

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No. 267 of 2020

Purna Chandra Sahoo and others

Petitioners
Mr. D. Nayak, Advocate

-versus-

***The Commissioner, Land Records
and Settlement, Board of Revenue,
Odisha, Cuttack and others.***

Opposite Parties
Mr. P.K. Rout, AGA

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
29.11.2022**

Order No.

I.A. No.138 of 2020

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application for condonation of delay in filing the CMAPL.
3. Heard the learned counsel for the parties.
4. It is submitted by Mr. D. Nayak, learned counsel for the Petitioner that at the relevant time, he was ailing and undergoing treatment and also residing at Jajpur Town, which is 80 Km. away from Cuttack.
5. Considering such submission, the delay in filing the CMAPL is condoned.
6. The I.A. is, accordingly, disposed of.

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7. This is an application for restoration of the W.P.(C) No.5032 of 2017, which was dismissed for non-prosecution vide order dated 15.10.2019 passed by this Court.

8. On perusal of the order dated 15.10.2019, it appears that the matter has been dismissed for non-prosecution for non-filing of postal requisites for issuance of notice to the Opposite Parties No.6 to 8. Therefore, in view of the order dated 19.09.2019, the writ petition has been dismissed by the Deputy Registrar (Judicial) without further reference to the Bench, as was directed by the Single Judge vide order dated 19.09.2019.

9. It is submitted by the learned counsel for the Petitioner that at the relevant point of time, he was ailing and stayed at his native place at Jajpur, which is 80 Km. away from Cuttack. Therefore, he could not keep track the case and unable to appear this Court when the matter is called and also unaware of the order dated 19.09.2019.

10. Learned Additional Government Advocate appearing for the State-Opposite Parties does not have any objection to restore the aforesaid writ petition.

11. Considering the submission of the learned counsel for the parties, the CMAPL is allowed.

12. The W.P.(C) No.5032 of 2017 is restored to its file and the same be placed before the appropriate Bench.

13. However, learned counsel for the Petitioner is directed to comply with the order dated 19.09.2019 within a week positively.

(A.K. Mohapatra)
Judge