IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16984 of 2006

Saroj Kumar Subudhi .... ***Petitioner***

Ms. Charvi, Advocate

-versus-

State of Odisha and others .... ***Opp. Parties***

Mr. P.K. Mohanty, ASC

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER
08.04.2026
(Hybrid Mode)

Order No.
07. **1**. The matter is listed under the heading 'Priority 20 Years'. It was listed on 15.01.2026 and the following order was passed:

> *"**1**. Though the matter is pending since 2001, the notice has not yet been issued. By order dated 15.07.2008 Division Bench of this Court directed for listing the matter along with OJC No.5893 of 2001.*
> ***2**. Mr. Shakti Sekhar submits that his learned Senior Counsel, Mr. B. Routray was engaged by the learned instructing counsel. In the meanwhile, the petitioner has unfortunately passed away. It is submitted that the matter may be adjourned to enable obtain instruction and file substitution if so advised.*
> ***3**. List in the week commencing 09.02.2026."*

2. Thereafter, on 10.02.2026 the matter was listed and the following order was passed:

"*1. On 15.01.2026, the following order was passed:*

"1. Though the matter is pending since 2001, the notice has not yet been issued. By order dated 15.07.2008 Division Bench of this Court directed for listing the matter along with OJC No.5893 of 2001. 2. Mr. Shakti Sekhar submits that his learned Senior Counsel, Mr. B. Routray was engaged by the learned instructing counsel. In the meanwhile, the petitioner has unfortunately passed away. It is submitted that the matter may be adjourned to enable obtain instruction and file substitution if so advised."

2. Learned Addl. Govt. Advocate referring to the said order submits that substitution has not yet been filed.

3. Ms. Charvi, learned counsel submits on behalf of the petitioner that they have tried to contact the legal heirs of the petitioner, awaiting response they require further time.

4. List on 24.02.2026 under the same heading."

3. On 24.02.2026, the following order was passed:

"1. Learned counsel for the petitioner Mr. Biswal refers to the order dated 15.01.2026 & 10.02.2026 and submits that he is in touch with the legal heirs of the petitioner and may be granted ten days time to obtain instruction and file Vakalatnama and take necessary steps for substituting the deceased petitioner.

2. Learned Addl. Govt. Advocate expresses concern regarding pendency of the matter for the last twenty years and connected matter for twenty five years.

3. The matter shall be listed in the week commencing 16.03.2026."

4. On 19.03.2026, the following order was passed.

"1. Learned counsel for the petitioner refers to the earlier orders dated 15.01.2026, 10.02.2026 and 24.02.2026 and submits that some of the legal heirs

have approached the learned counsel with Vakalatnama. One of the legal heirs, who is not immediately available, shall also authorize them through a Vakalatnama to appear on behalf of deceased petitioner.

2. Learned counsel seeks further time.

3. List this matter in the week commencing 06.04.2026 under the same heading."

5. The learned Additional Standing Counsel reiterates submission on behalf of the State that substitution has not been filed and the matter is kept pending.

6. It is submitted by the learned counsel, Ms. Charvi that she has been entrusted the brief from her chamber. She submits that as has been submitted earlier several attempts have been made to contact the legal heirs of the petitioner they have been non-responsive and remain incommunicado.

7. In such view of the matter, the writ petition is disposed of.

Liberty is granted to the legal heirs of the petitioner to revive the same by filing proper application along with application for substitution of petitioner within a period of ninety days from today.

(Mruganka Sekhar Sahoo)
Judge

jyostna

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