

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14271 of 2022

Keshaba Chandra Meher

....

Petitioner(s)

Mr.A.Mishra, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER
21.06.2022

Order No.

1.

1. Heard learned counsel appearing for the petitioner.

2. This writ petition involves the following prayer:

“In the circumstances, stated above it is humbly prayed that this Hon’ble Court may be graciously pleased to admit writ application, issue notice to the Opp. Parties call for the records from the court below and after hearing the parties, issue Rule Nisi and pleased to quash the letter No.1172 dated 17.03.2022 under Annexure-7 series and thereby also be pleased to direct the Opp. Party No.3 to release the wards from the superintendence by correcting the record of Rights for the interest of justice.

And pass any other order(s) as this Hon’ble Court deem fit and proper.

And for which act of kindness the petitioner shall as duty bound ever pray.”

3. It appears, basing on a grievance of the petitioner, the Sub-Collector, Sonapur being the competent authority enclosing the grievance petition of the petitioner directed the Tahasildar, Sonapur to give a report to the undersigned finds place at Annexure-6. Referring to the provision of law, Mr.Mishra, learned counsel appearing for the petitioner while submitting that the Sub-Collector is competent under the provision of law to take decision on the issue involved herein, he is the only competent person to pass final order involving such issue. Referring to the development at page- 29 of the brief, learned counsel

for the petitioner contended that once the Sub-Collector is empowered to discharge particular responsibility, it is for the Sub-Collector to pass the final order and in no way the Tahasildar has any jurisdiction to give any direction. It is in the above premises, learned counsel for the petitioner seeks setting aside of the order at Page-29 of the brief.

4. Mr.Sahoo, learned Additional Standing Counsel appearing for the State on the other hand in his opposition to the claim of the petitioner again in referring to the development from page-29 of the brief submitted that the document at page-29 appears to be a communication from Tahasildar, Sonapur to the Collector, Subarnapur in shape of report on the grievance petition of Keshaba Chandra Meher, the petitioner. Report can be placed before the Sub-Collector for his own decision and in no circumstance report of Tahasildar can be construed to be final outcome on the grievance of the petitioner. In the circumstance and as no final outcome by the Sub-Collector, Sonapur is arrived as of now, entertainability of the writ petition is being objected.

5. Considering the rival contentions of the parties, this Court finds there is no dispute that the Sub-Collector is competent to deal with the grievance petition of the petitioner in his such exercise of power. It appears, the Sub-Collector, Sonapur before arriving at his conclusion, has sought for a report from the Tahasildar involving grievance petition of the petitioner. In the process, it appears, even though the Sub-Collector, Sonapur directed the Tahasildar, Sonapur for submission of report from page-29 of the brief, it appears, the Tahasildar, Sonapur has submitted the report to the Collector, Subarnapur and it may at best be a technical difficulty and the Sub-Collector being the competent authority, the Collector has to sent the report of the Tahasildar to the Sub-Collector for his own decision.

6. Bare reading of development at page-29 of the brief, it appears, the documents herein is simply a compliance on the asking of the Sub-

Collector but appears wrongly sent to Collector. Be that as it may, there is no final outcome on the grievance of the petitioner. While considering the document at page-29 of the brief to be only a report of the Tahasildar on the grievance of the petitioner, this Court observes there is no finality to the issue of the petitioner as of now requiring interference in the report at this stage. Consequently, the writ petition stands dismissed as not entertainable at this stage. Dismissal of the writ petition shall not come on the way of the Sub-Collector for his opinion in the event the grievance of the petitioner is still pending consideration.

(Biswanath Rath)
Judge

