

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33180 of 2022

Pravat Nalini Singh

.... Petitioner(s)

Mr. R.K. Behera, Adv.

-versus-

State of Odisha & Ors.

.... Opposite Party(s)

Mr. J. Katkia, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

05.09.2023

I.A. No.12689 of 2023

Order No.

02.

1. Heard the submissions of respective parties.

2. This application involves the following prayer:-

“It is therefore prayed that this Hon’ble Court may be graciously pleased to allow a Jawan Lease Land in favour of the Petitioner in Cuttack Town or around Cuttack Town or around Cuttack Town;”

3. As it appears, Writ Petition vide W.P.(C) No.33180 of 2022 is disposed of with the following order:-

“1. Heard learned counsel for the Parties.

2. This court finds this litigation is in second round of litigation. In the first round of litigation, the Writ Petition was disposed of by this Court bearing W.P.(C) No.12028 of 2003 with the direction following:-

“We dispose of this writ petition with the direction that a certified copy of this order and a copy of the writ petition along with all its annexures and a fresh application will be filed by the petitioner before the District Magistrate-cum-Collector, Cuttack, opp. Party no.2, who will consider the application for allotment of land and pass orders within a period of three months from the date of receipt of copies from the petitioner. The petitioner will comply with all other formalities as pointed out by the District Magistrate-cum-Collector, Cuttack.

Urgent certified copy of the order be granted as per rules.”

3. This Court's direction as given on 04.03.2004 again in the second attempt of the Petitioner in 2022, Petitioner now seeks a direction directing the District Magistrate to comply the order of this Court dated 04.03.2004. Considering eighteen years have already lapsed in the meantime, this Court observes, since the Petitioner has already made a fresh request to the Collector, Cuttack considering there was representation pending before the Collector, Cuttack to have been served on the Collector, Cuttack by Speed Post on 09.11.2022 and if in fact, such representation is still pending, the Collector, Cuttack shall do well in undertaking the required exercise at least within a period of one and half months and with communication to the outcome of the Registry within one week therefore. Collector may also involve an enquiry to find if the order dated 04.03.2004 of this Court is worked out or not. Let copy of the Writ Petition along with copy of the order of this Court be served on the Collector, Cuttack at least within a period of seven days.

4. The Writ Petition thus stands disposed of."

4. Considering the rival contentions of the parties and looking to the final order passed in disposal of the Writ Petition vide W.P.(C) No.33180 of 2022, this Court finds, prayer made in this I.A. is completely different from the claim made in the Writ Petition as well the relief claimed therein.

5. In the circumstance, this Court finds, this I.A. is not entertainable presently. If the Petitioner has any other option, he may avail the same.

6. I.A. stands disposed of with the above order.

(Biswanath Rath)
Judge

Ayaskanta Jena

Signature Not Verified

Digitally Signed
Signed by: AYASKANTA JENA
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 05-Sep-2023 17:15:19

