

IN THE HIGH COURT OF JUDICATURE AT PATNA

FA No.295 of 2002

State Of Bihar, through the Collector, Patna

Versus

1. Smt.Kaushaliya Devi w/o late Nanhak Chaudhary
2. Bhola Chaudhary s/o Sitaram Chaudhary
3. Rampati Devi w/o Sitaram Chaudhary
4. Moti Chaudhary
5. Bhado Chaudhary, both sons of Binajpal Chaudhary, all resident of mauza Raipura, P.S. Fathua, District - Patna

With

FA No.299 Of 2002

State Of Bihar through the Collector, Patna

Versus

1. Akali Devi w/o late Madan Mohan Pandey
2. Binodanand Pandey
3. Subodha Nand Pandey, both sons of late Bhola Pandey
4. Baban Pandey s/o late Harkhu Pandey, all r/o Govindpur Dona, P.S. Fathua, Patna

With

FA No.324 Of 2002

State Of Bihar through the Collector, Patna

Versus

1. Smt.Bhola Devi w/o late Mahipat Prasad
2. Sri Raj Kishore Singh
3. Sri Ashok Kumar, both sons of late Ram Chandra Singh, r/o mauza – Raipura, P.S. Fathua, Patna .

With

FA No.325 Of 2002

State Of Bihar through the Collector, Patna

Versus

1. Rasulan Bibi w/o late Md. Abdul Hakim, r/o mauza-Raipura, P.S. Fathua, Patna
2. Zaibunissa w/o Md. Kamruddin, r/o Jhauganj, P.S. Fathua, Patna.

With

FA No.334 Of 2002

State Of Bihar through the Collector, Patna.

Versus

Kishori Mahto s/o late Haraman Mahto, r/o mauza Raipura, P.S. Fathua, Patna .

With

FA No.364 Of 2002

State Of Bihar through the Collector, Patna

Versus

Kishori Singh s/o late Banshi Singh, r/o village Budhu Chak, P.S. Fathua, patna

With

FA No.378 Of 2002

State Of Bihar through the Collector, Patna

Versus

1. Chand Mahto
2. Govind Gope
3. Rampat Gope
4. Kishun Gope, sons of late Ruplal Bhagat
5. Jagdish Gope s/o late Hari Charan Singh
6. Most. Namani Devi w/o late Hari Charan Singh
7. Ram Nagina Singh s/o late karu Gope, all residents of Mirzapur Nohta, P.S. Fathua, Patna

With

FA No.391 Of 2002

State Of Bihar through the Collector, Patna

Versus

Rabia Khatoon w/o Basarat Hussain, r/o of mauza – Raipura, P.S. Fathua, Patna

For the appellant: Mr. K.P.Gupta, SC V

Mr. Binod Kumar, AC to SC V

For the respondents: Mrs. Sheela Sharma, Advocate

15 21/4/2010

Heard Mr. Sanjay Kumar and Mr.

K.P.Gupta, learned counsel for the appellant – State, and

Mrs. Sheela Sharma, learned counsel for the respondents.

The present batch of appeals were preferred in the year 2002 under section 54 of the Land Acquisition Act challenging the award made on 19.12.1996 by the Land Acquisition Judge – III, Patna.

Thus, there is delay of almost six years in preferring the appeals.

I have perused the applications for condonation of delay.

Mrs. Sheela Sharma, learned counsel for the respondents, submitted that similarly situated F.A. No.294 of 2002 has been dismissed on the ground of limitation on 17.4.2007, wherein it has been held as follows:

“In view of the orders passed in F.A. No.315 of 2002 with reference to I.A. No.1507 of 2003 on 25.1.2005 and the order of the Supreme court passed in Special Leave to Appeal (Civil) OC 8766/2005 filed as against the order dated 25.1.2005 in F.A. No.315/2002, the present I.A. is also rejected on the same grounds. Since the I.A. application has been rejected this appeal becomes barred by limitation. As such, it becomes incompetent and is hereby dismissed.”

In view of aforesaid, the applications filed for condonation of delay in these appeals stand rejected and as a natural corollary the appeals also stand dismissed. There shall be no order as to costs.

(Dipak Misra, CJ.)

Neyaz/