

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.27897 OF 2022

Chandana Behera

....

Petitioner

Mr.B.Bhuyan, Adv.

-versus-

Sita Naik & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA
Mr.H.Mohanty, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**Order
No.**

**ORDER
21.11.2022**

1. Heard learned counsel for the Parties.
2. The Writ Petition involves rejection of an Application under Order 7 Rule 11 of C.P.C. on the ground of non-compliance involving Section 80 of C.P.C. almost a proforma O.P., the Public Officer.
3. Considering in similar situation, this Court in the judgment dated 11.11.2022 passed in W.P.(C) No.25130/2022 (Sabita Biswal vrs. Subhashree Biswal & anr.) has already come to hold that for the necessary party to a dispute, there is no room for making the Public Authority as party. At the same time, this Court also observes, through the above judgment, in the event such a Party is made as O.P., such Party remains innocuous and no issue involving such Party can be agitated or adjudicated of adjudicated. In the circumstance, this Court finds, there is right rejection of the Order 7

Rule 11 of C.P.C. Application involved herein requiring no interference.

4. The Writ Petition thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout

