

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 366 of 2016

Ajaya Kumar Nayak

....

Appellant

Mr. Samir Kumar Mishra, Advocate

-versus-

***Tahasildar, Kujang-cum-Interim
Trustee of Dakhina Kali Mandir,
Jagatsinghpur and others***

....

Respondents

Mr. Ishwar Mohanty
Additional Standing Counsel

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
25.08.2022**

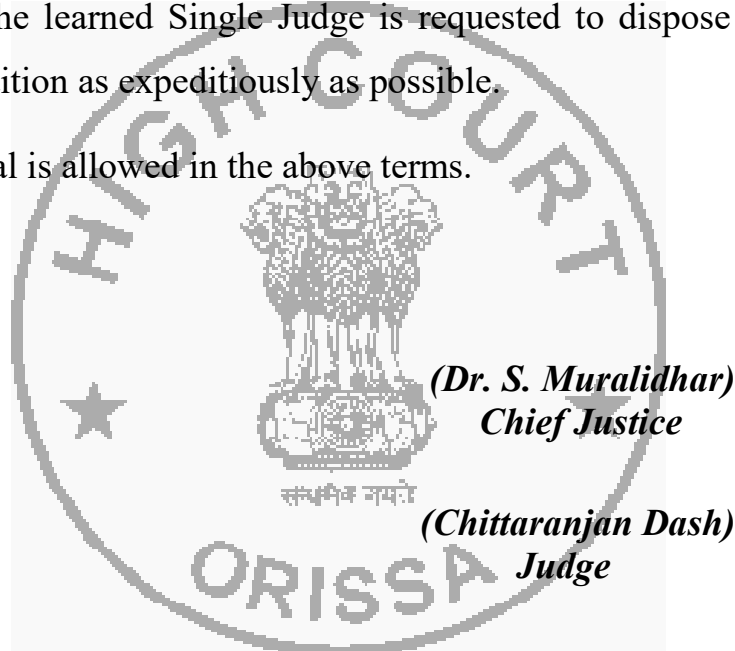
Order No.

15. 1. Today, none appears on behalf of Respondent No.4, despite service of notice in the present writ appeal.
2. The appeal is directed against two orders dated 29th January, 2016 and 13th May, 2016 passed by the learned Single Judge in W.P.(C) No.446 of 2016 and Misc. Case No.3289 of 2016 in the said writ petition respectively.
3. The short ground on which the first impugned order dated 29th January, 2016 was assailed that it was passed without notice to the present Appellant, who was in fact impleaded as Opposite Party No.4 in the writ petition. Since the above assertion has not been contradicted, the Court proceeds on that basis that it is correct. Since the impugned order dated 29th January, 2016 was adverse to

the present Appellant and since the subsequent order dated 13th May, 2016 also does not restore the right of hearing to the present Appellant, both the said orders dated 29th January, 2016 and 13th May, 2016 of the learned Single Judge are hereby set aside.

4. The W.P.(C) No.446 of 2016 is restored to the file of learned Single Judge in the Roster Bench and will be listed there on 21st September, 2022 on which date the present Appellant will remain present before the learned Single Judge either in person or through a lawyer. The learned Single Judge is requested to dispose of the said writ petition as expeditiously as possible.

5. The appeal is allowed in the above terms.



S. Behera