

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8310 of 2022

Nilakantha Biswal

....

Petitioner(s)

Mr. S.K. Dalai,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
04.04.2022**

Order No.

02. 1. This Writ Petition involves a challenge to the impugned order at Annexure-12.
2. Reading through the impugned order at Annexure-12, it has been brought to the notice of this Court that the proceeding undertaken by the competent authority vide Annexure-12 has been disposed of in absence of the Petitioner. It is, in this view of the matter, a request is made by Mr. Dalai, learned counsel for the Petitioner for at least disposal of such proceeding with involvement of the Petitioner as the effect of the impugned order is seriously affecting the Petitioner.
3. Mr. Ghose, learned State Counsel, however, while not disputing the allegation of *ex parte* disposal by the competent authority, however, objecting the claim of the Petitioner contended that the Petitioner's absence was not bona fide as he failed even after receipt of the intimation.

4. For the opinion of this Court looking to the nature of dispute involved, *ex parte* nature of order in this situation is not permissible in the eye of law. There is no much loss of time in between. Keeping in view the allegation of the Petitioner and as the grievance involved requires to be disposed of involving the Petitioner, this Court interfering in the impugned order at Annexure-12 sets aside the same and remits the matter to the Collector, Angul for rehearing of the dispute involved herein and passing appropriate order providing opportunity of hearing to the Petitioner.

5. The entire exercise shall be completed within a period of ten weeks from the date of communication of an authenticated copy of this order by the Petitioner. This Court also directs the Petitioner to appear before the Collector, Angul with a copy of this order and take the date of hearing of the matter. It is also directed that during the process of fresh consideration, the Petitioner's response as well as the argument shall be taken into account.

6. With the aforesaid direction the writ petition stands disposed of.

(Biswanath Rath)
Judge