

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.A. No. 155 of 2018**

***Krishna Melka and others***

***.... Appellants***

Mr. S.S. Rao, Advocate

***-versus-***

***State of Orissa and others***

***.... Respondents***

Mr. Debakanta Mohanty

Additional Government Advocate for State

**CORAM:**

**THE CHIEF JUSTICE  
JUSTICE M.S. RAMAN**

**ORDER  
03.11.2022**

**Order No.**

02.

1. The challenge to the impugned order dated 23<sup>rd</sup> March, 2018 by the present Appellants is on the ground that since the proceedings were initiated against a dead person, the matter should not have been remanded to the Tahasildar, Bissam Cuttack, District-Rayagada for a fresh adjudication by the learned Single Judge.

2. The Court finds that in any event if the proceedings were to commence afresh, it would commence against the LR's of the person stated to be dead and, therefore, the net result would be the same i.e. proceedings afresh before the Tahasildar.

3. In that view of the matter, while reserving the right of the Appellants to raise all the pleas available to them in accordance with law in the proceedings before the Tahasildar, the Court declines to interfere and the writ appeal is accordingly dismissed.

4. Mr. Rao, learned counsel for the Appellants states on his instructions that the proceedings before the Tahasildar, Bissam Cuttack are still pending. In view of this submission, the date for the Appellants to appear before the Tahasildar is now fixed to 5<sup>th</sup> December, 2022.

5. A copy of this order be sent to the Tahasildar, Bissam Cuttack forthwith.

*S. Behera*

