

IN THE HIGH COURT OF ORISSA AT CUTTACK

LAA NO.16 of 2006

Sailabala Pradhan

.....

Appellant

Mr. S.K. Padhi, Advocate

Vs.

***Land Acquisition Zone
Officer, Angul***

.....

Respondent

Mr. G.Rout, ASC

CORAM:

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

08.09.2022

I.A. No.58 of 2018

Order No.

14.

This matter is taken up through hybrid mode.

2. As reported by the Stamp Reporter, there is a delay of 3 years and 30 days in filing the Appeal. This Court, vide Order dated 04.12.2015, condoned the delay by taking a lenient view subject to payment of cost of Rs.3000/-to Welfare Fund of Orissa High Court Bar Association within a period of two weeks from the date of the said Order. Instead of depositing the said cost within stipulated time frame, as fixed by this Court, the same was deposited with the High Court Bar Association on 27.08.2018 and the present I.A. has been filed to extend the Order dated 04.12.2015 and accept the cost paid on 27.08.2018 on the plea that though the Appellant was intimated with regard to the Order passed by the Court dated 04.12.2015 over phone and she was instructed to send the cost amount for deposit the Appellant is being old lady, she could not be able to understand the same and subsequently, it has been escaped from her mind inadvertently. However, when the matter was again listed,

she was reminded on 26.08.2018 and immediately she deputed her son to Cuttack where after the said cost amount of Rs.3000/- has been paid on 27.08.2018 in compliance of the direction of the Court dated 04.12.2015.

3. It is further submitted by the learned Counsel for the Appellant that the Appellant has died in the meantime. Though learned Counsel for the Petitioner received the intimation from the legal heirs of the Appellant about a year back, regarding such death till date no step has been taken for substitution of the legal heirs of the Appellant. Hence, this Court is not inclined to entertain the present I.A., which has been filed after about two years and eight months from the date of Order dated 04.12.2015.

4. Accordingly, the I.A. stands dismissed.

(S.K. MISHRA)
JUDGE

LAA No.16 of 2006

Order No.

15.

1. This Appeal has been preferred against the judgment dated 29.08.2003, passed by the learned Civil Judge (Senior Division), Angul on 03.01.2007 and as per the noting of the Stamp Reporter, there is a delay of 3 years 30 days.

2. Though this Court, vide Order dated 04.12.2015, condoned the delay subject to payment of cost of Rs. 3000/- to the welfare fund of Orissa High Court Bar association within a period of two weeks from the said date, but the same was deposited on 27.08.2018 and I.A. No.58 of 2018

was filed to accept the said cost deposited belatedly, which has been rejected today vide a separate Order passed in the said I.A.

3. Also, 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**, this Appeal deserves to be dismissed on the ground of delay and laches.

4. Accordingly, the Appeal preferred under Section 54 of the Land Acquisition Act, 1894 stands dismissed.

(S.K. MISHRA)
JUDGE

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