

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 40296 of 2021

Prakash Chandra Altia and others* *Petitioners

Mr. Lambodor Achari, Advocate

-versus-

***The Additional Commissioner,
Settlement and Consolidation,
Berhampur and others* *Opp. Parties***

Mr. Dilip Kumar Mishra,
Additional Government Advocate
(For Opposite Party Nos.1, 3, 4 and 5)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
08.04.2022**

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioners in this writ petition pray for a direction for early disposal of the petition filed for restoration of CRP No.39 of 2015, which was dismissed for default vide order dated 21st April, 2018 of Additional Commissioner, Settlement and Consolidation, Berhampur.
3. Learned counsel for the Petitioners submits that due to their non-appearance CRP No.39 of 2015 was dismissed for non-prosecution and they have filed an application on 16th August, 2018 for restoration of the CRP along with an application for condonation of delay. Although several attempts were made by the Petitioners to get it listed, but the Additional Commissioner, Settlement and Consolidation, Berhampur is not taking up the matter. Hence, this writ petition has been filed for a direction to the Additional Commissioner to take up the

application for restoration and dispose of the same within a stipulated time.

4. Mr. Mishra, learned AGA submits that he has no instruction in the matter. However, if such an application is pending the same should be taken up at an early date.

5. Taking into consideration the submissions of learned counsel for the parties, this Court, without expressing any opinion on the merit of the case of the Petitioners, disposes of the writ petition with a direction that on production of certified copy of this order along with a memorandum within a period of two weeks hence to take up the application for restoration of CRP No.39 of 2015 along with the petition for condonation of delay, the Additional Commissioner, Settlement and Consolidation, Berhampur shall consider the same and take up the application for condonation of delay in filing the restoration application, as expeditiously as possible, preferably within a period of eight weeks there from, if the matter is otherwise ready and there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge