

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 11959 OF 2016

ISKCON, Puri

.... ***Petitioner***

Mr. Banshidhar Baug, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
21.03.2022

Order No.

9. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the order dated 5th May, 2016 (Annexure-1) passed by the Deputy Director, Consolidation, Puri in Consolidation Appeal No. 11 of 2014, whereby he rejected an application on ground of competence of Shri Udhav Majhi, O.A.S., who was then functioning as Deputy Director, Consolidation, Puri to hear the appeal.
3. It is contended by Mr. Baug, learned counsel for the Petitioner that said Shri Majhi while functioning as Consolidation Officer had passed the order impugned in Consolidation Appeal No.11 of 2014. Hence, he could not be the judge of his own cause by entertaining hearing of the appeal, i.e. Consolidation Appeal No.11 of 2014. It is further contended that in the meantime, said Shri Majhi has already been transferred. Hence, there is no difficulty for the present incumbent, namely, the Deputy Director,

Consolidation, Puri to hear the Consolidation Appeal No.11 of 2014. He, therefore, submits that this writ petition has become infructuous and also prays for a direction to the Deputy Director, Consolidation, Puri for early disposal of Consolidation Appeal No.11 of 2014.

4. Mr. Mishra, learned Additional Standing Counsel submits that he has no objection to the prayer made by learned counsel for the Petitioner. Let a direction be issued to the Deputy Director, Consolidation, Puri for early disposal of Consolidation Appeal No. 11 of 2014 in accordance with law.

5. Taking into consideration the submissions of learned counsel for the parties, this writ petition is disposed of as infructuous with an observation that the Deputy Director, Consolidation, Puri shall make an endeavour for early disposal of Consolidation Appeal No.11 of 2014 in accordance with law giving opportunity of hearing to the parties concerned.

6. The interim order dated 15th September, 2016 passed in Misc. Case No. 11165 of 2016 stands vacated.

7. The case records of the disposed of writ petitions tagged to this writ petition be sent back to the concerned Sections.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks