

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.827 of 2003

Laxmi Nayak

....

Petitioner(s)

Mr.N.C.Pati, Advocate

-versus-

Kandagorre Mongulu & ors.

....

Opposite Party(s)

Mr. S. Ghose, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
06.07.2022**

Order No.

18.

1. Heard learned counsel appearing for the Parties.
2. This Writ Petition involves a challenge to the order involving Permission Case No. 39 of 1994 corresponding to Review Case No. 113 of 1998 finds place at serial No.8 of the cause title at Annexure-5 so far it relates to K.Mangulu and three others. Taking this Court to the discussions and disclosures in Annexure-5, learned counsel appearing for the petitioner alleges since the matter was entertained by way of review and further involves request for interfering in the permission granted by the competent authority in favour of the present petitioner's vendee, while hearing such proceeding in the minimum there should have been following principle of natural justice in noticing the present petitioners who have been affected by such order. This writ petition is filed in the year 2003. There is no counter to such allegation.
3. In the circumstance, this Court finds petitioners have a strong case requiring to interfere in the review order at Annexure-5. So far it related to Review Case No.113 of 1998. It is on the other hand on the premises of non-compliance of natural justice taking away the valuable right of the petitioners in their absence, this writ petition entertain and

interfere in that part of the order at Annexure-5 dealing with Permission Case No. 39 of 1994. However since there requires re-hearing of the Review Case in further adjudication of the matter involving the petitioners, Review Case No. 113 of 1998 is remitted back to the Collector, Rayagada for re-adjudication of the Review case involved herein. Since the matter is heard with involvement of the petitioners, petitioners are directed to produce a certified copy of this order to the competent authority for providing date of hearing and the further adjudication of the Review case involved is also completed within a period of two months of the providing date of hearing but however involving all interested and likely to be affected.

(Biswanath Rath)
Judge



Sks