was sought, and the Special Land Acquisition Officer was directed vide letter no. 432 dated 16.03.2017 to file the instant appeal against the impugned award. Then, a statement of facts



was prepared on 28.06.2017 by the Panel Advocate, and the same was forwarded to the Director vide letter no. 407 dated 03.07.2017 for approval and the same was approved, the file was sent to Law Department on 19.07.2017. Thereafter, the Law Department directed the filing of the appeal by making an endorsement on 27.07.2017, and subsequently, the appeal was preferred.

3. No one is present on behalf of the respondents, though they have filed a reply to the present interlocutory application. It is mentioned therein that regarding the statements made in paragraph nos. 5 to 10 of the interlocutory application, no sufficient reason has been assigned; rather, the same reflects the insufficiency of the Government and its authority. In reply to the present interlocutory application, the respondent cited paragraph 13 of the judgment passed by the Hon'ble Supreme Court in Civil Appeal Nos. 2474-2475 of 2012 (Office of the Chief Post Master General and Others vs. Living Media Indian Ltd. and Others), which is as under:-

“ In our view, 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 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 government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay.”

It is also mentioned in paragraph ‘7’ of the respondent’s reply to the present interlocutory application that in light of the judgment passed by the Hon’ble Supreme Court in the case of State of Odisha (Vigilance) Vs. Pura Chandra Candi wherein it was held that “a mere Government insufficiency cannot be a ground for condoning the delay.” Therefore, in view of the law laid down by the Hon’ble Supreme Court in the above citation, the present interlocutory application is liable to be dismissed.

4. Having considered the above-mentioned facts and



the submissions made by the learned counsel appearing for the appellants, this Court is not satisfied that the unreasonable delay on the part of the appellants has been adequately explained and this Court is not persuaded to condone the same. Although the process of obtaining sanction to file the appeal involved several officers, there was a considerable unexplained gap between them. In view of this position, this Court rejects the instant interlocutory application, i.e., I.A. No. 01 of 2017 (6694 of 2017), and the instant appeal, i.e., First Appeal No. 106 of 2017, is dismissed as barred by time.

(Shailendra Singh, J)

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