

ORISSA HIGH COURT: CUTTACK

W.P(C) NO. 19495 OF 2022

In the matter of an application under Articles 226 and 227
of the Constitution of India.

AFR

Amit Kumar Sahoo

.....

Petitioner

-Versus-

State of Odisha & Others

.....

Opp. Parties

For Petitioner : M/s. S.R. Pati, R. Das
and D. Pati, Advocates

For Opp. Parties : Mr. P.P. Mohanty,
Addl. Govt. Advocate
[O.Ps.No.1-5]

M/s. G. Satpathy and
B.P. Satpathy, Advocates
[O.P. No. 6]

P R E S E N T:

THE HONOURABLE DR. JUSTICE B.R.SARANGI

AND

THE HONOURABLE MR JUSTICE G. SATAPATHY

DECIDED ON :: 14.09.2022

DR. B.R. SARANGI, J. The petitioner, by way of this writ petition,
seeks to quash the order dated 08.06.2022 passed in
Appeal Case No.01 of 2022 under Annexure-12, by which
opposite party no.4-Sub-Collector, Bamanghaty,

Rairangpur, has set aside the order dated 10.05.2022 passed by opposite party no.5-Tahasildar, Tiring, cancelling the intimation issued to opposite party no.6, without authority and competence, and granting liberty to opposite party no.6 to approach the Collector-cum-Controlling Authority, Baripada for extension of time for execution of lease deed through Tahasildar, Tiring, as per Rule 27(13) of the Odisha Minor Minerals Concession Rules, 2016 ("OMMC Rules, 2016" for short).

2. The factual matrix of the case, in brief, is that opposite party no.5-Tahasildar, Tiring, issued Notice Inviting Tender (NIT) on 10.12.2021 for leasing out Heseldihi Stone Quarry on long term basis for a period of five years from 2021-22 to 2025-26. The petitioner, along with other intending tenderers, participated in the auction process, in which opposite party no.6 was selected being the highest bidder. Opposite party no.5 intimated opposite party no.6, vide letter dated 12.01.2022, to deposit the prescribed fees and execute the deed in respect of Heseldihi Stone Quarry within three months as per Sub-rule (1) of Rule 43 of the OMMC Rules, 2016. Though opposite party

no.6 deposited the required fees before opposite party no.5, but he did not execute the lease deed in respect of the aforesaid stone quarry, despite several correspondences made by opposite party no.5. Thereby, after expiry of time limit stipulated in Sub-rule (1) of Rule 43 of OMMC Rules, 2016, opposite party no.5, vide letter dated 10.05.2022, cancelled the Heseldihi stone quarry, which was awarded in favour of opposite party no.6, stating therein that due to unnecessary delay in the process of execution of lease deed, the said stone quarry could not get regularized in its due time, for which the Government exchequer sustained loss.

2.1 After cancellation of the Heseldihi stone quarry, opposite party no.5 awarded the said quarry in favour of the petitioner, who was the second highest bidder. Accordingly, vide letter dated 19.05.2022, he intimated the petitioner to deposit the required fees and obtain mining plan and environment clearance and execute the lease deed in respect of the said quarry within the period specified under Rule-43(1) of the OMMC Rules, 2016. Opposite party no.5 in the said letter also directed the petitioner to deposit 5% of EMD, i.e., Rs.81,497/- and 20% of the security deposit, i.e.,

Rs.3,81,660/- at an early date. Accordingly, the petitioner deposited the entire money on 26.05.2022 before the office of Tiring Tahasil. After depositing the security money and other fees, the petitioner applied for environment clearance certificate in respect of Heseldihi stone quarry. On 04.06.2022, the Member Secretary, State Level Environment Impact Assessment Authority, Odisha, Bhubaneswar, granted the certificate in favour of the petitioner for five years as per OMMC Rules, 2016 for operationalization of the stone quarry.

2.2 After fulfilling all the formalities, the petitioner requested opposite party no.5 for execution of the lease deed in respect of the stone quarry, but opposite party no.5 did not execute the deed. Therefore, he approached this Court by filing W.P.(C) No.16810 of 2022 seeking direction to opposite party no.5 to execute the lease deed and this Court, vide order dated 08.07.2022, issued notice to the opposite parties.

2.3 When the said writ petition was pending for adjudication, opposite party no.6 filed Appeal Case No.01 of

2022 before opposite party no.4 under Rule 46(1) of the OMMC Rules, 2016 challenging the order dated 10.05.2022 passed by opposite party no.5 cancelling the intimation order of stone quarry. Opposite party no.4, vide order dated 08.06.2022, allowed the said appeal by setting aside the order of opposite party no.5 with the following observation:

“As discussed above the following defects are observed in the procedure maintained by the Tahasildar, Tiring.

- 1. The Tahasildar has not maintained the calculation sheet for calculation of dues as per OMMC Rules, 2016.*
- 2. As per Rule 27 (13) of OMMC, Rules-2016, The Tahasildar is not the Competent Authority to intimate the successful bidder to execute a lease deed after stipulation period of 03 (three) weeks is over, but the Tahasildar, Tiring has intimated the appellant on 23.03.2022, 05.04.2022 and 19.04.2022 for execution of lease deed, long after the stipulated period of 03 (three) weeks was over.*
- 3. The Tahasildar, Tiring has not properly disposed the petitions filed by the appellant.*

In view of the appropriate facts and circumstances and considering the law discussed above, this Court is of the considered view that the Tahasildar, Tiring has not maintained the procedure as per rule and passed the cancellation order on dated 10.05.2022 without Authority and Competence, which can't sustain in the eye of the law and liable to be set aside and hereby set-aside. However, the appellant is at liberty to approach before the Collector-cum-Controlling Authority who is Competent to allow extension of time for execution of

lease deed as per rule 27 (13) of OMMC Rules-2016, for extension of the time for execution of lease deed through Tahasildar, Tiring.”

2.4 At that juncture, opposite party no.5 issued letter dated 21.07.2022 to the petitioner cancelling the intimation order, pursuant to order dated 08.06.2022 passed by opposite party no.4-Sub-Collector, Bamanghaty, Rairangpur in Appeal Case No.01 of 2022 filed by opposite party no.6. Consequentially, petitioner withdrew W.P.(C) No.16810 of 2022 on 28.07.2022 with a liberty to file a fresh writ petition. Hence, this writ petition.

3. Mr. S.R. Pati, learned counsel appearing for the petitioner vehemently contended that the order dated 08.06.2022 passed by opposite party no.4 in Appeal Case No.01 of 2022 cannot sustain in the eye of law, in view of the fact that the petitioner and other contesting bidders were not impleaded as parties to the appeal. Thereby, any order passed by opposite party no.4, without giving opportunity of hearing to the petitioner and other contesting bidders, is in gross violation of principles of natural justice. It is further contended that after the allotment of stone quarry in favour of opposite party no.6 was cancelled by

opposite party no.5, vide order dated 10.05.2022, the petitioner was called upon, vide letter dated 19.05.2022, to deposit the requisite fees and to take follow up action in accordance with the OMMC Rules, 2016. The petitioner accordingly deposited the requisite fees and obtained environment clearance certificate from the Member Secretary, State Level Environment Impact Assessment Authority, Odisha, Bhubaneswar. Consequentially, a right accrued in favour of the petitioner to be a party to Appeal Case No.01 of 2022. As such, without impleading as a party and without giving opportunity of hearing to the petitioner, the order dated 08.06.2022 passed by opposite party no.4 in Appeal Case No.01 of 2022 cannot sustain in the eye of law and is liable to be quashed.

In support of his contentions, learned counsel for the petitioner has relied upon the judgments of the apex Court in ***Udit Narain Singh Malpaharia v. Additional Member, Board of Revenue, Bihar***, AIR 1963 SC 786; ***Public Service Commission, Uttaranchal v. Mamta Bisht***, AIR 2010 SC 2613; ***Uma Nath Pandey v. State of***

U.P., AIR 2009 SC 2375 and judgment of this Court in **Runi Jena v. State of Odisha**, 2021 (II) ILR-CUT-119.

4. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties fairly admitted that the petitioner was not made a party to Appeal Case No.01 of 2022 preferred by opposite party no.6 and, therefore, the order impugned passed by opposite party no.4, behind the back of the petitioner and without giving him opportunity of hearing, cannot sustain in the eye of law. At the same time, he also vehemently contended that even the order dated 10.05.2022 cancelling the bid allotted in favour of opposite party no.6 was passed without complying with due procedure of law, and that opposite party no.5 had not maintained the calculation sheet for calculation of dues as per OMMC Rules, 2016. As such, it is further contended that opposite party no.5 is not competent authority to intimate the successful bidder to execute lease deed after stipulation period of three weeks is over as per Rule-27(13) of the OMMC Rules, 2016, whereas, in this case opposite party no.5 had intimated opposite party no.6 on

23.03.2022, 05.04.2022 and 19.04.2022 for execution of lease deed long after the stipulated period of three weeks.

5. Mr. G. Satpathy, learned counsel appearing for opposite party no.6, while admitting the factual matrix, as delineated above, contended that as per lease notification dated 10.12.2021 under Annexure-1, the annual production capacity of the stone was mentioned as 1176 cum and accordingly, opposite party no.6 put his bidding and deposited the required amount of EMD and security deposit, which was accepted. Subsequently, opposite party no.5, vide letter no.183 dated 13.01.2022, intimated that annual production of stone is 2744 cum, instead of 1176 cum, which was typographical mistake. Opposite party no.6 deposited the differential amount accordingly. Even though, opposite party no.6 complied with the direction of opposite party no.5 by depositing the requisite fees, as per the provisions contained in OMMC Rules, 2016, and got environment clearance from State Level Environment Impact Assessment Authority, Odisha, Bhubaneswar, vide letter dated 07.02.2022, and also admitted the fact that on 05.04.2022 and 07.04.2022, opposite party no.5 intimated

opposite party no.6 to execute the lease deed and in response to the same, opposite party no.6 in his letter dated 12.04.2022 intimated opposite party no.5 that the draft agreement deed has already been submitted and requested for calculation of year-wise amount, which should be calculated and given by the office of opposite party no.5. On 19.04.2022, opposite party no.5 intimated opposite party no.6 to execute agreement and opposite party no.6 in his letter dated 05.05.2022 requested opposite party no.5 to extend/allow some time for execution of the lease deed on medical ground. But on 10.05.2022 opposite party no.5, without considering the same, cancelled the stone quarry lease allotted in favour of opposite party no.6. As such, the delay caused for execution of lease deed is not attributable to opposite party no.6. It is further contended that opposite party no.6, after depositing huge amount towards EMD, security deposit and other charges, had gone to the office of opposite party no.5 for number of times, but lastly on medical ground sought for time for execution of lease deed. Since as per Rule-43(3) of the OMMC Rules, 2016, appeal lies against inaction of opposite party no.5, he preferred

appeal under Rule-46(1) of the OMMC Rules, 2016 before the appellate authority-Sub-Collector, Bamanghaty, Rairangpur. It is further contended that after filing appeal, opposite party no.6 approached this Court by filing W.P(C) No.13702 of 2022, which was disposed of vide order dated 31.05.2022 with a direction to the appellate authority-Sub-Collector, Bamanghaty, Rairangpur to dispose of the appeal within a period of three weeks by giving an opportunity of hearing to all the parties concerned. Thereby, by disposing of the Appeal Case No.01 of 2022, vide order dated 08.06.2022, the appellate authority- Sub-Collector, Bamanghaty, Rairangpur has not committed any illegality or irregularity so as to warrant interference of this Court.

6. This Court heard Mr. S.R. Pati, learned counsel for the petitioner; Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State opposite parties; and Mr. G. Satpathy, learned counsel appearing for opposite party no.6 by hybrid mode. Pleadings have been exchanged between the parties and with the consent of learned counsel for the parties, the writ petition is being disposed of finally at the stage of admission.

7. In the above premises, the only question emerges for consideration as to whether the appellate authority, viz., the Sub-Collector, Bamanghaty, Rairangpur, while disposing of Appeal Case No.01 of 2022, has given opportunity of hearing to the petitioner in compliance of principle of natural justice or not.

8. As it reveals from the appeal memo filed by opposite party no.6 before the appellate authority, i.e., Sub-Collector, Bamanghaty, Rairangpur, a copy of which is annexed as Annexure-11 to the writ petition, the petitioner has not been made as a party to the said appeal. The petitioner is a necessary party to the said proceeding, in view of the fact that after cancellation of stone quarry lease allotted in favour of opposite party no.6, opposite party no.5 had called upon to the petitioner, as he was the second highest bidder, to deposit the requisite fees as required under law, which he complied with and thereafter he was called upon for execution of lease deed. When that was in process, opposite party no.6 preferred appeal against the order of cancellation of stone quarry lease passed by opposite party no.5. Since opposite party no.6 has not

made the petitioner as a party to the appeal, the right accrued in favour of the petitioner by depositing the requisite fees for execution of lease deed has been affected.

9. In **Udit Narain Singh Malpaharia** (supra), the apex Court in paragraphs-7 & 9 held as follows:-

“7. To answer the question raised it would be convenient at the outset to ascertain who are necessary or proper parties in a proceeding. The law on the subject is well settled: it is enough if we state the principle. A necessary party is one without whom no order can be made effectively; a proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding.

9. The next question is whether the parties whose rights are directly affected are the necessary parties to a writ petition to quash the order of the tribunal. As we have seen, a tribunal or authority performs a judicial or quasi-judicial act after hearing parties. Its order affects the right or rights of one or the other of the parties before it in a writ of certiorari the defeated party seeks for the quashing of the order issued by the tribunal in favour of the successful party. How can the High Court vacate the said order without the successful party being before it? Without the presence of the successful party the High Court cannot issue a substantial order affecting his right. Any order that may be issued behind the back of such a party can be ignored by the said party, with the result that the tribunal's order would be quashed but the right vested in that party by the wrong order of the tribunal would continue to be effective. Such a party, therefore, is a necessary party and a petition filed for the issue of a writ of certiorari without making him a party or without impleading him subsequently, if allowed by the court, would certainly be incompetent. A party whose interests are directly affected is, therefore, a necessary party.

Therefore, the order impugned passed by the appellate authority, viz., the Sub Collector, Bamanghaty, Rairangpur in Appeal Case No.01 of 2022 is in gross violation of the principles of natural justice, as it directly affects the interest of the petitioner.

10. In **Public Service Commission, Uttaranchal** (supra), the apex Court, referring to the judgment of **Udit Narain Singh Malpaharia** (supra), held in paragraph-7 of the said judgment as follows:

“7. In case the respondent No.1 wanted her selection against the reserved category vacancy, the last selected candidate in that category was a necessary party and without impleading her, the writ petition could not have been entertained by the High Court in view of the law laid down by nearly a Constitution Bench of this Court in Udit Narain Singh Malpaharia v. Additional Member, Board of Revenue, Bihar & Anr., AIR 1963 SC 786, wherein the Court has explained the distinction between necessary party, proper party and pro forma party and further held that if a person who is likely to suffer from the order of the Court and has not been impleaded as a party has a right to ignore the said order as it has been passed in violation of the principles of natural justice. More so, proviso to Order I, Rule IX of Code of Civil Procedure, 1908 (hereinafter called CPC) provide that non-joinder of necessary party be fatal. Undoubtedly, provisions of CPC are not applicable in writ jurisdiction by virtue of the provision of Section 141, CPC but the principles enshrined therein are applicable. (Vide Gulabchand Chhotalal Parikh v. State of Gujarat; AIR 1965 SC 1153; Babubhai Muljibhai Patel v. Nandlal, Khodidas Barat & Ors. AIR 1974 SC 2105; and Sarguja Transport Service v.

State Transport Appellate Tribuna., Gwalior & Ors.
AIR 1987 SC 88).

11. In **Uma Nath Pandey** (supra), the apex Court in paragraph-17 states as follows:

“17. How then have the principles of natural justice been interpreted in the Courts and within what limits are they to be confined? Over the years by a process of judicial interpretation two rules have been evolved as representing the principles of natural justice in judicial process, including therein quasi-judicial and administrative process. They constitute the basic elements of a fair hearing, having their roots in the innate sense of man for fair-play and justice which is not the preserve of any particular race or country but is shared in common by all men. The first rule is ‘nemo judex in cause sua’ as stated in (1065) 12 Co. Rep. 114 that is, ‘no man shall be a judge in his own cause’. Coke used the form ‘aliquis non debet esse judex in propria causa quia non potest esse judex at pars’ (Co. Litt. 1418), that is, “no man ought to be a judge in his own case, because he cannot act as Judge and at the same time be a party’. The form ‘nemo potest esse simul actor et judex’ that is, no one can be at once suitor and judge’ is also at times used. The second rule is ‘audi alteram partem’, that is, ‘hear the other side’. At times and particularly in continental countries, the form ‘audietur at altera pars’ is used, meaning very much the same thing. A corollary has been deduced from the above two rules and particularly the audi alteram partem rule, namely ‘qui aliquid statuerit parte inaudita alteram actquam licet dixerit, haud acquum facerit’ that is, ‘he who shall decide anything without the other side having heard, although he may have said what is right, will not have been what is right’ (See Bosewell’s case (1605) 6 Co. Rep. 48-b, 52-a) or in other words, as it is now expressed, ‘justice should not only be done but should manifestly be seen to be done’. Whenever an order is struck down as invalid being in violation of principles of natural justice, there is no final decision of the case and fresh proceedings are left upon. All that is done is to vacate the order assailed by virtue of its inherent defect, but the proceedings are not terminated”.

12. In view of aforesaid judgments, it is made clear that whenever an order is struck down as invalid being in violation of principles of natural justice, there is no final decision of the case and fresh proceedings are left upon.

13. The soul of natural justice is '*fair play in action*'

In **HK (An Infant) in re**, 1967 1 All ER 226 (DC), Lord Parker, CJ, preferred to describe natural justice as '*a duty to act fairly*'.

In **Fairmount Investments Ltd. v. Secy of State for Environment**, 1976 2 All ER 865 (HL), Lord Russell of Killowen somewhat picturesquely described natural justice as '*a fair crack of the whip*'

In **R. v. Secy. Of State for Home Affairs, ex p. Hosenball, Geoffrey Lane, LJ**, 1977 3 All ER 452 (DC & CA), preferred the homely phrase '*common fairness*' in defining natural justice.

14. **A.K. Kraipak v. Union of India, AIR 1970 SC 150 = (1969) 2 SCC 262**, is a landmark in the growth of

this doctrine. Speaking for the Constitution Bench, Hegde, J. observed thus:

“If the purpose of the rules of natural justice is to prevent miscarriage of justice one fails to see why those rules should be made inapplicable to administrative enquiries. Often times it is not easy to draw the line that demarcates administrative enquiries from quasi-judicial enquiries. Enquiries which were considered administrative at one time are now being considered as quasi-judicial in character. Arriving at a just decision is the aim of both quasi-judicial enquiries as well as administrative enquiries. An unjust decision in an administrative enquiry may have far reaching effect than a decision in a quasi-judicial enquiry”.

In **Maneka Gandhi v. Union of India**, AIR 1978 SC 597 = (1978) 1 SCC 248, law has done further blooming of this concept. This decision has established beyond doubt that even in an administrative proceeding involving civil consequences doctrine of natural justice must be held to be applicable.

15. In **Swadeshi Cotton Mills v. Union of India**, AIR 1981 SC 818, the meaning of ‘natural justice’ came for consideration before the apex Court and the apex Court observed as follows:-

“The phrase is not capable of a static and precise definition. It cannot be imprisoned in the straight-jacket of a cast-iron formula. Historically, “natural

justice” has been used in a way “which implies the existence of moral principles of self evident and urarguable truth”. “Natural justice” by Paul Jackson, 2nd Ed., page-1. In course of time, judges nurtured in the traditions of British jurisprudence, often invoked it in conjunction with a reference to “equity and good conscience”. Legal experts of earlier generations did not draw any distinction between “natural justice” and “natural law”. “Natural justice” was considered as “that part of natural law which relates to the administration of justice.

16. In **Basudeo Tiwary v Sido Kanhu University**, (1998) 8 SCC 194, the apex Court held that natural justice is an antithesis of arbitrariness. It, therefore, follows that *audi alteram partem*, which is facet of natural justice is a requirement of Art.14.

17. In **Nagarjuna Construction Company Limited v. Government of Andhra Pradesh**, (2008) 16 SCC 276, the apex Court held as follows:

“The rule of law demands that the power to determine questions affecting rights of citizens would impose the limitation that the power should be exercised in conformity with the principles of natural justice. Thus, whenever a man’s rights are affected by decisions taken under statutory powers, the court would presume the existence of a duty to observe the rules of natural justice. It is important to note in this context the normal rule that whenever it is necessary to ensure against the failure of justice, the principles of natural justice must be read into a provision. Such a course is not permissible where the rule excludes expressly or by necessary intendment, the application of the principles of natural justice, but in that event, the validity of that rule may fall for consideration.”

18. The apex Court in ***Uma Nath Panday and others v State of U.P.***, AIR 2009 SC 2375, held that natural justice is the essence of fair adjudication, deeply rooted in tradition and conscience, to be ranked as fundamental. The purpose of following the principles of natural justice is the prevention of miscarriage of justice

19. In ***Union of India v. Tulsiram Patel***, AIR 1985 SC 1416, the apex Court held as follows:

“Though the two rules of natural justice, namely, nemo judes in causa sua and audi alteram partem, have now a definite meaning and connotation in law and their content and implications are well understood and firmly established, they are nonetheless not statutory rules. Each of these rules yields to and changes with the exigencies of different situations. They do not apply in the same manner to situations which are not alike. These rules are not cast in a rigid mould nor can they be put in a legal strait jacket. They are not immutable but flexible.”

Similar view has also been taken by this Court in ***Runi Jena*** (supra).

Therefore, the order impugned passed by the appellate authority, i.e., Sub Collector, Bamanghaty, Rairangpur in Appeal Case No.01 of 2022 is in gross violation of the principles of natural justice in not giving

opportunity of hearing to the petitioner, who is really a person affected in the proceeding.

20. Considering the facts and circumstances of the case from other angle, it appears that W.P.(C) No.13702 of 2022 was preferred by opposite party no.6, wherein this Court, on 31.05.2022, passed the following order:

“6. In view of the limited nature of prayer made in the writ petition, this writ petition is disposed of with a direction that the appeal pending before the Appellate Authority i.e, Sub-Collector, Rairangpur-Opposite Party No.3, be disposed of within a period of three weeks from the date of receipt of this order and by giving an opportunity of hearing to all the parties concerned.”

On perusal of the said order, it is made clear that this Court, while disposing of the said writ petition, had also specifically observed that the appellate authority, i.e., Sub-Collector, Bamanghaty, Rairangpur shall dispose of the Appeal Case No.01 of 2022 within a period of three weeks after giving an opportunity of hearing to all the parties concerned. Thereby, the order dated 08.06.2022 passed by the appellate authority, i.e., Sub-Collector, Bamanghaty, Rairangpur in Appeal Case No.01 of 2022 is without compliance of the order dated 31.05.2022 passed by this Court in W.P.(C) No.13702 of 2022. Therefore, the order

dated 08.06.2022 passed by the appellate authority, i.e., Sub-Collector, Bamanghaty, Rairangpur in Appeal Case No.01 of 2022 cannot sustain in the eye of law.

21. In addition to the above, in ***Afcons Infrastructure Ltd. v. Nagpur Metro Rail Corporation Ltd.***, (2016) 16 SCC 818, the apex Court held that it would be more appropriate for the Constitutional Courts to insist on all eligible bidders being made parties to the proceedings filed by an unsuccessful or ineligible bidder. Meaning thereby, the parties to the bidding proceeding are to be impleaded before passing any order at the behest of any of the persons, who challenge the action of the authority concerned.

22. In view of the foregoing discussions, this Court is of the considered view that the order dated 08.06.2022 passed by the Sub-Collector in Appeal Case No.01 of 2022 suffers from not only gross violation of the principles of natural justice but also non-joinder of proper parties, and the same also runs contrary to the observations contained in the order dated 31.05.2022 passed by this Court in

W.P.(C) No.13702 of 2022. As a consequence thereof, the order dated 08.06.2022 passed by the Sub-Collector in Appeal Case No.01 of 2022 cannot sustain in the eye of law and the same is liable to be quashed and is hereby quashed. The matter is remitted back to the appellate authority, i.e., Sub Collector, Bamanghaty, Rairangpur to rehear the Appeal Case No.01 of 2022 after giving opportunity of hearing to all the parties including the petitioner. Needless to say, the appellate authority shall do well to hear the said appeal on day to day basis and dispose of the same as expeditiously as possible, preferably within a period of two months from the date of communication/production of certified copy of this judgment.

23. In the result, the writ petition is allowed. However, there shall be no order as to costs.

(DR. B.R. SARANGI)
JUDGE

G. SATAPATHY, J. I agree.

(G. SATAPATHY)
JUDGE