

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9572 of 2009

Sukant Patra

....

Petitioner

Mr.Suvashish Patnaik, Advocate

-versus-

***Sri Kaliaboda Temple @
Biswoguru Pagalbaba***

....

Opp. Parties

None

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

ORDER

16.02.2022

Order No.

9.

1. The challenge in the present petition to an order dated 21st May, 2009 passed by the Commissioner of Endowments (CoE), Orissa, Bhubaneswar declining the Petitioner's request for setting aside the ex-parte order dated 4th October, 1999 in O.A. No. 77 of 1999 which had been decided by the CoE in his absence.

2. As noted in the impugned order the case of the Petitioner was that he had engaged an Advocate's Clerk to inform him of the status of the case from time to time. However, there was a lapse on the part of the Advocate's Clerk to do so.

3. In the present petition, despite service of notice on them, none has appeared on behalf of the Opp. Party No.1 which was the Petitioner in O.A. No. 77 of 1999 before the CoE.

4. Having heard learned counsel for the Petitioner the Court sets aside the impugned order dated 21st May, 2009 which will amount to allowing Misc. Case No. 6 of 2000 before the CoE. As a result, the ex-parte order dated 4th October, 1999 is also set aside and O.A. No. 77 of 1999 is restored to the file of the CoE to be proceeded in accordance with law. The matter will be listed before the CoE on 14th March, 2022 on which date the present Petitioner, who will be the Opp. Party in the above case will appear before the CoE. The CoE is thereafter requested to proceed in accordance with law and dispose of the O.A. on merits after hearing the parties within a period of three months thereafter.

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

6. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge