

IN THE HIGH COURT OF ORISSA AT CUTTACK

L.A.A No. 46 of 2017

***Land Acquisition Officer,
Kalahandi***

.....

Appellant

Mr. G. Rout, ASC

Vs.

Bhawani Naik

.....

Respondent

Mr. D. Mund, Advocate

CORAM: MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

14.10.2022

Misc. Case No.87 of 2017 & L.A.A. No.46 of 2017

Order No.
02.

This matter is taken up through hybrid mode.

2. As per the noting in the cause list, the Deficit Court Fee has not been paid till date. Though Misc. Case No.87 of 2017 was filed on 07.07.2017 along with the Appeal Memo, praying therein to grant two months time to pay the Deficit Court Fee, by efflux of time the said Misc. Case has become infructuous. Thereafter, neither the Deficit Court Fee has been paid nor any fresh I.A. has been filed by the State-Appellant till date seeking further extension of time to pay the Deficit Court Fee.

3. This Appeal has been preferred against the judgment dated 27.02.2010, passed by the learned Civil Judge (Senior Division), Bhawanipatna, Kalahandi in L.A.R No. 30 of 2007 on 07.07.2017. As it reveals from the report submitted by the Stamp Reporter, there is a delay of 2596 days in preferring the Appeal and till date no steps for condonation of delay has been taken by the Appellant-State.

4. In view of the recent judgment/Order of this Court in the case of State of Odisha Vrs. Surama Manjari Das (W.P.(C) No.15763 of 2021 dismissed on 16.07.2021), which has been passed relying on the decision of the Supreme Court in the case of The State of Madhya Pradesh Vrs. Bherulal, reported in 2020 SCC Online SC 849, the Appeal preferred under Section 54 of the Land Acquisition Act, 1894, stands dismissed, on the ground of delay and laches.

Banita

**(S.K. MISHRA)
JUDGE**

