

LAND ACQUISITION OFFICER, ORISSA

... APPELLANT

vs.

KAPILA PAIKRAY

... RESPONDENT

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Leave granted.

In land acquisition proceeding the reference court has made a big jump from Rs. 55,000/- per acre to Rs. 4 lakhs per acre. Challenging the said award passed by the reference court an appeal was preferred by the State/Land Acquisition Officer, Puri before the High Court. It was noticed that there was a long delay of 397 days. The explanation offered for the said delay was not satisfactory to the High Court and therefore the High Court declined to condone the delay as per the impugned order.

The appellant-Land Acquisition Officer has attempted in this Court to show some sort of explanation for the long delay of 397 days in filing the appeal. He pointed out that the government pleader engaged before the reference court had intimated him that he met with a fatal-(sic)accident. Neither the date of the accident

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nor the date of recovery from it nor even the period during which the government pleader underwent sufferings had been ascertained by the Land Acquisition Officer. Not even the name of the government pleader is disclosed in the affiavit. The said explanation was not offered before the High Court when the delay question was considered by the High court.

The option before this Court is to confirm the order declining to condone the delay or to mulct the appellant with the cost which might have been incurred by the opposite party on account of the delay by which the appeal was filed before the High Court. As for the State of Orissa the stake involved is substantial. The attention of the High Court on the judicial side has to be drawn whether the big leap made by the reference court is legally justifiable or not. Whether the coffers of the State Government can afford to bear such a whopping sum as value of the land acquired for public purposes.

We choose to condone the delay by imposing a heavy cost on the Land Acquisition Officer, Puri. We thus impose the cost of Rs.10,000/- on Shri Nirakar Samal son of late Trilocan Samal, District Khurda(deponent of the affidavit who is the land acquisition officer concerned) as a condition for condoning the delay for

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filing the appeal before the High Court. That amount shall be deposited by him in this Court within four weeks from today. It is open to the said person to apply to the Government for realising the said amount from the delinquent officers, if there is any one else(after conducting such enquiry as the Government deems fit) and reimburse that amount to the deponent. If the Government

finds that somebody else is responsible for the delay it is for the Government to ameliorate the deponent by realising it from such person and to reimburse it to the said deponent.

The application for condonation of delay filed in the High Court will now stand allowed on payment of the said amount. The Registry will report to us whether the aforesaid person has remitted the amount within the time granted or not. Appeal is disposed of accordingly. Appeal filed by the State challenging the award before the High Court shall now be numbered to be decided on merits.

Report after four weeks.

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.....J
(K.T. Thomas)

New Delhi
July 9, 2001

.....J
(R.P. Sethi)