

(2020) 07 JH CK 0079
In the Jharkhand High Court
Case No : First Appeal No. 56 of 2016

Union of India	Vs	APPELLANT
Maya Linda & Others		RESPONDENT

Date of Decision : 02-07-2020

Acts Referred:

Land Acquisition Act, 1894 — Section 54

Citation : (2020) 07 JH CK 0079

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Vijay Kr. Sinha, Suraj Kumar, Vishal Kr. Rai

Final Decision : Dismissed

Judgement

Heard the parties through video conferencing.

The instant interlocutory application has been filed for condonation of delay of 3200 days in filing this appeal.

Learned counsel for the appellant submits that though the impugned judgment was passed on 27.04.2007 but because of the administrative delay

which was due to the failure of the advocate of the Railways in the High Court to disclose the position and status of the case, there was a delay in

filing the appeal but subsequently because of the mistaken legal advice instead of filing the appeal, the appellant filed W.P.(C) No.359 of 2015, W.P.

(C) No.371 of 2015, W.P.(C) No.870 of 2015 ,W.P.(C) No.871 of 2015, W.P.(C) No.872 of 2015, W.P.(C) No.873 of 2015, W.P.(C) No.874 of

2015, W.P.(C) No.875 of 2015, W.P.(C) No.1350 of 2015, W.P.(C) No.1354 of 2015, W.P.(C) No.1355 of 2015, W.P.(C) No.1356 of 2015, W.P.(C)

No.1357 of 2015, W.P.(C) No.1358 of 2015, W.P.(C) No.2101 of 2015, W.P.(C) No.2106 of 2015, W.P.(C) No.2107 of 2015, W.P.(C) No.2137 of

2015, W.P.(C) No.2147 of 2015, W.P.(C) No.2151 of 2015, W.P.(C) No.2213 of 2015, W.P.(C) No.2226 of 2015, W.P.(C) No.2227 of 2015, W.P.

(C) No.2243 of 2015, W.P.(C) No.2244 of 2015, W.P.(C) No.2245 of 2015, W.P.(C) No.2309 of 2015, W.P.(C) No.2310 of 2015 and W.P.(C)

No.2318 of 2015 before a co-ordinate Bench of this Court and the co-ordinate Bench of this Court held that the writ applications are not maintainable

and dismissed the writ applications with a liberty to the appellants to avail the statutory remedy under Section 54 of the Land Acquisition Act, 1894, in

accordance with law. It is submitted that the delay thus caused in filing the appeal is due to non-supply of the relevant documents for filing the case

and were beyond the control of the appellant. It is next submitted that the appellant being the Union of India represented through the General

Manager, East Central Railway has no malafide intention in delaying the disposal of the matter and the appellant has very good grounds to agitate in

this appeal. It is further submitted by Mr. Vijay Kr. Sinha- learned counsel for the appellant on the instructions, that the appellant undertakes to deposit

the compensation award amount in Land Reference Case No.44 of 2006 passed by Additional District Judge-cum-Special Judge (L.A.) Hazaribag

within six weeks from the date of this order. Hence, it is submitted that the delay of 3200 days in filing the instant appeal be condoned.

Mr. Suraj Kumar- learned counsel appearing for the contesting respondents submits that the respondents have serious objection to the prayer for

condonation of delay but keeping in view the fact that the respondents could not succeed in realizing the compensation amount, the respondents have

no objection if the instant interlocutory application for condoning the delay of 3200 days is allowed with the condition that the appellant will deposit the

compensation amount awarded by the impugned judgment, before the court below within six weeks from the date of this order.

Considering the facts and circumstances of the case as well as the undertaking given on behalf of the appellant, the delay of 3200 days in filing the

instant appeal is condoned subject to the condition that the appellant will deposit the entire compensation amount awarded by the impugned judgment

before the court below within six weeks from the date of this order.

It is made clear that in case of failure of the appellant to deposit the entire compensation amount awarded by the impugned judgment before the court

below within six weeks from the date of this order, the conditional order shall not be given effect to and the instant interlocutory application and

consequently this appeal shall stand dismissed being barred by limitation without further reference to the Bench.

List this appeal if the appellant files the proof of deposit of entire compensation amount awarded by the impugned judgment before the court below

within six weeks from the date of this order in connection with Land Reference Case No.44 of 2006.