

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO.32661 OF 2021

Sarat Kumar Panigrahi ***Petitioner***
Mr. Bhagaban Behera, Advocate
-versus-
State of Odisha and others ***Opp. Parties***
Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
07.02.2022

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 12th September, 2013 (Annexure-1) passed by the Additional Settlement Officer-cum-Addl. Sub-Collector, Bhubaneswar in Settlement Appeal Case No. 1897 of 2013.
3. Mr. Behera, learned counsel for the Petitioner, at the outset, submits that the Petitioner was not given an opportunity of hearing in the appeal. The matter was posted to 5th September, 2013 on which date the Petitioner was present and in his presence, the matter was adjourned to 23rd September, 2013. But by interpolation of the said order, the date was re-written as '12.9.2013'. Although in the impugned order dated 12th September, 2013, it is reflected that parties were present on call, but the Petitioner was absent on that date as he was unaware of posting of the case on 12th September, 2013. Further, the appellate authority without discussing the materials on record has

passed the impugned order. In that view of the matter, he prays for setting aside the impugned order under Annexure-1.

4. Mr. Mishra, learned Additional Government Advocate, on the other hand, refuting such submission submitted that recording of the court in the order sheet is presumed to be correct. The party disputing such recording must raise such objection before the said forum/court and not before any other court. He further submitted that delay in filing the writ petition has not been explained. Hence, he prays for dismissal of the writ petition.

5. At this stage, Mr. Behera, learned counsel for the Petitioner prays for withdrawal of the writ petition to move the appropriate application before the appellate authority.

6. Considering such submission, this writ petition is disposed of as withdrawn.

7. Certified copy of Annexure-1 shall be returned to the learned counsel for the Petitioner on substitution of attested photocopy thereof.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks/ms