

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.15412 of 2022
(Through Hybrid mode)

Daya Challan @ Chalan

....

Petitioner

Mr. Jugala Kishore Panda, Advocate

-versus-

***The Principal Secy. to Govt.,
Revenue and Disaster Management
Dept., BBSR and others***

....

Opposite Party

Mr. A. K. Nanda, AGA

CORAM: JUSTICE ARINDAM SINHA

ORDER
26.10.2022

Order No.

01. 1. Mr. Panda, learned advocate appears on behalf of petitioner and submits, his client belongs to 'GADABA' tribe. Earlier, his client obtained caste certificate dated 7th May, 2003, issued by Tahasildar, Chitrakonda. The same Tahasildar, who rejected his client's subsequent application for caste certificate, had granted similar certificate dated 9th August, 2021 to his daughter. By impugned order dated 1st December, 2021, his client's application stood rejected. He seeks interference.

2. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of opposite party and points out, petitioner has already initiated mechanism of statutory remedy available by approaching the District Magistrate-cum-Collector, Malkangiri. He refers to copy of memorandum of appeal disclosed at annexure-7 in the writ petition. Mr. Panda submits, availability of alternative remedy is not a bar to exercise of writ jurisdiction.

3. Since petitioner has already availed the mechanism of statutory remedy available before moving this Court under article 226 in the Constitution, it is required that he should first exhaust that remedy.

4. The District Magistrate-cum-Collector, Malkangiri is directed to deal with and dispose of Civil Appeal no.1 of 2022 (Sri Daya Challan @ Chalan Vs. The Tahasildar-cum-Revenue Officer) within three weeks from date. Parties are directed to communicate website copy of this order to the Magistrate.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge