

(2001) 08 GUJ CK 0081
In the Gujarat High Court

Case No : Civil Application No. 7393 of 200 in Letters Patent Appeal No. 978 of 2001

State of Gujarat and Another

APPELLANT

Vs

Sankalchand P. Vachheta and Others

RESPONDENT

Date of Decision : 31-08-2001

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Urban Land (Ceiling and Regulation) Repeal Act, 1999 — Section 3, 4, 5

Citation : (2001) 21 GLH 670

Hon'ble Judges : R.R. Tripathi, J;M.R. Calla, J

Bench : Division Bench

Advocate : J.M. Thakore, A.G. with Mr. A.D. Oza, leaned G.P. and Ms. Harsha Devani, AGP, for the Appellant; Jaswant Shah, J.P. Nanavati with Mr. A.R. Thakkar, A.B. Patel, J.T. Trivedi, Y.S. Lakhani, Tushar Mehta, P.V. Nanavati, V.P. Nanavati, Vijay H. Patel, Ms. Ketty A. Mehta, I.M. Bengali, A.J. Patel, M.R. Shah, G.M. Amin, Y.N. Ravani, B.G. Jani, V.S. Parikh, S.M. Shah, D.V. Parikh, D.C. Dave and Mr. Mehul S. Shah for respondents, for the Respondent

Judgement

M.R. Calla, J.—All these 30 Civil Applications filed in respective Letters Patent Appeals have been moved on behalf of State of Gujarat, Revenue Department and the Competent Authority and Deputy Collector (ULC) seeking condonation of delay in concerned Letters Patent Appeals. Whereas common questions based on identical facts are involved, we propose to decide this group of 30 Civil Applications by this common judgment and order as under: Since Civil Application No. 7393/ 2000 in Letters Patent Appeal St. No. 96/ 2000 arising out of Special Civil Application No. 539/93 and the common order dated 10-9-99 passed in Misc. Civil Application No. 1503/99 in Special Civil Application No. 539/93 have been argued as the main and leading case, we may give preference to the facts of this particular case for the purpose of passing this order as was agreed by the parties. Special Civil Application No. 539/93 filed by one Sankalchand P. Vachheta and pursued by his legal representatives on his expiry was decided by the learned single Judge on 12-5-99. The contents of this order

dated 12-5-99 are reproduced as under:

"The petitioner in this petition has challenged the order passed by the authorities under the Urban Land (Ceiling and Regulation) Act, 1976. The authorities have not taken the possession of the land in question from the petitioner, which is not in dispute.

"In view of the fact that the dispute involved in this petition is directly covered under the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Act No. 15 of 1999) repealing the Urban Land (Ceiling and Regulations) Act, 1976, which is also adopted by the State Government by passing a Resolution dated 30-3-1999, this petition has abated and consequently the impugned order passed against the petitioner also stands abated. Rule made absolute accordingly with no order as to costs. "

2. It appears that thereafter several other matters were also decided on the basis of this order dated 12-5-99. State of Gujarat preferred Misc. Civil Applications for review of the orders by which the Special Civil Applications had been decided on the basis of the order dated 12-5-99 passed in Special Civil Application No. 539/93. All these Misc. Civil Applications were in the nature of review of the aforesaid order on the ground that in fact the possession of the excess vacant land had been taken over by the State even before the issue of the notice in the main Special Civil Application. The State Government, therefore, sought deletion of the part of the order, i.e. "the authorities have not taken the possession of the land in question from the petitioner, which is not in dispute. " It was stated on behalf of the State that the factual position to the effect that the possession of the excess vacant land had been taken over by the Government had not been brought to the notice of the Court through inadvertence and mistake, neither the officers of the concerned Department were called nor the original record was perused and the petitioner in that case had suppressed the fact that the possession was taken over by the Government even before the filing of the petition in this Court. In support of the say, the copy of the panchanama taking possession of the excess land was filed. Since common averments of this nature have been made in all the Misc Civil Applications for review all the Misc. Civil Applications were heard together and disposed of by a common order dated 10-9-99 whereby the review applications were rejected.

3. Aggrieved from the order dated 12-5-99 passed in Special Civil Application No. 539/93 and other identical matters by different orders on different dates and the common order dated 10-9-99 whereby review applications were rejected, Letters. Patent Appeals were filed by State Government. Whereas these Letters Patent Appeals were time barred, the present Civil Applications have been filed seeking condonation of delay. Civil Application No. 7393/2000 has been argued before us as the main case. In all these Civil Applications, rule was issued on 28-8- 2000 returnable for 13-9-2000 and thereafter when the matters came up before the Court on 27-9-2000 they were directed to be listed on 9-10-2000. On 12-10-2000 in two of the matters i.e. Civil Applications Nos. 7412 and 7420 of

2000, it was found that the legal representatives of deceased were to be brought on record. Civil Application No. 9668/2000 for bringing legal representatives on record, which had already been filed in Civil Application No. 7412/2000, was allowed on 12-10-2000 and the time was granted to move an Application for bringing legal representative on record in Civil Application No. 7420/2000 and the said Civil Application for bringing legal representatives in record was allowed by a separate order in Civil Application No. 9668/2000. Civil Application No. 9930/2000 filed in Civil Application No. 7420/2000 for bringing legal representatives on record was then allowed by a separate order passed in Civil Application No. 9930/2000.

4. In the Civil Application No. 7393/ 2000 filed on 15-3-2000 in Special Civil Application No. 539/93, which had been argued as the main case, the State of Gujarat and the Competent Authority have come with the case

- That the certified copy of the order dated 10-9-99 was applied for on 13-12-99 and was received by the office of the Government Pleader on 14-12-99 and it was only thereafter that the same was brought to the notice of the officers of the Revenue Department.

- Upon receipt of the judgment and order passed in the aforesaid Special Civil Application, the decision was taken by State of Gujarat to prefer Review Application because the main and basic fact that the possession of the excess vacant land had already been taken over had not been brought to the notice of the learned single Judge, which was the decisive factor for the purpose of Sections 3 and 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999. Once the possession of the excess vacant land is taken over by the Government, the provisions of Repeal Act are not applicable to the pending Special Civil Applications.

- Thereafter on receipt of the judgment and order in Misc. Civil Applications, which was filed for review, final decision was taken to prefer Letters Patent Appeals and the delay was caused in this process of taking decision to file Letters Patent Appeals.

- It has been then submitted that the High Court was observing vacation from 31-12-99 to 9-1-2000 and thereafter some time was taken at the end of the State of Gujarat for taking a decision in preferring Letters Patent Appeals. It was pleaded that there was no inaction or negligence on the part of the State in prosecuting the matter in time. On these grounds the delay was sought to be condoned.

The delay, which is sought to be condoned, in each of these Civil Applications is 54 days.

5. The legal representatives of the petitioner Sankalchand P. Vachheta had entered caveat through Mr. D.C. Dave, Advocate. An additional affidavit dated 22-9-2000 was filed on behalf of the applicant, i.e. State of Gujarat and others

by Mr. Raval, Deputy Secretary, Revenue Department in support of the application for condonation of delay stating therein that

- Officers of the concerned Department were present in the Court on 10-9-99 when the judgment was delivered.
- The concerned officers collected the related data of the different cases and put up a note on 17-9-99 for preferring Letters Patent Appeals against the impugned judgment and order as well as for taking proper action in other Special Civil Applications pertaining to the Urban Land (Ceiling and Regulation) Act, 1976.
- The Joint Secretary, Revenue Department, (U.L.C.) approved the aforesaid note/proposal on 18-9-99.
- The Secretary (Land Reforms) also approved of the proposal for filing Letters Patent Appeal on 20-9-99.
- The file relating to the aforesaid proposal was sent to the Legal Department on 21-9-99 for issuing instructions to the Government Pleader for filing Letters Patent Appeal.
- Legal Department issued instructions to the Government Pleaser for preferring Letters Patent Appeals on 1-10-99.
- On 8-10-99 the Revenue Department issued instructions to all the concerned competent authorities to prepare necessary materials and contact the Government Pleaser and do the needful for filing Letters Patent Appeals. A copy of the said instruction was also sent to the Government Pleader.
- The office of the Government Pleader was then contacted on several occasions, but it was intimated by the office of the Government Pleader and the concerned Assistant Government Pleader that the Letters Patent Appeal can be filed only after receipt of the certified copy of the judgment and order, which were yet to be received.
- On 1-12-99 the Revenue Department put up a note before the Legal Department requesting to instruct Government Pleader in the High Court to send the certified copy of the impugned judgment dated 10-9-99 alongwith necessary opinion immediately, and to instruct Government Pleader to give top priority to the filing of the Letters Patent Appeal.
- On 10-12-99 the Legal Department put up a note on the file informing that the Officers of the Revenue Department should contact the Government pleader personally for obtaining the certified copy of the judgment and opinion thereon.
- On, 15-12-99 another note was prepared informing the Legal Department that the Officers of the Revenue Department as well as Competent Authorities had contacted the office of the Government Pleader on several occasions, however, the matter was still being delayed. Therefore, it was again requested that the Legal Department may instruct the Government Pleader to supply the certified

copy of the impugned judgment and order and opinion thereon.

- The concerned Deputy Secretary was on leave during the said period and hence the note was approved by him on 20-12-99 and was sent to the Legal Department on the same day.
- The certified copy of the judgment and order was received by the Revenue Department on 10-1-2000 and Letters Patent Appeal was filed on 31-1-2000.
- Copy of the Memo of Letters Patent Appeal alongwith the copies of the Civil Applications for condonation of delay and Civil Applications for stay was received by the Department on 23-2-2000 and thereupon a note was put up by the Department to seek amendment in the Letters Patent Appeal and it was proposed that the Civil Application be affirmed after the Letters Patent Appeal is amended.
- Concerned Assistant Government Pleader informed that the amendment of the Memo of Letters Patent Appeal may be made later on after seeking permission of the Court when the matter is listed on the board and that the Civil Application be affirmed immediately. Hence Civil Application was affirmed on 3-3-2000 and handed over to the office of the Government Pleader on the same day.

The Office of the Government Pleader filed the Civil Application on 15-3-2000.

- That Revenue Department was not aware of the fact that the office of the Government Pleader had applied for the certified copy of the impugned judgment and order dated 10-9-99 as late as on 15-10-99.
- The Officers of the Department had been informed by the office of the Government Pleader that limitation begins only after the receipt of the certified copy, hence all along the Department was not aware that there was any delay in filing the Letters Patent Appeal till the copy of the Civil Application for condonation of delay was received alongwith the Memo of the Letters Patent Appeal.

An affidavit-in-reply dated 27-9-2000 in this Civil Application No. 7393/2000 was filed on behalf of the legal representatives of deceased Sakalchand Punaji Vachheta contesting the applications for condonation of delay.

Further affidavit-in-reply dated 6-10-2000 was also filed on behalf of legal representatives of deceased Sokalchand Punaji Vachheta.

6. It is in the context of the pleadings, as referred to hereinabove, that this Court is called upon to consider in these matters as to whether it was a fit case for condonation of delay or not and as to whether the applicants were prevented by reasonable and sufficient cause from filing the Appeals within time. On behalf of the parties, while supporting and opposing these Applications for condonation of delay on facts, several cases have been cited before us and we may deal with the same as under:

(i) In the case of State of Bihar and Others Vs. Kameshwar Prasad Singh and Another, the Supreme Court was concerned with the case in which there was a delay of 679 days in filing the SLP. The writ petition filed by the respondent in the High Court was allowed on 8-4-94. As the directions were not complied with, the contempt petition was filed and it was stated that the High Court's order passed on 8-4-94 was implemented allegedly under the fear of contempt. However, the Letters Patent Appeal against the aforesaid judgment was dismissed by the Division Bench of the High Court on 22-3-96 and this judgment of the Division Bench dated 22-3-96 was subjected to challenge in SLP with delay of 679 days and the condonation of delay in filing the SLP was sought. The condonation of delay was sought mainly on the ground of not being aware of the judgment passed by the: High Court. The Supreme Court considered the question with regard to the power to condone the delay on the anvil of substantial justice to the parties by deciding the matter on merits, the Supreme Court considered earlier decision in the case of Collector, Land Acquisition, Anantnag and Another Vs. Mst. Katiji and Others, in which it was held that the expression "sufficient cause" employed by Legislature in the Limitation Act is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice - that being the live purpose for the existence of the institution of courts. After noticing the principles as laid down in the case of Collector, Land Acquisition, Anantnag and Another Vs. Mst. Katiji and Others, and considering several, other cases in para 12 of the Judgment, the following passage was quoted from yet another earlier decision in the case of State of Kerala v. E.K. Kuriyipe and Ors. :

"When the State is an applicant, praying for condonation of delay, it is common knowledge that on account of impersonal machinery and the inherited bureaucratic methodology imbued with the note-making, file pushing, and passing on the buck ethos, delay on the part of the State is less difficult to understand though more difficult to approve, but the State represents collective cause of the community. It is axiomatic that decisions are taken by officers/agencies proverbially at slow pace and encumbered process of pushing the files from table to table and keeping on table for considerable time causing delay - intentional or otherwise - is a routine. Considerable delay of procedural red-tape in the process of their making decision is a common feature. Therefore, certain amount of altitude is not impermissible. If the appeals brought by the State are lost for such default no person is individually affected but what in the ultimate analysis suffers, is public interest. The expression "sufficient cause" should, therefore, be considered with pragmatism in justice-oriented process approach rather than the technical detention of sufficient cause for explaining every day's delay. The factors which are peculiar to and characteristic of the functioning of pragmatic approach in justice - oriented process. The court should decide the matters on merits unless the case is hopelessly without merit. No separate standards to determine the cause laid by the state vis-a-vis private litigant could be laid to prove strict standards of sufficient cause. The Government at appropriate level should

constitute legal cells to examine the cases whether any legal principles are involved for decision by the courts or whether cases require adjustment and should authorise the officers to take a decision to give appropriate permission for settlement. In the event of decision to file the appeal needed prompt action should be pursued by the officer responsible to file the appeal and he should be made personally responsible for lapses, if any. Equally, the State cannot be put on the same footing as an individual. The individual would always be quick in taking the decision whether he would pursue the remedy by way of an appeal or application, since he is a person legally injured while State is an impersonal machinery working through its officers or servants. "

It was observed that to same effect was the judgement of the Shpreme Court in the case of Special Tehsildar, Land Acquisition, Kerala Vs. K.V. Ayisumma,

In para 13 it was noted that in the case of Nand Kishore Vs. State of Punjab, in the peculiar circumstances of that case the delay of about 31 years was condoned and in the case of N. Balakrishnan Vs. M. Krishnamurthy, it was held that the purpose of Limitation Act was not to destroy the rights. It is founded on public policy fixing a life span for the legal remedy for the general welfare. The primary function of a Court is to adjudicate disputes between the parties and to advance substantial justice. The time limit fixed for approaching the court in different situations is not because on the expiry of such time a bad cause would transform into a good cause. The object of providing legal remedy is to repair the damage caused by reason of legal injury. If the explanation given does not smack mala fides or is not shown to have been put forth as a part of dilatory strategy, the court must show utmost consideration to the suitor. It is, therefore, clearly laid down that dismissing the appeals on technical grounds of limitation would not, in any way, advance the interests of justice but admittedly result in failure of justice, particularly when the impugned judgment is likely to affect several other cases. The teachnicalities of law cannot prevent the court from doing substantial justice. On the basis of these principle, in the facts of that case, the delay of 679 days was cnoduned.

(ii) In the case of Union of India (UOI) and Others Vs. A. Vasu, the delay of 407 days was condoned.

(iii) In the case of N. Balakrishnan Vs. M. Krishnamurthy, the guidelines were set out for exercise of discretion in the matter of condonation of delay and it was observed that the words "sufficient cause" should be construed liberally and so far as the acceptability of explanation for the delay is concerned, length of delay is not relevant. In absence of anything showing mala fide or deleberate delay as a dilatory tactic, court should normally condone the delay. In this case there was a delay of 883 days.

(iv) In the case of Union Public Service Commission Vs. Hiranyalal Dev and Others, while considering the question of delay in filing the Appeal, the Supreme Court has held that when the Government files Appeals, the court should have

regard to normal procedural delays in Government's actions and where delay is found to have occurred due to fraud and unusual conduct of Government Pleaders, court may condone the delay in the facts and circumstances of the case in the interest of justice. In para 13 of this judgment the averments made in the counter-affidavit, which had been filed on behalf of the Government, has been quoted to the effect that due to the unusual conduct of the District Government Pleaders, who were in office during a particular period Government had to face the problem of delay in filing of appeals in hundreds of cases, the Government was not able to know the real state of affairs till the concerned Government Pleaders relinquished their office and in fact there was utter confusion and it became practically impossible to find out as to which are the Land Acquisition cases which have been disposed of and in which appeals were not filed though appeals ought to have been filed. The case of the Government for condonation of delay was that on account of the fraud played by the concerned Government Pleaders delay in filing the appeals had occurred and more than a crore of rupees would be lost to the Government on account of the said fraud played by the Government Pleaders. In fact, in innumerable cases the High Court has condoned the delay in filing of the appeals, taking into consideration the most unusual conduct of Government Pleaders which had landed the Government in difficulties and all the appeals, which had been entertained by the High Court after condoning the delay, had been allowed on consideration of their merits. In Para 14 of this judgment, while referring to the cases of Ramlal, Motilal and Chhotelal Vs. Rewa Coalfields Ltd., Shakuntala Devi Jain Vs. Kuntal Kumari and Others, , Concord of India Insurance Co. Ltd. Vs. Smt. Nirmla Devi and Others, , Mata Din Vs. A. Narayanan, and Collector, Land Acquisition, Anantnag and Another Vs. Mst. Katiji and Others, , the contours of the area of discretion of the courts in the matter of condonation of delays in filing the Appeals, as set out in these cases, were considered and it was held that the expression "sufficient cause" in Section 5 must receive a liberal construction so as to advance substantial justice and generally delays in preferring appeals are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bona fides is imputable to the party seeking condonation of delay. When substantial justice and technical consideration are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay and it must be remembered that judiciary is respected not on account of its power to legalise injustice on technical grounds but because it is capable of removing injustice and is expected to do so. In para 17 of the Judgment, the observations of Lindley. M.R., in the In re National Bank of Wales Ltd., reported in LR (1899) 2 CH 629, 693, have been quoted as under:

"Business cannot be carried on upon principles of distrust. Men in responsible positions must be trusted by those above them, as well as by those below them, until there is reason to distrust them. "

It has been further observed in Para 18 that while a private person can take

instant decision a "bureaucratic of democratic organ" hesitates and debates, consults and considers, speaks through papers, moves horizontally and vertically till at last it gravitates towards a conclusion - unmindful of time and impersonally. It has been mentioned in this very para 18 of this judgment that the High Court had noticed that the Government Pleader, who was in office till December 15, 1970, had applied for certified copies on July 20, 1970, but the application was allowed to be dismissed for default. The Supreme Court ultimately declined to interfere, in a case where the delay had been condoned by the High Court.

(v) In the case of Chief General Manager, Telecom and Another Vs. G. Mohan Prasad and Others, it was considered that the condonation of delay is the discretion of the Court and where certain pecuniary benefits are obtained, to which a party is not entitled under the rules, it was found to be a fit case for condonation of delay of 195 days.

(vi) State of U.P. and Others Vs. Raj Bahadur Singh and Another, was a case of writ petition under Articles 226 and 227, where there is no time limit for filing the petition. The Government had filed the petition after one and half years period after the Tribunal had set aside the termination of the employee and the writ petition was dismissed by the High Court on the ground that there was no justifiable explanation for the delay. The Supreme Court, however, held that dismissal was not proper. It is thus clear that even for the purpose of availing the expeditious remedy, the delay of one and half years was not considered to be fatal.

(vii) In the case of P.K. Ramachandran Vs. State of Kerala and Another, on which strong reliance was placed by the respondents, the High Court had condoned the delay of 565 days in filing the Appeal without recording its satisfaction. The delay was explained after the date of 12-5-95 by saying that, "at that time the Advocate General's office was fed up with so many arbitration matters equally important to this case were pending for consideration as per the directions of the Advocate General on 2-9-1995". Such ground was not found to be reasonable, satisfactory or proper explanation for seeking the condonation of delay. The Supreme Court took into consideration the averments made in the reply to the application seeking condonation of delay before the High Court that after the judgment and decree was pronounced by the learned Sub-Judge, Kallam on 30-10-1993, the scope for filing of the appeal was examined by the District Government Pleader, Special Law Officer, Law Secretary and the Advocate General and in accordance with their opinion, it was decided that there was no scope for filing the appeal but later on, despite the opinion referred as above, the appeal was filed as late as on 18-1-1996 without disclosing as to why it was being filed. The Supreme Court found that the High Court did not examine the reply and the Supreme Court itself was not satisfied in the facts and circumstances of the case that there was any explanation much less reasonable or satisfactory one, offered by the State for condonation of inordinate delay of

565 days. It was in the context of these facts that it was observed that Law of Limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribe and the Courts have no power to extend the period of limitation on equitable grounds and on that basis the applications seeking condonation of delay were rejected. In our opinion, such is not the case before us. We find that the case at hand with us is a case in which a factually incorrect statement was made and throughout there has been lapse on the part of the lawyers in the office of the Govt. Pleader (in not responding to the officers of the department for obtaining the certified copy and for filing appeals), who were representing the State and they did not take care to bring the correct factual position before the Court.

(viii) In the case of Calcutta Municipal Corporation Vs. Pawan Kumar Saraf and Another, observations made in the minority view were sought to be relied upon because in that case the SLP was barred by 309 days. But in this very matter, majority had considered and decided the case on merits. In para 19 onwards the minority view has been reported. Even from this judgement from Para 22 it is found that when the court from the facts stated in the application seeking condonation of delay is prima facie of the view that there should be sufficient cause that the notice is required to be issued and when no sufficient cause is made out, there is no bar to dismiss the application without any notice. The court found that no sufficient cause was shown and, therefore, the petition was dismissed on the ground of delay.

(ix) In the case of State of Gujarat Vs. Sayed Mohd. Baquir El Edross, while dealing with a case of time barred Application for bringing legal representatives on record, the Supreme Court found that no cause had been shown for condonation of delay for setting aside abatement and the Appeal was dismissed in view of abatement. It was held that strong case on merits is no ground for condonation of delay.

(x) The case of Ajit Singh Thakur Singh and Another Vs. State of Gujarat, was a criminal case in which Appeal against acquittal was filed after expiry of limitation in a murder case. The accused had been given benefit of doubt and the judgment of the trial court was found to be reasonable and based on consideration of evidence. Therefore, the judgment and order of the High Court was set aside and the judgment and order of the trial court was restored. So far as the question of Limitation therein is concerned, the Supreme Court observed in Para 6 that the truth appears to be that the appeal was not filed at first because the State Government saw no case on the merits for an appeal, and it was filed only because the High Court had observed and that was long after limitation had expired - that the case was fit for appeal by the State Government. It is true that a party is entitled to wait until the last day of limitation for filing an Appeal, but when it allows limitation to expire and leads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before limitation expired it was not possible to file the

appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation and on that premises it was held that the High Court had erred in condoning the delay. In view of the facts narrated in the earlier part of this order, we find that the delay in filing these Letters Patent Appeals is relatable to the period before the expiry of limitation as well as after the expiry of limitation and even the certified copy was not applied for within time by the concerned Law Officer in the office of the Govt. Pleader.

(xi) The case of Binod Bihari Singh Vs. Union of India, was a case in which the false plea had been taken by the party to get rid of bar of limitation and the Court held that the party should not be encouraged by rejecting the bar of limitation pleaded by the opposite party and condone the delay. In the facts of the present case, no such false plea had been taken by the State Government for seeking condonation of delay.

(xii) The case of C.W.T. v. Amateur Riders Club was a case of delay of 264 days in filing the SLP and the explanation was only by way of mentioning the dates of movement of documents between the office concerned and the counsel. The Court found that it was a stereotyped affidavit indicative of indifference and for that reason condonation of delay was refused.

7. In our opinion, in the present case. not only the movement of file had been given out but it has been positively pointed out that a factually incorrect statement was made before the Court for the purpose of obtaining the order and while in fact the possession was with the Government, the fact was not brought to the notice of the Court and the petition was got decided and the counsel, who appeared on behalf of the State, did not take care to inform the department about the decision. Departmental Officers were kept in dark to wait for the certified copy of the judgment. Moreover, the decision in the case of M/s. Larsen and Toubro Ltd. Vs. State of Gujarat and Others, thereof, as cited by the learned Advocate General, is conclusive on the question that vesting is enough and with the vesting of the land, the possession should be deemed to have been taken. The upshot of the aforesaid discussion is that we find that in the instant case, the applicants have been able to make out a case that they were prevented by reasonable and sufficient cause from filing the Letters Patent Appeals in time. It is a case in which the Officers of the Government Pleader and the concerned Assistant Government Pleaders did not pay any heed to the constant reminders and approaches made by the Revenue Department as well as the competent authorities and in such matters. when the public interest suffers and large number of cases are going to be affected to the utter prejudice of the public interest the delay of 54 days in filing these Letters Patent Appeals cannot come in the way of a party desirous of obtaining the decision on merits. We, therefore,

find on facts in the light of the law laid down in the cases as above that the delay of 54 days in each of these Letters Patent Appeals deserves to be condoned. The same is hereby condoned. All these 30 Civil Applications for condonation of delay are allowed. Rule is made absolute in each of these Civil Applications.

The Appeals be given regular numbers and the Registry may proceed further accordingly.