

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.1718 of 2022

Kumudini Kirsani

....

Petitioner

Mr.S.K.Dalai, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.S.Mishra, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.01.2022**

Order No.

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1. This matter is taken up through Video Conferencing Mode.

2. Heard learned counsel appearing for the parties.

3. This writ petition involves the following prayer:

“It is therefore, humbly prayed that this Hon’ble Court may kindly graciously be pleased to admit the writ petition, issue rule nisi calling upon the opposite parties to show cause as to why;

a) The Tahasildar Khairput i.e. opposite party no.-4 shall not be directed to issue caste certificate & Residence certificate forthwith in consonance with the Rules looking into last date of nomination.

b) Action of the Addl. Tahasildar,/Opp.Party No.4 shall not be declared as illegal, arbitrary and without authority to secure ends of justice.

If the opposite parties fail to show cause or show insufficient cause the Hon’ble Court may be pleased to make the absolute;

And/or pass any other order/orders, direction/directions as this Hon’ble court may deem fit and proper in the facts and circumstances of the case;

And for this act of kindness the petitioner as in duty bound shall ever pray.”

4. Mr.Dalai, learned counsel appearing for the petitioner taking to the pleadings and the documents available submitted that filing of

nomination involving an election herein to be ending tomorrow (21.01.2022) and non-disposal of the application vide Annexure-2 series became an impediment for filing of nomination. A prayer is thus made to this Court to direct the Tahasildar, Khairput-opposite party no.4 to finalize the application vide Annexure-2 series of the petitioner at least by lunch time tomorrow(21.01.2022) .

5. Considering that there is impediment on the petitioner to fight election on technical issue, this Court in disposal of the writ petition directs the Tahasildar, Khairput-opposite party no.4, in the event information is brought to him regarding the direction of this Court either by the petitioner or by the learned State Counsel to dispose of the application of the petitioner vide Annexure-2 series by lunch time tomorrow (21.01.2022) , if pending, to be disposed of with final order, if possible, by tomorrow (21.01.2022). It is the responsibility of the petitioner to inform the Tahasildar, Khairput-opposite party no.4 about timely disposal of his application. Mr.S.Mohanty, learned Additional Government Advocate also undertakes to inform the Tahasildar, Khairput-opposite party no.4 in this regard.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge