



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21659 OF 2025

Padmanav Swain and Another ***Petitioners***

Mr. Srinibash Satapathy, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE SAVITRI RATHO

ORDER

06.11.2025

Order No.

04. 1. This matter is taken up through hybrid mode.
2. Mr. Satapathy, learned counsel for the Petitioners relied upon the case laws in ***Mohar Singh (dead) through Lrs and Others Vrs. State of Uttar Pradesh and Others; 2023 INSC 1019*** and ***Suresh Kumar Vrs. State of Haryana and Others; 2025 INSC 550*** in which the Hon'ble Supreme Court condoned long delay in filing the Appeal under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the Act'). The said case laws are not applicable in the instant case as the issue involved in this writ petition is with regard to condonation of delay in filing the application under section 64(1) of the Act.
- 2.1. Mr. Satapathy, learned counsel also relied upon the case of ***Krishnachand and Another Vrs. The State of Madhya Pradesh***



through Commissioner Jabalpur, District- Jabalpur (Jabalpur Bench of High Court of Madhya Pradesh) and Others reported in W.P.(C) No.19521 of 2017 wherein eight months delay in filing an application under section 64(1) of the Act was condoned by the High Court of Madhya Pradesh. The second *proviso* to section 64(2) of the Act puts a restriction on the Collector to condone the delay in filing application under section 64(1) of the Act beyond one year.

Since there is a statutory restriction in entertaining an application under section 64(1) of the Act beyond one year, a question arises as to whether this Court has the power/jurisdiction to condone a delay of 10 years in filing an application under section 64(1) of the Act.

3. Mr. Satapathy, learned counsel for the Petitioners prays for an adjournment to come prepare to address the issue.
4. Put up this matter on 15th December, 2025.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge