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HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 982 of 2015

- Mohd. Shahid Khan S/o Shri Mohd. Rahim Khan, Aged About 38 Years R/o Sadar Police Line (Old Lines), Quarter No. 2/631, Main Gate Police Line, Raipur, District- Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Madhya Pradesh (Now Chhattisgarh) , Through Secretary, Ministry Of Home Affairs, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. Director General Of Police, P.H.Q. Raipur, District- Raipur, Chhattisgarh
3. Inspector General Of Police, Raipur Zone, District- Raipur, Chhattisgarh
4. Superintendent Of Police, Raipur, District- Raipur, Chhattisgarh

---- Respondent

For Petitioner	Shri R. K. Bhagat, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

29/03/2016

1. This MCC is for restoration of WPS No.2126/2005, which was dismissed for want of prosecution on 09.01.2014.
2. The MCC is barred by 660 days. In the MCC as well as in the application for condonation of delay, the petitioner has averred that he was not aware about the dismissal of the writ petition in default and was under impression that the writ petition is pending. In November,

2015, he enquired about the status of the case and thereafter came to know about the order dated 09.01.2014.

3. Shri Bhagat, learned counsel for the petitioner, would submit that the petitioner was under impression that the matter is pending and his counsel was also not aware that the matter has been dismissed for want of prosecution, therefore, the delay in filing the MCC is bona fide.
4. Learned State counsel would oppose the application.
5. Perusal of the record of the writ petition would reveal that the writ petition was earlier also dismissed for want of prosecution on 22.08.2012 and was directed to be restored on 28.01.2013 in MCC No.38/2013. Thus, on 09.01.2014, the writ petition was dismissed for the second time. Except for the pleading that the petitioner was under impression that the matter is pending, no other explanation has been offered seeking condonation of delay. The MCC suffers from enormous delay of 660 days, therefore, considering the earlier dismissal for want of prosecution, it clearly appears that the petitioner was negligent in prosecuting the writ petition.
6. No case for restoration of the writ petition is made out. Accordingly, the MCC is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA