

(2024) 02 OHC CK 0283
In the Orissa High Court
Case No : Writ Appeal No. 174 Of 2024

State Of Odisha & Others

APPELLANT

Vs

Manoranjan Swain & Others

RESPONDENT

Date of Decision : 29-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0283

Hon'ble Judges : Chakradhari Sharan Singh, CJ; M.S. Raman, J

Bench : Division Bench

Advocate : Rabi Narayan Mishra,

Final Decision : Dismissed

Judgement

W.A. NO.174 OF 2024 & I.A. NO.593 OF 2024

1. This matter is taken up through Hybrid mode.
2. This intra-Court appeal is time barred.
3. This application has been filed for condonation of delay of 324 days in preferring the appeal.
4. Following is the only explanation given in the petition seeking condonation of delay:-

"2. That, on receipt of order of Hon'ble High Court vide order dated 24.02.2023 in WP(C) No.22008 of 2021 the Administrative Department, i.e. the Appellant No.1 considered the matter sought for opinion of the Law Department where Law Department, Odisha vide letter No.20325/L dtd.28.12.2023 opined that it is a fit case for preferring writ appeal by challenging the order of Hon'ble Single Judge dtd.24.02.2023. Accordingly the Appellant No.5 issued instruction and authorize Appellant No.6 to contact the Office of the learned Advocate General, Odisha, Cuttack for filing of a writ appeal taking into consideration the views of the Law Department. On receiving such letter from the Appellant No.5, the Appellant

No.6 forwarded all the relevant documents to the Office of the Advocate General, Cuttack, which was received by this office on 09.02.2024.

3. The learned Advocate General entrusted the file to the learned Addl. Govt. Advocate on 09.02.2024 for filing of writ appeal. The learned Addl. Govt. Advocate after going through the case record drafted the Writ Appeal and the same is filed on 13.02.2024.”

5. We are satisfied on the basis of what has been asserted in the limitation petition that the appellants have not at all been able to explain that they were prevented by any reasonable cause because of which they could not prefer the appeal within time. This appeal hopelessly barred by limitation.

6. In the absence of any explanation, the I.A. is dismissed.

7. Resultantly, the appeal also stands dismissed.

.....