

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1780 of 2022

State of Odisha & Others

.....

Appellants

Mr. Biplab Mohanty, AGA

Vs.

Akshya Kumar Nayak & Another

.....

Respondents

Mr. Kunal Kumar Swain, Advocate

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

14.11.2023

W.A. No.1780 of 2022 & I.A. No.4165 of 2022

Order No.

02.

This matter is taken up by hybrid mode.

2. This application has been filed for condonation of delay of 111 days in preferring the Writ Appeal.

3. Heard Mr.Biplab Mohanty, learned Addl. Government Advocate appearing for the State-Appellants and Mr. Kunal Kumar Swain, learned counsel appearing for the Respondent No.1.

4. As it appears, the order impugned has been passed on 04.08.2022 and the writ appeal has been filed on 23.12.2022. Therefore, the appeal suffers from delay and laches. Further, it appears that sufficient cause has not been shown to condone the delay of 111 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. That apart an analogous matter i.e. W.A. No.916 of 2023 has already been dismissed by this Court vide order dated 13.11.2023.

7. Accordingly, the I.A. for condonation of delay merits no consideration and the same is hereby dismissed. Consequentially, the writ appeal is also dismissed.

8. In view of the dismissal of writ appeal, all the pending interlocutory applications stand disposed of.

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

(M.S. RAMAN)
JUDGE

Aswini



Signature Not Verified

Digitally Signed
Signed by: ASWINI KUMAR SETHY
Designation: PA(SECRETARY-IN-CHARGE)
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Date: 17-Nov-2023 11:20:30