

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 17937 of 2022

Susanta Nayak

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Petitioner

Mr. S.R.Mohapatra, Advocate.

Vs.

Collector, Sambalpur & others

.....

Opposite Parties

Mr. S.Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

30.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.R.Mohapatra, learned counsel appearing for the petitioner and Mr. S.Nayak, learned Addl. Standing Counsel appearing for the State-opposite parties.

3. The petitioner has filed this writ petition to quash the order dated 28.2.2012 passed by the Tahasildar, Baramba in Sairat Misc. Case No. 60/11-12 imposing penalty amounting to Rs.2,25,000/- and, as such, against the said order, though Sairat Appeal No. 3 of 2013 was preferred, the same was disposed of by the Sub-Collector, Kuchinda on 02.07.2020, without giving opportunity of hearing to the petitioner.

4. Mr. S.R.Mohapatra, learned counsel for the petitioner contended that without giving opportunity of hearing to the petitioner the appellate authority disposed of the Sairat Appeal No. 3 of 2013 vide order dated 02.07.2020. Thus, it is contended that while considering the appeal, the opposite party No.2-Sub-Collector, Kuchinda should have given opportunity of hearing to the petitioner.

5. Mr. S.Nayak, learned Addl. Standing Counsel for the State contended that if opportunity of hearing was not given to the petitioner at the time of disposal of the appeal, it is open to the authority to pass appropriate order by giving opportunity of hearing to the petitioner in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the impugned order dated 02.07.2020 under Annexure-3 in Sairat Appeal No. 3 of 2013 has been passed without giving opportunity of hearing to the petitioner. Thereby, there is non-compliance of principles of natural justice. Consequentially, the order dated 02.07.2020 passed in Sairat Appeal No. 3 of 2013 under Annexure-3 is hereby quashed. The matter is remitted back to the appellate authority-Sub-Collector, Kuchinda to reconsider the grievance of the petitioner by affording opportunity of hearing to the petitioner and pass appropriate order in accordance with law.

7. With the aforesaid observation and direction, the writ petition is disposed of.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore

