

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 474 of 2018**

- Gopal Prasad Gupta S/o Late Shri Gulab P. Gupta Aged About 59 Years, Ex - Coup – Gurd, Office Of The Divisional Forest Office, Jaspurnagar , R/o Dabhara, In Front Of Regional Hospital District Chatara Ranchi (Bihar)

---- Petitioner**Versus**

1. State Of Madhya Pradesh Through Principal Secretary Forest Department Mantralaya Bhopal .
2. Principal Conservator Of Forest , Madhya Pradesh Bhopal
3. Conservator Of Forest Bilaspur Circle , Bilaspur Chhattisgarh.
4. Divisional Forest Officer, Jashpur Forest Division Jashpur Nagar .
5. State Of Chhattisgarh. Through Principal Secretary Department Of Forest Raipur Chhattisgarh.

---- Respondent

For Petitioner	Mr. Vijay K. Deshmukh, Advocate
For Respondent/State	Mr. Majid Ali, Dy. GA

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

3/8/2018

1. Heard.
2. The original application was transferred to this Court and was listed on 11.3.2008, when learned counsel for the applicant appeared before this Court and sought time to remove the default. Thereafter, the petitioner was again represented on 2.4.2008, 27.6.2008, 11.7.2008 & 16.3.2009. However, on

16.3.2009, the matter was transferred to Madhya Pradesh High Court, but later on, it was re-transferred to this Court and thereafter, no one appeared at the time of hearing.

3. The Vakalatnama was filed by the local counsel for the petitioner in the year 2008, which was continuing.
4. On 13.01.2012, the writ petition was dismissed for want of prosecution and the present restoration application is filed on 11.5.2018 on the ground that the petitioner had no information about re-transfer of the case.
5. Be that as it may, the fact remains that the Vakalatnama filed by the local counsel in the year 2008 is a part of the record and since it is not a case of the applicant that his name was not published in the cause list, delay of 6 years in moving the application for restoration suffers from unexplained delay and latches, therefore, no ground is made out for restoration of the writ petition.
6. Accordingly, the MCC is dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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