

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12189 of 2022

Birat Chandra Dagara

.....

Petitioner

Mr. Banshidhar Baug, Adv.

-Versus-

State of Odisha & others

.....

Opp. Parties

Mr. J.P. Patnaik,
Government Advocate

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

18.07.2022

Order No.

02.

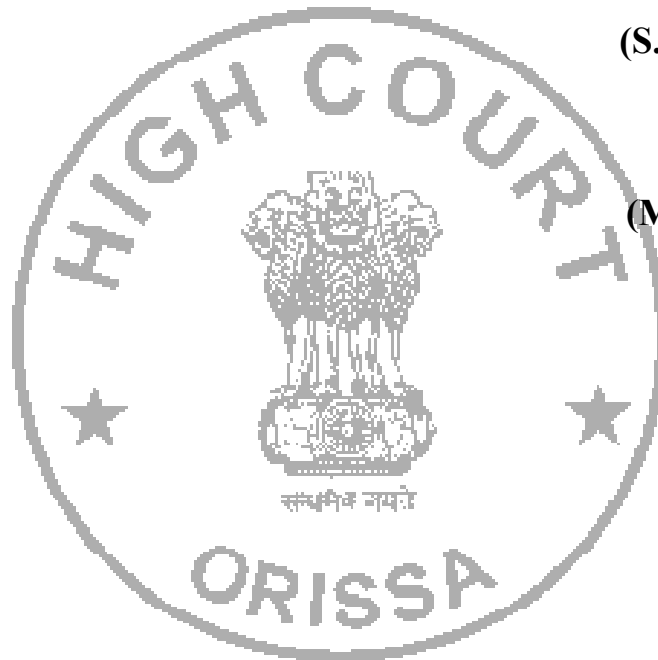
1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Heard.
3. By means of this writ petition, the petitioner seeks us to review the order dated 07.04.2022 delivered in W.P.(C) No.8495 of 2022. Though the petition is bearing nomenclature of W.P.(C), but there cannot be any amount of doubt that by all yardsticks, it is an independent review petition seeking review of the order dated 07.04.2022. According to the writ petitioner, he was not a party to the proceeding, but he is adversely affected by the order passed by a division Bench of this Court. When this writ petition was listed before the said very Bench for the above purpose, by the order dated 12.05.2022, one of the Judges of that Bench recused.

4. Since the petition in its substance is review, the recusal creates a legal difficulty for this Bench in take up the matter, when the very Bench is available.

5. The matter be immediately placed before Hon'ble the Chief Justice in the administrative side for passing appropriate order. However, we would like to clearly express that, we have no inhibition in taking up the matter, but for the legal difficulty, as noted above, we are making this reference.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge



Subhasis



