

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.15135 OF 2022

Amit Kumar Patra

....

Petitioner(s)
Mr.D.Behera,
Advocate

-versus-

State of Odisha and another

....

Opposite Party(s)
Mr. S.Mishra,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
22.06.2022

Order No.

01. 1. Heard learned counsel for the Parties.
2. There is allegation for non-accepting of the Settlement Appeal tendered by the Petitioner to Opposite Party No.2 and thus a direction is sought for against the Opposite Party No.2 for accepting the application and passing an order in accordance with law.
3. Mr.Mishra, learned Additional Standing Counsel appearing for the State in his opposition referring to the mentioning of provision at Annexure-2 involving such an application in the contingency required therein is not entertainable.
4. For the opinion of this Court, the petitions involved cannot be decided simply taking into account the provision of law indicated there and indicated at the top of the petition. Ultimately the entire pleading has to be taken into account. Once an application is tendered, there is no prohibition for not entertaining the petition while not submitting even it is a different thing as to whether such application can be

allowed or not and decision is still open in the hand of the Competent Authority.

5. In the circumstance, this Court disposing of the writ petition and directs the Petitioner to re-submit the Settlement Appeal vide Annexure-2 to the Opposite Party No.2 for disposal of the same. On entertaining the application, it is open to the Opposite Party No.2 to pass his own order, but however, in accordance with law.

(Biswanath Rath)
Judge

Swarna

