

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12896 of 2022

Sudhir Kumar Mohanty

....

Petitioner(s)

Mr. J. Samantaray,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
07.07.2022**

Order No.

02.

1. Petitioner challenges the impugned order on three counts. One, there is no compliance of natural justice in passing the order vide Annexure-2. Two, the proceeding is initiated at a highly belated stage for being filed after several decades involving preparation of record of rights. Three, involving the selfsame property there is pendency of a civil suit.

2. Considering all the three grounds raised herein and on perusal of the disclosures through the cause title at page 10 of the brief at Annexure-2, this Court finds, there has been representation by the Opposite Party No.6 in the proceeding undertaken. Coming to the 2nd ground this Court finds, ultimately in disposal of the R.C. No.113 of 2017 the matter has been remitted to the competent authority for reconsideration. In such view of the matter, this Court finds, the Petitioner has the opportunity to raise either the question of delay or even any dispute entertaining the relief claimed by the Petitioner before

the competent authority in the remand proceeding. Coming to the 3rd ground this Court finds, in the event there is already a civil suit between the parties involving the selfsame property as disclosed through Annexure-3 and since the proceeding involved at hand is undertaken by the Quasi-Judicial Authority, the decision of such authority is ultimately to be abided by the Civil Court judgment.

3. In the circumstance this Court finds, there is no scope for entertaining the writ petition, which is, hereby, dropped.

(Biswanath Rath)
Judge

Ayaskanta Jena

