

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13734 of 2022

Ramakanta Tarai

....

Petitioner

Mr. S.K. Nayak (2),
Advocate

-versus-

Tahasildar, Chandabali & Ors.

....

Opposite Parties

Mr. S.P. Panda,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.06.2022**

Order No.

01. 1. A statement is made at Bar that on initiation of the proceeding vide Bebandobasta Case No.662 of 1984, notice has been served on Pandu Tarai-the father of the Petitioner stated to have already died even at the time of issuance of notice.
2. Learned counsel for the Petitioner alleged that as the Petitioner is in enjoyment of the disputed property, filed his objection vide Annexure-3 to defend the notice. It is alleged that the Additional Tahasildar, Chandabali is not entertaining the objection of the Petitioner and proceeding to decide the matter *ex parte*.
3. Learned State Counsel in his opposition, considering that the notice was issued to a dead person and the Petitioner was in possession of very same property, however, did not dispute to the

fact that the Petitioner has scope of objection in such proceeding and that in the event Pandu Tarai i.e. the noticee does not survive.

4. Considering the rival contentions of the parties, this Court in disposal of the writ petition directs the Addl. Tahasildar, Chandabali-O.P.2 to consider the objection of the present Petitioner for his father has already died, in disposal of the Bendabobasta Case No.662 of 1984. Petitioner be also provided with opportunity of establishing his case. This order is, however, subject to the condition that the Bebandobasta Case No.662 of 1984 is still pending.

5. The writ petition stands disposed of with the above direction.

6. Free copy of this order be handed over to Mr. Panda, learned State Counsel for necessary communication.

(Biswanath Rath)
Judge

Ayaskanta Jena