

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.16249 of 2022

Ranjubala Sahu

....

Petitioner(s)

Mr.G.K.Routray,
Advocate

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr. S.Ghose, AGA

**CORAM:
JUSTICE BISWANATH RATH**

ORDER

08.07.2022

I.A.No.9046 of 2022

Order No.

1.

1. This is an application for dispensing with filing of certified copy of the order at Annexure-7.

2. Considering the reasons stated in the application, filing of certified copy of Annexure-7 is dispensed with.

3. I.A. stands disposed of.

(Biswanath Rath)
Judge

ORDER

08.07.2022

W.P.(C).No.16249 of 2022

Order No.

2.

1. Heard learned counsel appearing for the petitioner.

2. Even though there is glaring defect but to find the serious difficulty faced by the petitioner, there is threatening notice of eviction dated 02.07.2022 issued by the Tahasildar Ganjam and keeping in view the allegation in the main application that the appeal has been disposed of without providing date of hearing, even though there has been recording the presence of the petitioner on the date of hearing. Learned counsel for the petitioner alleges that in fact the appellant was not noticed and there was no occasion for the appellant to appear on such date.

3. Perusal of the order-sheet dated 07.06.2022, this Court finds there is clear recording that the case was taken up in the presence of the appellant as well as respondent. For the settled position of law, in the event there is allegation for wrong recording and as a consequence there is proceeding finally resolving the dispute, on such recording the appellant is required to move the authority committing such mistake.

3. This Court considered the prayer of the petitioner seeking permission for moving the application for correcting the order-sheet of the appellate authority at least within a period of two weeks. This Court directs the petitioner to file an application, as desired, at least within a period of one week hence and the appellate authority shall do well in considering such application involving its order dated 07.06.2022 and pass appropriate order at least within a period of three weeks thereafter.

4. Considering the threat of eviction vide communication dated 02.07.2022, if it is not given effect to in the meantime, the same shall not given effect to at least for a period of four weeks.

5. The writ petition stands dispose of.

(Biswanath Rath)
Judge