

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. Nos.184 and 185 of 2022

Sachindra Nath Panda
(W.A. No.184 of 2022)

.... ***Appellants***

Rumitra Sundari Das
(W.A. No.185 of 2022)

Mr. S.R. Pattnaik, Advocate

-versus-

Odisha Gramya Bank, Unit 1 Branch,
Bhubaneswar and others

.... ***Respondents***

Mr. Aurovinda Mohanty, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH

ORDER
26.08.2022

Order No.

03. 1. The present Appellants were Opposite Party Nos.7 and 5 respectively in W.P.(C) No.28790 of 2021. The said writ petition which was disposed of on the very first day of its listing by the learned Single Judge by the impugned order dated 22nd September 2021 directing Opposite Party No.1 in the writ petition i.e., the Principal, Rajdhani College-cum-DDO to take a decision on the claim of the Bank i.e., Respondent No.1 herein taking into consideration certain documents appended to the writ petition.
2. It is not in dispute that the impugned order was passed on the very first day of listing of the writ petition without notice being issued to any of the Opposite Parties. In fact, the appearances for the parties as reflected in the impugned order shows that none appeared for the Opposite Parties.

3. This was not a matter where the petition could have been disposed of on the very first day without notice to any of the Opposite Parties.

4. Learned counsel appearing for the Bank seeks to urge that the impugned order of the learned Single Judge is an 'innocuous' one and therefore, the present appeal should not be entertained.

5. The fact of the matter is once certain parties have been impleaded as Opposite Parties by the Bank itself in the writ petition, the impugned order could not have been passed finally disposing of the writ petition without even notice being issued to such parties. Obviously, as far as Opposite Party Nos.7 and 5 in the writ petition are concerned, who are the Appellants here, the impugned order was not an 'innocuous' one which is why they are in appeal before this Court.

6. For the aforementioned reasons, the impugned order dated 22nd September 2021 of the learned Single Judge is hereby set aside and W.P.(C) No.28790 of 2021 is restored to the file of the learned Single Judge where it will be listed for directions on 12th September 2022. On that date the present Appellants who are Opposite Party Nos.7 and 5 respectively in the writ petition will appear through counsel. The learned Single Judge is requested to proceed in the matter after issuing notice to the remaining Opposite Parties.

7. The writ appeals are allowed in the above terms with no order as to costs.

8. Issue urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Guin

