

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.507 of 2016

Bidhyadhar Parida and others

....

Appellants

Mr. Sabita Ranjan Pattnaik, Advocate

-versus-

Collector, Puri and others

....

Respondents

Mr. Debakanta Mohanty

Additional Government Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
13.10.2022**

Order No.

- 02.
1. The present writ appeal is directed against an order dated 5th October 2022, passed by the learned Single Judge dismissing the Appellant's OJC No.8885 of 2000. It appears that the Appellant, claiming that the suit land was settled in his favour in an OLR Case No.596 of 1980, applied for a certified copy of the order of settlement only on 20th January, 1993, i.e., thirteen years later. Then again he slept over the matter and issued a legal notice to the Collector, Puri six years later, i.e., on 29th January, 1999 not to lease out the land to anybody as he is holding the property.
 2. The writ petition was filed only in 2000 to direct the Collector to reconstitute the case record of OLR Case No.596 of 1980. By this

time, twenty years had already elapsed. Some lease cases were already in progress. Those lease cases were dropped by the Tahasildar, Brahmagiri on 8th August, 2002.

3. The prayer of the Appellant for a direction to the Opposite Parties to reconstitute the case record in the aforementioned OLR case formed the subject matter of the writ petition. The said writ petition was dismissed by the impugned order of the learned Single Judge noting that the submission on behalf of the State authorities that the case record was not traceable as it had been lost. Consequently, no direction could be issued by the learned Single Judge for reconstitution of a record that has been lost.

4. Having heard learned counsel appearing for the Appellant as well as learned counsel for the State, the Court is unable to take a view different from that taken by the learned Single Judge. If indeed the entire record is lost, it will be futile on the part of the Court to direct its reconstruction.

5. The writ appeal is accordingly dismissed but in the circumstances with no order as to costs.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera