

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.2666 of 2023

State of Odisha & others

.....

Appellants

Mr. Biplab Mohanty, AGA

Vs.

Abhimanyu Samal

.....

Respondent

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

16.11.2023

I.A. No.7824 of 2023

Order No.

01.

This matter is taken up by hybrid mode.

2. This application has been filed for condonation of delay of 313 days in preferring the Writ Appeal.

3. Heard Mr. Biplab Mohanty, learned Addl. Government Advocate appearing for the State-Appellants.

4. As it appears, the order impugned has been passed on 17.11.2022 and the writ appeal has been filed on 26.10.2023 and in the meantime more than ten months have passed. Therefore, the appeal suffers from delay and laches. Further, it appears that sufficient cause has not been shown to condone the delay of 313 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

(M.S. RAMAN)
JUDGE

MRS

