

2      31.5.2021

This matter is taken up by video conferencing mode.

Heard Sri B.K.Mohanty, learned counsel for the Petitioner and Sri Mishra, learned Additional Government Advocate for the State.

Filing the Writ Petition the Petitioner has made grievance that the statutory appeal has been rejected by the competent authority on the ground of delay of some days.

It is for the settled position of law, Sri Mohanty, learned counsel for the Petitioner requests this Court for interfering with the impugned order and setting aside the same with direction to the Appellate Authority to consider the issue involving the Appeal and decide the same in accordance with law.

There is no dispute with regard to the proposition of law on this subject by Sri Mishra, learned Additional Government Advocate. Sri Mishra however taking this Court to the reason assigned attempted to justify the impugned order and submitted that once limitation is prescribed under the statute for preferring Appeal, the Appellant should have been careful enough in filing the Appeal within the prescribed period.

Considering the submissions made and the settled position of law that the issue involving the Appeal should not be thrown on mere technical ground, this Court is unable to accept the argument advanced by the learned Additional Government Advocate. This Court accordingly in agreement with the submission of the learned counsel for the Petitioner interferes with the impugned order, vide Annexure-5, sets aside the same, condones the delay in preferring the Appeal

and remits the matter back to the Appellate Authority, i.e., Chief Conservator of Forests, Balangir (KL) Circle for hearing of the Appeal afresh at the instance of the Petitioner on merit and deciding the same involving the Parties likely to be affected but however in accordance with law.

The Writ Petition stands disposed of accordingly.

As restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilise the soft copy of this order available in the High Court's Website or Print Out thereof at par with certified copies in the manner prescribed, vide Court's Notice No.4587 dated 25<sup>th</sup> March, 2020 subject to it being attested by the Advocate concerned.

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**Biswanath Rath**  
**Vacation Judge**