

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 574 of 2017

- Ashok Kumar Dhoba S/o Nilamber Dhoba Aged About 38 Years
Occupation- Cultivation, R/o Village- Patrapali (East), Tahsil &
District- Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. Indrajeet Pradhan Panchayat Member, Ward No. 5, Gram
Panchayat, Patrapali (East), Raigarh, Chhattisgarh.
2. Collector Raigarh
3. Sub Divisional Officer (Revenue) Raigarh, Distt. Raigarh, C.G.
4. Tahsildar, Raigarh, C.G.

---- Respondent

For Applicant

Shri Dashrath Prajapati, Advocate

For Respondent/State

Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/09/2017

1. W.P No. 2178/2001 was dismissed for want of prosecution on 05-10-2010. For restoration of the said writ petition, the applicant preferred MCC No. 815/2011, in which the Office had pointed out some default, therefore, the applicant was allowed one week time for removing the default on 18-07-2002, failing which the MCC was directed to be dismissed without reference to the Court. The applicant did not remove the default within the stipulated time and has now preferred MCC for restoration of MCC No. 815/2011.

The present MCC is filed with enormous delay of about five years. There is absolutely no explanation in the application as to why the petitioner could not move the application for restoration of MCC No. 815/2011 within reasonable time. In the absence of any averment explaining the delay and laches, there is no occasion for this Court to examine the bonafides or genuineness of the explanation offered.

2. Enormous delay of five years in moving the MCC therefore appears to be malafide and lacking bonafide. Therefore, the MCC deserves to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Nirala