

IN THE HIGH COURT OF ORISSA AT CUTTACK

L.A.A No. 38 of 2019

Land Acquisition Collector, Angul

Appellant

Mr. G. Rout, ASC

Vs.

Laxmidhar Nayak & Ors.

Respondents

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

29.11.2022

I.A. No. 143 of 2022 & L.A.A. No. 38 of 2019

Order No.

05.

This matter is taken up through hybrid mode.

2. Though vide Order dated 24.08.2022, as prayed by the learned Additional Standing Counsel for the Appellant, three weeks time was granted to file certified copy of the impugned judgment, instead of filing the same, when the matter got listed on 21.10.2022 a submission was made by the learned Counsel for the State that I.A. NO. 143 of 2022 has been filed for dispensing with filing of the certified copy of the impugned judgment for the time being, which was not on record.

3. Taking into consideration such submission made by the learned Counsel for the State, Office was directed to bring the I.A. on record and it was directed to list the matter for consideration of the said I.A.

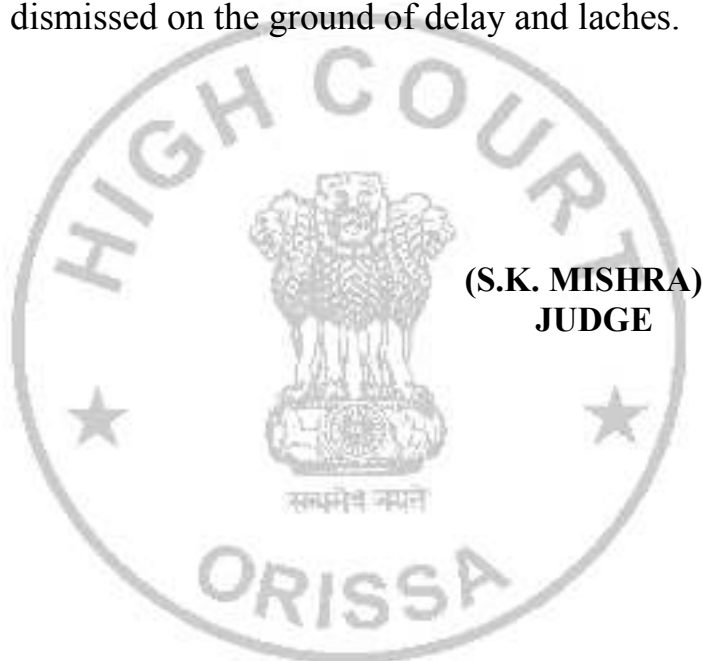
4. In the I.A., a stand has been taken by the Appellant that though the Appellant has applied for certified copy of the impugned judgment, but the same has not yet been supplied to the Appellant/Petitioner, enabling him to comply the Order dated 24.08.2022. Admittedly, there is no mention in the I.A. as to when the application for certified copy was filed.

5. Further, as is revealed from the photocopy of the impugned judgment dated 28.01.2014, passed in L.A. Misc. Case No.61 of 2013 the same was derived from the certified copy of the impugned judgment,

which was issued on 22.02.2014. The present Appeal has been preferred on 30.07.2019 i.e. after about more than 4 years, and because of non-filing of the certified copy of the impugned judgment, till date stamp reporting could not be done by the Office.

6. 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 I.A. for dispensing with the filing of certified copy of the impugned judgment for time being is rejected, so also the Appeal stands dismissed on the ground of delay and laches.

Banita



(S.K. MISHRA)
JUDGE