

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1002 of 2021

State of Odisha and another ***Appellants***
Mr. M.K. Khuntia, AGA
-versus-

Dr. Malay Kumar Pradhan ***Respondent***
Mr. A.K. Biswal, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH

ORDER
29.08.2022

Order No.

04.

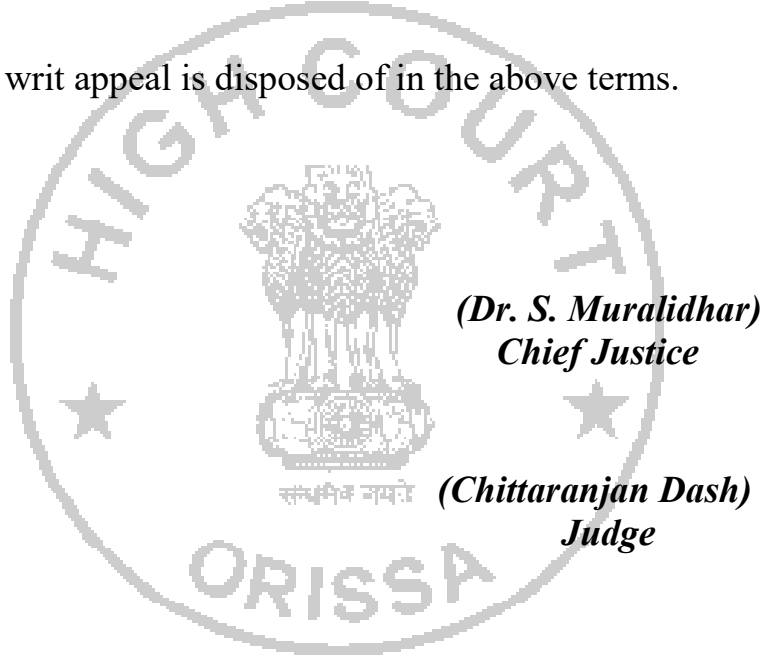
1. There is no dispute that the impugned order was passed by the learned Single Judge at the very first date of hearing without any opportunity to the present Petitioner to file a response to the writ petition which had factual averments which required to be dealt with by the State against whom the directions have been issued by the learned Single Judge. This is unable to be disputed by the learned counsel appearing for the Respondent since it is obvious from the impugned order that it was passed on the very first date of hearing.

2. Learned counsel for the Respondent argues that the impugned order records the fact that both counsel were 'heard'. However, the fact remains that there was no opportunity granted to the Appellants to file a reply to the writ petition which was essential considering that this was the first stage of the litigation.

3. On this short ground, the impugned order of the learned Single Judge is hereby set aside and the W.P.(C) No.33216 of 2021 is

restored to the file of learned Single Judge and will be listed before the roster Bench of the learned Single Judge for directions on 12th October, 2022. Not later than one week prior to that date, the State should file its para-wise reply to the writ petition with an advance copy to the writ petitioner who should file his rejoinder thereto, if any, by that date. Both parties are directed to remain present through counsel before the learned Single Judge on that date and co-operate with the learned Single Judge in enabling an expeditious disposal of the writ petition on merits.

4. The writ appeal is disposed of in the above terms.



KC Bisoi