

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.27579 OF 2022

Pabitra Samal

....

Petitioner(s)

Mr.B.P.B.Bahali,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)

Mr.S.P.Panda,AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

02.11.2022

Order No.

02.

1. Heard learned counsel for the Parties.
2. On restoration of the same in disposal of CMAPL No.575 of 2022, considering the submission of Mr.Bahali, learned counsel for the Petitioner, this Court finds, Petitioner approaches this Court on the issuing of notice to the Petitioner on 18.10.2022 involving a proceeding under Section 15(b) of the O.S.S. Act, 1958. Learned counsel for the Petitioner while bringing to the notice of the Court regarding mistake in indication of the request of the Petitioner therein also challenges the initiation of proceeding itself on the ground the revision being grossly barred by the limitation. Mr.Bahali, learned counsel for the Petitioner also takes of a judgment of this Court in the case of *Batakrushna Sahoo vrs. Commissioner, Consolidation, Odisha, Bhubaneswar and others* to support his above contentions.
3. Considering the rival contentions of the parties, Mr.Bahali, learned counsel for the Petitioner taking into account the objection raised by Mr. Panda, learned Additional Government Advocate, this

Court finds, the Writ Petition becomes premature as Petitioner already having the scope of contesting on the entertainability of the revision petition on its appearance in the proceeding. If the citation supports the Petitioner it is also open to the Petitioner to rely on such decision in the hearing proceeding.

4. Keeping in view this Court while declining to entertain the Writ Petition at this stage for a proceeding under Section 15(b) is still pending for final decision, permits the Petitioner to raise objections as raised herein along with applicability of the schedule of the case at hand before the competent authority for its consideration.

5. With this observation, the Writ Petition stands disposed of.

Swarna

