

IN THE HIGH COURT OF ORISSA AT CUTTACK

LAA No.41 of 2010

State of Orissa

.....

Appellant
Mr. G. Rout, ASC

Vs.

Sakuntala Sahoo and others

.....

Respondents

CORAM:

MR. JUSTICE S.K. MISHRA

ORDER

08.08.2022

Misc. Case No.215 of 2010 and L.A.A. No.41 of 2010

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard.

3. This Appeal has been preferred against the Judgment/Order dated 02.11.2007 passed in L.A.R. No.39 of 2006 on 30.03.2010, and as per the office note, there is a delay of 788 days in filing the present Appeal. Though the present Misc. Case has been filed under Section 5 of the Limitation Act for condonation of delay, but reasons indicated in the said Misc. Case are not convincing. Rather, on examination of the certified copy attached to the Appeal memo, it is ascertained that there is mismatch as to the date of application for obtaining the certified copy so also date of delivery of the said copy and a false affidavit has been filed by the concerned officer, who has sworn the Affidavit in the present Misc. Case.

4. 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 passed relying on

the recent decision of the Supreme Court in the case of *The State of Madhya Pradesh v. Bherulal* (2020 SCC online SC 849), this Court is not inclined to issue notice to the Respondents on the question of limitation in the present Misc. Case.

5. Accordingly, the Misc. Case stands dismissed so also the Appeal preferred under Section 54 of the Land Acquisition Act, 1894.

(S.K. MISHRA)
JUDGE

Padma

