

IN THE HIGH COURT OF ORISSA AT CUTTACK

O.J.C. No.8457 of 1997

Sri Satya Mahima Dharma Bije ***Petitioner(s)***
Mahima Gadi, Joranda

Mr. A.K. Mohapatra,
Advocate

-versus-

State of Orissa & Ors. ***Opposite Party(s)***
Mr. U.K. Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE BISWANATH RATH

ORDER
11.10.2022

Misc. Case No.849 of 2007

Order No.

05.

1. This Misc. Case has been filed for substitution as against the deceased Petitioner.
2. Considering the averments made in this Misc. Case and as a 'VAKALATNAMA' is already filed on behalf of the L.Rs of the deceased Petitioner, the application for substitution as against the deceased Petitioner is allowed.
3. Learned counsel for the substituted Petitioners is directed to bring the legal heirs of the deceased Petitioner to the fold of the Writ Petition by making necessary correction through handwritten in Court today.
4. The Misc. Case stands disposed of.

(Biswanath Rath)
Judge

06.

O.J.C. No.8457 of 1997

1. Entering into the question of locus standi of the Petitioner in challenging the impugned order, this Court on perusal of the order at Annexure-1 finds, the Opposite Party No.6 herein being the Petitioner contested the Objection Case U/s.9 of the O.C.H. & P.F.L. Act. Being the first party the litigation was fought thereafter through the appeal and revision in such capacity. It is strange to observe here that the party contested the matter all through is appearing here as Opposite Party No.6 and is not pursuing the litigation any further. On the other hand, the litigation is attempted to be continuing through 3rd party. Since such a party is not available all through, the proceeding is not entitled to continue with the litigation. In the meantime there is also death of original representative filing the Writ Petition.

2. Learned counsel for the substituted Petitioner submits that the Petitioner herein is actually a contestant. This Court finds no truth on the submission of the learned counsel for the Petitioner.

In the circumstance this Court finds, unless the present Petitioner gets a declaration through the appropriate Court to be represented by the “Mahima Gadi”, there is no locus standi of the substituted Petitioner to challenge the impugned order.

3. Writ Petition stands dismissed on the point of locus standi alone.

(Biswanath Rath)
Judge