

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.28566 OF 2022

Lalit Mohan Mishra

....

Petitioner

Mr.S.Mohanty, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.Mishra, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

1.11.2022

Order

No.

1.

1. Heard learned counsel for the Parties.

2. Undisputedly the Petitioner has statutory remedy of appeal.

The grounds raised herein can very well be raised in the appeal and got it adjudicated. Since the Petitioner has inadvertently moved this Court, the Petitioner is permitted to withdraw the Writ Petition to file statutory appeal within three weeks involving the order at Page-9 of the Brief also by raising the grounds raised herein.

3. Learned counsel for the Petitioner alleges, when the number of the mutation case raised at the instance of the Petitioner is 14469/2012 but the previous round of litigation (W.P.(C) No.10062/2022) was disposed of by this Court involving Mutation Case No.14469/2012. It appears, through Annexure-2, there is no tracing of such Record. From the own document of the Petitioner at Page-9 onwards of the Brief, it is observed, there is possibly

restructuring of the File involving the dispute raised by the Petitioner and re-numbered as Mutation Case No.14799/2022 and disposed.

4. For there is confusion in raising of the dispute by the Petitioner to Mutation Case No.14469/2012 and disposal of the Mutation Case involving the Petitioner registered as 14799/2022, let a certified copy of the entire File involving Mutation Case No.14799/2022 be provided to the Petitioner at least three days of such application. In the event the Petitioner finds any short fall in the availability of vital document provided by him being part of the disposal of Mutation Case No.14799/2022, it may be open to the Petitioner to bring such document even in the appeal proceeding for consideration of the grounds raised herein by the Appellate Authority.

5. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout