

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.8352 OF 2005

Madhusudan Bihari

....

Petitioner(s)
Mr.D.P.Dhal,
Advocate

-versus-

State of Orissa and others

....

Opposite Party(s)
Mr.S.Mishra,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
26.08.2022

Order No.

03. 1. Heard learned counsel for the Parties.
2. Petitioner challenges the order at Annexure-1 on the footing that the Petitioner being the Appellant was absent on the date of hearing of the Appeal and in his absence, there was no such statement recorded in Annexure-1 made by the Petitioner. The Appellate Authority dismissed the Appeal as not maintainable on the premises of statement made by the Advocate of the Appellant, on the basis of an application made to the Authority discloses there is restoration of the property in the meantime.
3. For the opinion of this Court and law already settled observing it is only the same authority or the Court committing mistake to correct its own order and no higher forum can entertain such plea.
4. At this stage of the matter learned counsel for the Petitioner seeks withdrawal of the Writ Petition to pursue his remedy before the Appellate Authority. Consequently, the Writ Petition stands dismissed as withdrawn but however with liberty as prayed for.

(Biswanath Rath)
Judge