

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.13305 OF 2009

Basanti Trust

....

Petitioner

Mr.G.K.Mohanty, Sr.Adv.

-versus-

State of Orissa & ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

Mr.P.Mukherji, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
12.12.2022**

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 may graciously be pleased to admit this writ petition, issue notice to the Opposite Parties, call for the records from Opposite Parties and after hearing the parties to this writ petition may further be pleased to issue an appropriate writ against the Opposite Parties by quashing the impugned order vide Annexure-12 & 13 and necessary direction may be issued to the Opposite Parties more particularly Opposite Party Nos.1 & 2 to consider the recommendation under Annexure-9 and settle the land in question in favour of the Petitioner.

The Hon’ble Court may further be pleased to direct the Opposite Parties that pending disposal of the said proposal/recommendation, no coercive action should be taken against the petitioner in respect of the land in question.”

3. Keeping in view the submission of the learned counsel for the Petitioner and on perusal of the impugned order at Annexure-3, this Court finds, there has been dismissal of the Appeal on the ground of non-supply of relevant documents in spite of opportunity to the Appellant therein. This Court here finds, in such event nothing prevented the Petitioner to file a recalling petition along with relevant documents instead of rushing to this Court.

4. Be that as it may, taking the statement of the learned counsel for the Petitioner that the Petitioner is ready with documents to support his Appeal, this Court observes, in the event the Petitioner brings an Application for recalling the order dated 27.6.2009 along with supporting documents to support his case at least within two weeks from today, the Appellate Authority shall do well in recalling the order dated 27.6.2009 and freshly disposing of T.P.(Appeal) Case No.06/2009 giving opportunity of hearing to both Parties. For three weeks, there shall be continuing of the interim order of this Court dated 8.1.2015. It may be open to the Petitioner to apply continuance of the interim order in the Appeal Proceeding.

5. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge