

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4280 of 2013

Arjun Panigrahi & Ors.

....

Petitioners

Miss. Mamata Mishra, Advocate

-versus-

Collector, Jajpur & Ors.

....

Opposite Parties

Mr. Debakanta Mohanty, AGA

**CORAM:
THE CHIEF JUSTICE
DR. JUSTICE S.K. PANIGRAHI**

**ORDER
26.07.2022**

Order No.

14. 1. Learned counsel for the Petitioners submits that the Sub-Collector, Jajpur has no jurisdiction to decide the issue whether the Petitioners are in fact the actual legal heirs of the Plaintiff in Title Suit No 283 of 1937 and therefore, the right of the Petitioners to seek appropriate reliefs in that regard in the Civil Court requires to be preserved. Accordingly, the Petitioners seek leave to withdraw the present petition to pursue those remedies with the clarification that the impugned order passed by the Sub-Collector, Jajpur would not come in the way of their pursuing such remedies.

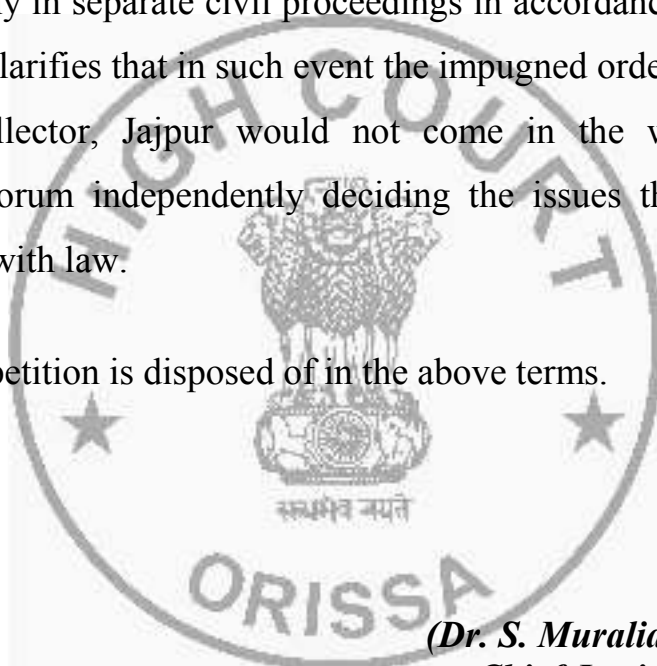
2. It is seen that the impugned order was passed only because of the representation made by the Petitioners to the Managing Trustee-cum-Sub-Collector, Jajpur of the temple in question. In fact, the Petitioners had approached this Court in W.P.(C) No.12213 of 2012 for a direction to the Managing Trustee to dispose of their representation. Pursuant to the order dated 16th August, 2012

passed by this Court in the said writ petition, the Sub-Collector, Jajpur had disposed of the said representation by passing the impugned order dated 14th January, 2013.

3. The better course would have been for the Petitioners not to have approached the Sub-Collector, Jajpur but to institute separate substantive proceedings in the civil court.

4. In that view of the matter, the Petitioners are permitted to avail the remedy if any in separate civil proceedings in accordance with law. This Court clarifies that in such event the impugned order passed by the Sub-Collector, Jajpur would not come in the way of the concerned forum independently deciding the issues that arise in accordance with law.

5. The writ petition is disposed of in the above terms.



(Dr. S. Muralidhar)
Chief Justice

(Dr. S.K. Panigrahi)
Judge

B. Jhankar