

IN THE HIGH COURT OF ORISSA AT CUTTACK
O.J.C. No.8313 OF 2000

Srimat Swami Nigamananda
Param Hansadev Bijje

....

Petitioner(s)
Mr.N.K.Sahoo,Adv.

-versus-

Commissioner, Land Reforms and
Settlement Board of Revenue,
Cuttack and others

....

Opposite Party(s)
Mr.U.K.Sahoo,ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER

19.10.2022

I.A. No.61 of 2019

Order No.

10.

1. This I.A. has been filed for substitution of the Secretary of the Petitioner.
2. Considering the submission made, prayer for substitution stands allowed and the Secretary of the present Petitioner be impleaded as newly added Petitioner.
3. I.A. stands disposed of.
4. The cause title of the Petitioner side may be corrected accordingly.

(Biswanath Rath)
Judge

O.J.C. No.8313 of 2000

Order No.

11. 1. Even though there has been appearance of number of counsel on behalf of private Opposite Party Nos.2 & 5, nobody is present in Court.

2. Heard learned counsel for the Parties present.

3. The Writ Petition involves the following prayer:-

“It is therefore, prayed that the Hon’ble court may graciously be pleased to :-

1. Admit the writ application.

2. Call for the records;

3. Issue rule Nisi calling upon the Opp. Parties to show cause as to why the impugned order under Annexure-7 passed by the Opp. Party No.1 shall not be quashed.

And

4. If the Opp. Parties do not show cause or show insufficient cause then issue a writ in the nature of certiorary by quashing the impugned order under Annexure-7 passed by the Opp. Party No.1 and pass a writ of mandamus directing them not to act in pursuance of the impugned order.

And

5. Pass any other order/ orders, writ/writs, direction/ directs which would be deem fit and proper in the ends of justice

And for this act of kindness the petitioner shall as in duty bound ever pray.”

4. The Writ Petition involves a challenge to Annexure-7 alleging the impugned order herein is passed without authority and jurisdiction. In course of hearing, it has been brought to the notice that in the meantime the civil suit involving declaration of title of particular person in continuing the Petitioner establishment has come to be decided by the judgment and decree in R.S.A. No.254 of 2004. For the development through the civil proceeding attended through R.S.A.

No.254 of 2004, this Court finds that the title dispute is over through Civil Court. There is no requirement of any further adjudication of such issue in the present exercise and the parties involved herein shall be ultimately abided by the judgment and decree in R.S.A. No.254 of 2004.

5. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

Swarna

