

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25458 of 2021

Narmada Vihar Welfare Society

....

Petitioner(s)

Mr. D.P. Mohanty,
Advocate

-versus-

Vice Chairman, C.D.A & Ors.

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

26.04.2022

Order No.

02.

1. This writ petition involves the following prayer:-

“The Petitioner therefore prays that in view of the facts and circumstances stated above this Hon’ble Court may be graciously pleased to admit this Writ Petition and after hearing the Parties allow the same and pass an appropriate Writ / Direction or Order directing the Opposite Party No.5 to dispose of the Appeal i.e. U.C. Appeal Case No.01 of 2020 pending before it within a stipulated period.

And pass such other Order or Orders, as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Considering that there is involvement of innocuous prayer requiring direction from this Court for disposal of an appeal filed U/s.91(2) of the O.D.A. Act, 1982, this Court in disposal of the writ petition observes, there should not be so much delay in disposal of the statutory appeal, when the appeal involved was filed in the year 2020. It is unfortunate to note that the appeal of this nature is kept pending by a statutory authority for more than two years. Even though an appeal is filed in the year 2020 being registered as U.C. Appeal No.1 of 2020,

there is no issuance of notice in the appeal as yet. This Court finds, the statutory authority is not discharging its responsibility rightly.

Be that as it may, since the appeal is pending since 2020, the appellate authority is directed to take up the appeal vide U.C. Appeal Case No.1 of 2020 within a period of seven days from the date of communication of a copy of this order and see that service of notice on the Opposite Parties therein is completed within three weeks at least and if necessary, notice may be issued by way of special messenger at the cost of the appellant and the appeal shall be concluded within a period of two months from the date of service of notice.

3. The writ petition stands disposed of with the above direction.

(Biswanath Rath)
Judge

Ayaskanta Jena

