

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 27 of 2017

Ramesh Chandra Jena

....

Appellant

Mr. H.N. Mohapatra, Advocate

-versus-

Tahasildar, Gop and Others

....

Respondents

Mr. Debakanta Mohanty, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

13.10.2022

Order No.

08. 1. It is agreed by both the counsel for the parties that since the review petition before Tahasildar already stood disposed of on 9th August, 2016, there was no proceedings pending before the Tahasildar to be continued as directed by this Court in the impugned order dated 16th December, 2016.
2. It is further stated that again by both counsel that the statement of the then Additional Standing Counsel on instructions of the Tahasildar, Gop that “both parties who were noticed to appear before the Tahasildar....for further hearing” was an erroneous statement as no proceedings were in fact pending before the Tahasildar.
3. Since the learned Single Judge has proceeded to dispose of W.P.(C) No.16605 of 2016 on the basis of the said statement, this Court sets aside the order dated 16th December, 2016 of the learned

Single Judge as well as the subsequently modified order dated 3rd January, 2017 and restores W.P.(C) No.16605 of 2016 to the file of the learned Single Judge to be heard afresh on merits.

4. The said writ petition will be listed before the learned Single Judge in the roster Bench on 15th December, 2022.

5. The appeal is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.

S.K. Jena/Secy.



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge