

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.5455 of 2010

Gahanu Oram

....

Petitioner(s)

Mr.A.K.Nanda. Adv.

-versus-

*The Addl. District Magistrate,
Sundargarh & Ors.*

....

Opp.Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

15.12.2022

Order

No.

6.

Heard Mr.A.K.Nanda, learned counsel for the petitioner and Mr.U.K.Sahoo, learned Additional Standing Counsel for the State-opposite parties.

2. Impugned order has been assailed on the premises of illegal application of principle of *res judicata* to the present case. Even though the certified copy of the proceeding involving first round of litigation is not available on record but on a close reading of the discussion made by the competent authority involving the 3A proceeding under the regulation-II of 1956 as available at page- 28 of the brief, this Court finds, the previous round of litigation vide R.M.C.No.14 of 2004 a proceeding initiated under Section 3(1) of the Regulation-II of 1956 admittedly involved the brother of the present petitioner and the opposite party herein. Further the dispute also involved the property involved here.

3. Under the circumstance, this Court finds, there is no illegal application of the principle of *res judicata* and for the dispute being adjudicated vide R.M.C.No.14 of 2004 being raised by a co-sharer and for not being further challenged by the co-sharers of the property, the order passed therein remains conclusive. Hence the dispute involving the same property cannot be opened any further. Under the circumstance, this Court finds, there is no infirmity in the impugned order.

4. Accordingly, this writ petition stands dismissed.

(Biswanath Rath)

Judge

Sks

