

IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC No.4096 of 1996

Sarojini Biswal (dead)

....

Petitioner

Mr. Surya Prasad Mishra, Senior Advocate

-versus-

***Member, Board of Revenue, Odisha,
Cuttack and others***

....

Opposite Parties

Mr. Debakanta Mohanty, AGA for Opp. Parties 1 and 2

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAIK

ORDER

22.02.2022

Order No.

I. A. No.1 of 2022

- 22.
1. For the reasons stated therein, this application for substitution vice deceased Petitioner is allowed.
 2. The legal representatives of the Petitioner as indicated in the cause title of the application are brought on record.
 3. The consolidated cause title incorporating the substitution be filed in course of the day.

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4. On 17th July, 2019, the following order was passed by this Court:

“The counsel for opposite party no.3, namely, Snehalata Biswal has in the meantime elevated to the Bench and has also retired. He is not being an active practice. So, Registry is directed to intimate this fact to opposite party no.3 about this development and request her either to engage a fresh lawyer or intimate the Court, if she is not interested in the litigation.

List this matter on 21.08.2019”

5. Thereafter, there has been no appearance on behalf of Opposite Party No.3 till date. The presumption therefore is that she has no interest in the litigation any longer. It may be noted here that the present round of litigation, which culminated in an order dated 23rd March, 1996 being passed by the Member, Board of Revenue under Section 38-B of the Odisha Estates Abolition Act, 1951 was at the instance of Opposite Party No.3. The said complaint had been entertained more than 30 years after the land in question was settled in favour of the present Petitioner.

6. While issuing notice in the present petition way back on 23rd May, 1996, the impugned order of the Member, Board of Revenue had been stayed.

7. Mr. Surya Prasad Mishra, learned Senior Counsel appearing for the Petitioner states that throughout the present Petitioner has remained in possession.

8. With Opposite Party No.3 being the main contesting party and not being interested in pursuing the litigation, the Court sees no reason why the impugned order dated 23rd March, 1996 should not be set aside. It is accordingly ordered.

9. The writ petition is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge