



**IN THE HIGH COURT OF ORISSA AT CUTTACK
CMAPL NO. 287 OF 2025**

Shiva Narayan Rahana and another *Petitioners*

Mr. Abhas Mohanty, Advocate

-versus-

State of Odisha and others *Opposite Parties*

Mr. Swayambhu Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE SAVITRI RATHO**

**ORDER
08.12.2025**

Order No.

03. **I.A. No. 517 of 2025**

1. This matter is taken up through hybrid mode.
2. This is an application for condonation of delay of 2708 days in filing the CMAPL.
3. Mr. Mohanty, learned counsel for the Petitioners submits that due to non-appearance of learned counsel for the Petitioner, therein, the writ petition was dismissed for non-prosecution on 28th March, 2018. Husband of the writ Petitioner, Laxman Rahana was looking after the case and he died on 30th January, 2018, i.e. prior to the date of order sought to be recalled in the CMAPL. So, the writ Petitioner could not know about the dismissal of the case. Her counsel did not also intimate the order of dismissal of the writ petition for non-prosecution. Writ Petitioner was a rustic lady. She died on 16th February, 2024 leaving behind the present Petitioners as her legal heirs. After getting notice in the encroachment case, the applicants made



inquiry and could find a copy of the interim order passed in the writ petition i.e. OJC No. 13547 of 2000. On further inquiry, they came to know that the matter has already been dismissed on 28th March, 2018 for non-prosecution. Thus, Mr. Mohanty, learned counsel for the Petitioners submits that the delay in filing the CMAPL is bonafide and not intentional. Hence, he prays for condoning the delay in filing the CMAPL and to restore the writ petition.

4. Mr. Mishra, learned Additional Standing Counsel submits that delay in filing the CMAPL has not been properly explained in the I.A. Evasive statements have been made in the petition for condonation of delay without any detailed particulars. Thus, delay of more than 7 years should not be condoned. He submits that an objection will be filed in the CMAPL.

5. Taking note of the submission made by learned counsel for the Parties, this Court finds that the husband of the Petitioner who was looking after the OJC No. 13547 of 2000 and was the Petitioner in OJC NO. 13549 of 2000, died on 30th January, 2018. The writ petition was dismissed for non-prosecution on 28th March, 2018. Learned counsel for the writ did not intimate the result to the writ Petitioner. Thus, she had no occasion to know about the dismissal of the writ petition. She died on 16th February, 2024. It is submitted by Mr. Mohanty, learned counsel that the writ petitioner was a rustic lady and a land oustee for Hirakud Dam Project.

6. Taking into consideration the above, this Court feels that delay in filing the CMAPL was bonafide and not intentional. Hence, the delay in filing the CMAPL is condoned subject to



payment of cost of Rs.2000/- to the Welfare Fund of the High Court Bar Association within a period of 7 days hence.

7. The I.A. is disposed of.

Urgent certified copy of the order shall be granted on proper application.

(K.R. Mohapatra)

Judge

(Savitri Ratho)

Judge

04. **CMAPL No. 287 of 2025**

1. Mr. Mishra, learned Additional Standing Counsel submits that objection to the CMAPL shall be filed by 9th December, 2025, serving copy thereof on learned counsel for the Petitioner.

2. Put up this matter on 16th January, 2026.

(K.R. Mohapatra)

Judge

(Savitri Ratho)

Judge

Subhalaxmi