IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 32654 of 2026
(CNR No. ODHC010767992026)

Sujata Mishra & Ors.	***.....***	***Petitioners***
		Mr. S. Patra (1), Adv.
	-versus-	
State of Odisha & Ors.	***.....***	***Opposite Parties***
		Mr. S.P. Das, ASC

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
04.11.2026

Order No. 01

1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

3. The present Writ Petition has been filed inter alia with the following prayer:-

> *"Under the facts and circumstances stated above, the petitioner therefore prays that, this Hon'ble Court may graciously be pleased to permit the petitioner to file a representation in accordance with Order dated 16.11.2021 passed in WPC(OAC) No.2347 of 2021 and issue a Writ/Writ(s) in the nature of writs of Mandamus directing the Opp. Party No.1 to consider the representation in light of above mentioned Order passed by this Hon'ble Court within a stipulated period of time.*

And pass any other order/orders as would be deemed fit and proper.

And for this act of kindness, the petitioner shall ever pray."

4. Learned counsel appearing for the Petitioners contended that father of the present Petitioners along with others were Party to the proceeding in W.P.(C)(OAC) No.2347 of 2001.

4.1. It is further contended that the aforesaid Writ Petition was disposed of by this Court vide order dated 16.11.2021 inter alia permitting the Petitioners therein to move the concerned authority for consideration of their grievance within a period of two (2) weeks and with a direction that the same shall be considered in the light of the order passed by the Tribunal in ***O.A. No.2559(C) of 1999 (Kashidev Maharana Vs. State of Odisha & Ors.)***.

4.2. It is contended that such an order was passed by this Court on 16.11.2021, as similar claim made in the case of ***Kashidev Maharana*** was allowed by the Tribunal vide its order dated 16.11.1999, confirmed by this Court in its order dated 08.01.2018 in W.P.(C) No.7246 of 2016, further

confirmed by the Hon'ble Apex Court in its order dated 30.07.2018 in SLP(C) Diary No.23207 of 2018.

4.3. It is contended that even though such a liberty was given by this Court to all the Petitioners including the father of the present Petitioners in its order dated 16.11.2021 under Annexure-1, but Petitioner did not make the application, taking into account the pendency of Writ Appeal No.853 of 2023 so filed by the State challenging order dated 16.11.2021.

4.4. It is however contended that Writ Appeal No.853 of 2023 was dismissed by this Court vide order dated 02.02.2026 under Annexure-2.

4.5. It is contended that since order passed in WP(C)(OAC) No.2347 of 2001 was confirmed with dismissal of the Writ Appeal vide order dated 02.02.2026 under Annexure-2 and because of the pendency of the Writ Appeal, Petitioners never made a grievance in terms of order dated 16.11.2021, Petitioner be permitted to move Opp. Party No.1 for consideration of their claim in the light of the order dated 16.11.2021.

4.6. It is further contended that Opp. Party No.1 be directed to entertain the grievance of the Petitioners and take a lawful decision on the same following the order passed on 16.11.2021.

5. Learned ASC while opposing the prayer so made by the learned counsel appearing for the Petitioners contended that since in terms of order dated 16.11.2021, Petitioners never raised a grievance within the time stipulated in the said order and in the meantime more than 4 years have already passed. No such liberty be given to the Petitioner to make his grievance and for reconsideration.

5.1. It is accordingly contended that the Writ Petition be dismissed in limini.

6. Having heard learned counsel for the Parties and considering the submission made, it is found that father of the Petitioners along with others approached the Tribunal initially by filing O.A. No.2347 of 2001. The said matter after being transferred to this Court was disposed of vide order dated 16.11.2021 in WP(C)(OAC) No.2347 of 2001 under Annexure-1. Vide the said order, this Court permitted the Petitioners therein to move the competent authority for consideration of their grievance as made in the

Writ Petition and with a further direction to follow the order passed in the case of ***Kashidev Maharana*** so cited supra.

6.1. However, on the ground that a Writ Appeal is pending before this Court at the instance of the State in W.A. No.853 of 2023, Petitioners did not make any grievance in terms of order dated 16.11.2021. Since Writ Appeal so filed by the State has been dismissed vide order dated 02.02.2026 under Annexure-2, it is the view of this Court that Petitioner's prayer to permit them to make a grievance in terms of order dated 16.11.2021 needs to be allowed.

6.2. Not only that since the father of the Petitioners was prosecuting the matter from the year 2001 and because of the pendency of the Writ Appeal, they did not make the grievance, this Court finds no fault with the Petitioners.

6.3. Accordingly while holding so, this Court permits the Petitioners to make their grievance in terms of order dated 16.11.2021 before Opp. Party No.1.

6.4. It is observed that if any such grievance will be made within a period of three (3) weeks hence, Opp. Party No.1 shall take a lawful decision on the same, in the light of the order passed by this Court on 16.11.2021 under Annexure-1.

6.5. It is however observed that, if no such grievance will be made within the time stipulated by this Court, no further extension will be allowed.

7. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Nitu Prava

Signature Not Verified
Digitally Signed
Signed by: NITU PRAVA PRUSTY
Reason: Authentication
Location: OHC, Cuttack
Date: 07-Nov-2026 12:02:17