

IN THE HIGH COURT OF ORISSA AT CUTTACK
O.J.C. No.4493 OF 2000

Pravati Padhi

.... ***Petitioner(s)***
Mr.R.K.Mohanty , Adv.

-versus-

State of Orissa and others

.... ***Opposite Party(s)***
Mr.S.P.Panda,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
20.09.2022

I.A. No.46 of 2022, 47 of 2022 & 48 of 2022

Order No.

05.

1. This Court finds there has been filing of application for substitution and condonation of delay as well as setting aside the abatement involving death of the sole Petitioner in I.A. No.46, 47 and 48 of 2022, this Court is inclined to recall the order dated 02.09.2022.
2. Considering that the application involving death of the Petitioner during pendency of the Writ Petition and looking to the nature of dispute, this Court allows application for limitation thereby condoning the delay and as a consequence setting aside the abatement as well as the substitution application.
3. Learned counsel for the Petitioner is permitted to make necessary incorporations in the cause title itself.
4. I.As. stand disposed of.

(Biswanath Rath)
Judge

ORDER

20.09.2022

O.J.C. No.4493 of 2000

Order No.

06.

1. Heard learned counsel for the Parties.
2. From the pleadings and the submissions, this Court finds sole ground of challenge involving order in ceiling surplus case under the provision of O.L.R proceeding. From the pleadings and disclosure in the impugned order, this Court finds the order of the original authority in the Ceiling Case No.249 of 1974 was also confirmed in appeal. A review also already involved there. Further the matter also involves in O.J.C. No.3430 of 1988, this Court observes all these proceedings appear to have been disposed of involving this Petitioner.
3. Though the Petitioner alleges there has been obtaining of order in false impersonation of the Petitioner in all stages, it is under this premises only the Writ jurisdiction is invoked to take out all such proceeding. Mr.Panda, learned Additional Government Advocate however submits the mere allegation of fraud since involved, unless it is established in appropriate Court, there is no question of exercising in writ jurisdiction.
4. Considering the rival contentions of the Parties, this Court finds there is no dispute that the original proceeding involved herein already culminated through the Writ application in its judgment dated 03.03.1994 in O.J.C. No.3430 of 1988. The Petitioner alleges there has been false impersonation of this Petitioner in every stage.
5. For the opinion of this Court that should not only be the specific pleading but the competent court involves also to give such declaration. For the involvement of highly disputed nature of allegation

and raising such issue after disposal of so many litigations, there is no scope of entertaining such allegation at this state. In the circumstance, this Court finds the Writ Court has no jurisdiction to entertain such Writ Petition and this Court while declining to interfere in the request involved herein however observes if, the Petitioner has any alternative mechanism may avail the same.

(Biswanath Rath)
Judge

Swarna

