

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.40192 of 2021

Netrananda Naik

....

Petitioner

Mr. C.K. Nayak,
Advocate

-versus-

***The Collector and D.M., Nayagarh
& Ors.***

Opposite Parties

Mr. R.P. Mohapatra,
Additional Government Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
27.01.2022**

Order No.

01. 1. This writ petition involves initiation of a certificate proceeding and subsequent notice at page 12 & 13 of the brief.
2. Though Mr. Nayak, learned counsel for Petitioner attempted to establish his case that the proceeding initiated is *per se* not entertainable, this Court is of the opinion that in the event the proceeding is not entertainable or not maintainable against the Petitioner, nothing prevented the Petitioner to file a denying liability application provided U/s.8 of the O.P.D.R. Act. Further this Court also finds from page 12 & 13 left side column that there is clear endorsement regarding service of notice being made to the Petitioner

since 21.05.2017. This Writ Petition is filed on 21.12.2021. There is delay of over four years in filing the writ petition. For the Petitioner having alternate efficacious remedy, this Court without entering into the questions raised by the Petitioner at this stage directs, in the event the proceeding vide Certificate Case No.48 of 2008 is still pending on the file of the Certificate Officer, it will be open to the Petitioner to file a denying liability application at least within a period of two weeks hence. It is further directed that in the event the proceeding is still pending and the Petitioner files such denying liability application with the time stipulated hereinabove, the same shall be taken into consideration in the ultimate disposal of the certificate proceeding.

3. The writ petition is disposed of with the above direction.

4. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge