

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.22021 of 2022
(Through Hybrid mode)

Goutam Majhi

....

Petitioner

Mr. Niranjana Maharana, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A. K. Sharma, AGA

CORAM: JUSTICE ARINDAM SINHA

ORDER
26.10.2022

Order No.

01. 1. Mr. Maharana, learned advocate appears on behalf of petitioner and submits, his client is nephew of Pitambar Singh, since the deceased, who died issueless. His client obtained legal heir certificate but by impugned order dated 12th April, 2017, the Tahasildar canceled the certificate. On query from Court he submits, his client was prevented from appearing before the Tahasildar and not knowing about it, could not file appeal within time prescribed. Hence, his client has moved Court.

2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and submits, petitioner be directed to approach in appeal along with application for condonation of delay.

3. Impugned order dated 12th April, 2017 is an ex-parte order, as appearing on the face of it. Accordingly, petitioner's contention here that he is nephew of the deceased was not brought to notice of the Tahasildar. Since State contends that petitioner should avail statutory remedy on applying for condonation of delay, Court directs petitioner to do so. In event petitioner files appeal with application for condonation of delay, opposite party no.2 is directed to consider and expeditiously deal with the same.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant