

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14986 of 2022

Kanda Singh

.....

Petitioner

Mr. G. Singh, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.08.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. G. Singh, learned Counsel for the Petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The Petitioner has filed this Writ Petition seeking to quash the notice issued by the Tahasildar, Nilagiri in L.E. Case No. 1490 of 2008 under Annexure-2 and to direct for disposal of the representation submitted by the Petitioner on 03.05.2022 regarding settlement of the land in question in his favour.

4. Mr. G. Singh, learned Counsel for the Petitioner contended that since the notice has been issued against him in L.E. Case No. 1490 of 2008 by the Opposite Party No.3, this Court should interfere the same because of the fact that the Petitioner is a landless person and entitled for settlement of the land in his favour.

5. Mr. A.K. Mishra, learned Additional Government Advocate raised the maintainability of the Writ Petition against the notice issued to the Petitioner and also contended that the notice was issued on 29.08.2008 and the Present Writ Petition is filed on 13.06.2012. Therefore, the Writ Petition suffers from delay and laches. It is also contended that against notice issued on 29.08.2008, the Petitioner should have raised objection

and order should have been passed by the authority, which is also appealable and revisable by the appropriate forum under the Act. Instead of doing so, the Petitioner has directly approached this Court in the present Writ Petition.

6. Having heard learned Counsel for the Parties and after going through the record, it appears that the Petitioner has filed the Writ Petition challenging the order dated 29.08.2008 under Annexure-2 in L.E. Case No. 1490 of 2008 after long lapse of more than 14 years and as such the Writ Petition suffers from delay and laches. More so, against the notice, the Writ Petition is also not maintainable and as such, the Petitioner could have filed his reply pursuant to such notice, which could have been adjudicated by the Opposite Party No.3 in accordance with law. Thereafter the provisions of appeal and revision is also there under the Act for the Petitioner. Instead of doing so, the Petitioner has approached this Court in a camouflage manner. Thereby, the Writ Petition is not maintainable. More so, in the meantime, it has been stated that the land in question has been allotted in favour of the Regional Market Committee, Nilagiri and to frustrate such claim, the petitioner has approached this Court in the present Writ Petition. Therefore, the Writ Petition is not maintainable. However, liberty is granted to the Petitioner to pursue his remedy in accordance with law before the appropriate forum.

8. Accordingly the Writ Petition stands disposed of. Interim order passed earlier stands vacated.

(DR. B.R. SARANGI)
JUDGE

Arun