

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.263 OF 2003

Sasanapuri Sriramamurty *Petitioner(s)*
Mr.S.S.Rao,Sr.Adv.

-versus-

State of Orissa and another *Opposite Party(s)*
Mr.S.Mishra,ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER

11.10.2022

Misc. Case No.209 of 2008

Order No.

03.

1. This I.A. has been filed for substitution of the sole Petitioner.
2. Considering the submission made, prayer for substitution stands allowed and legal heirs of the deceased sole Petitioner be impleaded as newly added Petitioner.
3. I.A. stands disposed of.

(Biswanath Rath)
Judge

W.P.(C) No.263 of 2022

Order No.

04.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer:-

“The petitioner therefore prays that this Hon’ble Court be graciously pleased to issue a writ of certiorari and/or any appropriate writ quashing the order passed by opp. party no.2 as per annexure-6,

And issue such writ or direction as this Hon’ble Court deems fit and proper in the circumstances of the case,

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

3. Background involves appears to be in filing the Writ Petition attempted to challenge the demand notice by the communication of demand involved herein by the Revenue Supervisor to the Tahasildar resulting therein initiation of a Section 8(A) proceeding by the Tahasildar, Paralakhemundi.

4. Considering the rival contentions of the Parties, this Court finds for the nature of demand involved therein before asking the land owner to pay the premium, the occupier should have been provided with an opportunity to satisfy his case. As a consequence, this Court finds, straightway asking the occupier of land to pay the premium is improper. On entertaining the Writ Petition in 2003, there is also no progress shown in the matter of demand. In the result this Court interfering in the order dated 06.04.2002 and setting aside the same remits the matter to the Tahasildar, Paralakhemundi to pass appropriate order after providing opportunity of objection of hearing to the Petitioner. Let the Petitioner appears before the Tahasildar along with his show cause on 27th October, 2022 and the 8(A) proceeding involved herein shall be concluded within a period of two months from the date of communication of this order by the Petitioner.

5. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

Swarna