

Smt. Kanthamma Vs. the Special Land Acquisition Officer, Karnataka Industrial Area Development Board (Kiadb) and anr.

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Court : Karnataka

Decided On : Jan-16-2003

Reported in : 2003(2)KarLJ7

Judge : N.K. Jain, C.J. and ;V.G. Sabhahit, J.

Acts : [Limitation Act, 1963](#) - Sections 5 - Schedule - Article 117; Karnataka High Court Act, 1961 - Sections 4

Appeal No. : Writ Appeal No. 4749 of 2001

Appellant : Smt. Kanthamma

Respondent : The Special Land Acquisition Officer, Karnataka Industrial Area Development Board (Kiadb) and anr.

Advocate for Def. : H.R. Krishnamurthy, Adv. for Respondent-1

Advocate for Pet/Ap. : Viswanath, Adv.

Disposition : Appeal dismissed

Judgement :

ORDER

N.K. Jain, C.J.

1. This writ appeal is filed against the order dated 28-5-2001 passed in W.P. No. 186 of 2001 (LA), wherein, the learned Single Judge has found that the Special Land Acquisition Officer has considered the objections of the appellant petitioner and also found that the acquisition of the land has been made for public purpose and not interfered with the order passed by the Special Land Acquisition Officer, the 1st respondent herein. The same has been challenged in this appeal along with an application I.A. No. I of 2001 for condoning the delay of 57 days in filing the appeal.

2. Heard the learned Counsels for the parties and perused the materials placed on record.

3. No doubt, this Court is liberal in condoning the delay provided sufficient and reasonable cause has been shown, but in the instant case, the only ground urged is that the certified copy of the order was applied for on 18-6-2001, but the same was rejected due to deficiency of Court fee. Again, the same was applied for on 28-6-2001 and the certified copy was ready on 29-6-2001 and furnished on 2-7-2001. Thereafter, this appeal was filed on 23-8-2001 and it is prayed that the delay may be condoned.

4. Once the application was rejected for non-payment of Court fee, the second application made after expiry of time cannot be revived and the time spent cannot be considered to be sufficient and reasonable ground to condone the delay. Otherwise also, the learned Counsel has not been able to show any good reason for delay in filing the appeal on 23-8-2001 even after getting the certified copy on 2-7-2001. Under the circumstances, we find no ground to condone the delay. I.A. No. I of 2001 is dismissed. Consequently, the writ appeal is also dismissed.

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