

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1069 of 2023

State of Odisha & Others

.....

Appellants

Mr. H. M. Dhal, AGA

Vs.

Ayesh Tanwir & Another

.....

Respondents

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

19.10.2023

W.A. No.1069 of 2023 & I.A. No.2767 of 2023

Order No.

01.

This matter is taken up by hybrid mode.

2. This application has been filed for condonation of delay of 321 days in preferring the Writ Appeal.

3. Heard Mr. H. M. Dhal, learned Addl. Government Advocate appearing for the State-Appellants.

4. As it appears, the order impugned has been passed on 31.05.2022 and the writ appeal has been filed on 17.05.2023. Therefore, the appeal suffers from delay and laches. Further, it appears that sufficient cause has not been shown to condone the delay of 321 days in preferring the writ appeal. That apart, no due diligence has been indicated in the petition in preferring the writ appeal.

5. In the above view of the matter, this Court is not inclined to entertain the writ appeal at this belated stage, as the same suffers from delay and laches, in view of the judgment/order of this Court in the case of *State of Odisha v. Surama Manjari Das* (W.P.(C) No. 15763 of 2021 dismissed on 16.07.2021), which has been confirmed by the apex Court, vide order dated 05.04.2023 in S.L.P.(C) Diary No. 9259 of 2023.

6. Accordingly, the interlocutory application merits no consideration and the same is hereby dismissed. Consequentially,

the writ appeal is also dismissed.

(DR. B.R. SARANGI)
ACTING CHIEF JUSTICE

Laxmikant

(M.S. RAMAN)
JUDGE

