

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23779 OF 2022

Nidhiram Jena and another *Petitioner(s)*
Mr.S.S.Ray,Adv.

-versus-

State of Odisha and others *Opposite Party(s)*
Mr.A.K.Parija,
Advocate General
Assisted by
Mr.S.P.Panda,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
21.12.2022

Order No.
04.

1. Heard learned counsel for the Parties.
2. For the experience of this Court on flowing of number of revenue matters over the years after involving the submission of learned Advocate General, this Court observes, the State has taken up an initiative for providing justice at doorstep in the revenue side. Even after the initiative taken by the State in creating Revenue Courts at different level involving infrastructure and appointments of staffs remain insufficient and the Establishment created at different places could not be fully functional. This year there has been constant effort by the State in attempting to provide infrastructural arrangements including the building for operation of such Courts at

various levels. Here this Court observes, even though buildings are earmarked for operations of verity of quasi-judicial Courts, but some of the quasi-judicial authorities were operating from the headquarters only.

3. Finding difficulty in the registration of matters and conducting the cases in the local Courts (Revenue side) is not possible for some of the Officers are conducting such proceedings in the headquarters, this Court sought for personal appearance of the Additional Chief Secretary-cum-Principal Secretary Revenue and Disaster Management to find out a complete solution to resolve the dispute in the matter of conducting of the cases in the quasi-judicial Courts to achieve complete functioning of all such Courts. This Court finds, there has been number of hearing of this proceeding. While hearing this matter on 10.10.2022, this Court after coming to know about moving of hundreds of cases to this Court with multiple allegations such as non-registration, non-admission of such proceedings even not making the final hearing possible, this Court was constrained to direct for personal appearance of the Secretary, Revenue & Disaster Management Department. Pursuant to such direction on 19.10.2022 the Additional Chief Secretary-cum-Principal Secretary, Revenue & Disaster Management Department appearing in person assured that there will be no such complaint on this aspect by end of this year as

Government is constantly monitoring to streamline the functioning of these Courts. Keeping in view assurance of the Additional Chief Secretary-cum-Principal Secretary, Revenue & Disaster Management Department, this matter was postponed to today. Today on his appearance Mr.Parija, learned Advocate General along with Mr.Panda, learned Additional Government Advocate submitted that there has been constant development by providing appropriate infrastructural facilities for running of all such Courts. In the process there has been building earmarked for this purpose. Court sittings also commenced in almost all earmarked places except there is some issue at Kendrapara and Jajpur Road which will be sorted out shortly. Required number of Officers have already been posted and except the Offices assigned to work in Kendrapara district all other Officers have joined and started their functioning in the assigned Courts with an attempt to provide justice available at the doorstep. It is also stated for the Officer directed to work at Kendrapara is not adhering to the direction of the State, the State has already undertaken a disciplinary proceeding against such Officer. In the meantime there is attempt to depute another Officer to discharge Court duty at Kendrapara by posting an Officer by 2nd week of January, 2023.

4. In course of hearing Mr.Parija, learned Advocate General submitted that even though infrastructural facilities have been

provided, but still there is lacking in providing regular appointments in such establishments and such institution are manned through large number of temporary hands. For the time constraint and for the process to be undertaken by the Odisha Staff Selection Commission, considering there has already been initiation of process for recruitment of staffs, it may take maximum three months time for providing regular staffs to all such Courts. This Court here observes, functioning of the Judiciary cannot be running smoothly engaging temporary hands. Once Establishment is created, attempt should be made to run it through regular hands more particularly as these institutions run with more responsibility and accountability. This Court hopes and trusts, there will be immediate attempt for a competent person posted at Kendrapara forum. While appreciating the steps already taken by the State, this Court hopes and trusts, there shall be provision for appointment of required number of regular employees in all such Establishments at least by end of May, 2023.

5. Before parting with the case, this Court also hopes and trusts that the competent authority shall also work in tandem with conditions A to H laid down by this Court vide order dated 19.10.2022. These conditions also forms part of this order may be at the cost of repetition.

6. With this observation, the proceeding stands closed.
7. Free copy of this order be handed over to Mr. Panda, learned Additional Government Advocate for appropriate communication.

(Biswanath Rath)
Judge

Swarna

