

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.1494 OF 2009

Rame Meher & ors.

....

Petitioners

Mr.S.K.Nanda, Adv.

-versus-

Ranka Meher & ors.

....

Opposite Party(s)

Mr.K.Dang, Adv.for O.P.2

Mr.S.Ghosh, AGA

CORAM:

JUSTICE BISWANATH RATH

Order
No.

ORDER
6.12.2022

4. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to the impugned order passed in R.C.No.285/88 by the Joint commissioner, S & C, Sambalpur. Through Paragraph-4 of the Writ Petition, there is serious allegation of the Petitioners that the death of O.P.1 was in the year 1991, death of O.P.3 was in 1989, death of O.P.7 was in 1999. It is further alleged, the proceeding was undertaken involving the sole Petitioner, who was also died at the time of hearing. The Revision since involves such dead Parties and disposed of without substitution of such Parties, for the opinion of this Court, the impugned order becomes void. However, for there is requirement of fresh disposal of the proceeding involved, this Court interfering with the impugned order at Annexure-1 dated 23.5.2008 passed in R.C.

No.285/88 sets aside the same. The Petitioner is directed to appear before the Joint commissioner, S & C, Sambalpur on 20.12.2022. Since this matter is remitted to the Joint commissioner, S & C, Sambalpur, the Joint Commissioner is directed to dispose of R.C. No.285/88 within a period of four months from the date of appearance of the Petitioner afresh.

3. The Writ Petition thus stands disposed of accordingly.

M.K.Rout



(Biswanath Rath)
Judge