

(2025) 09 OHC CK 0883

In the Orissa High Court

Case No : Writ Petition (C) No. 25811 Of 2025

Dali Nayak @ Biswal

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 20-09-2025

Acts Referred:

Citation : (2025) 09 OHC CK 0883

Hon'ble Judges : A.C. Behera, J

Bench : Single Bench

Advocate : S.K. Patnaik, J. Sahoo

Final Decision : Disposed Of

Judgement

A.C. Behera, J

1. This writ petition has been filed by the petitioner praying for directing the Tahasildar, (Sadar) Cuttack (O.P. No.3) for implementation of the order dated 16.08.2024 passed in Mutation Appeal No.262 of 2021 by the Sub-Collector, Cuttack.

2. Heard from the learned counsel for the petitioner and learned ASC for the State.

3. The law concerning the implementation of the directions issued by the superior authority to its sub-ordinate authority like this matter at hand has already been clarified by the Apex Court in the ratio of the decision between Jayamma & Ors. Vrs. Deputy Commissioner, Hassan Dist., Hassan & Ors. reported in III (2013) CLT 94 (SC) that,

"if Subordinate Authority of the Government does not act in terms of the directions or instructions issued by superior authority, then in such a situation, it is not for the High Court to compel the Subordinate Authority of the Government to comply the instructions or directions issued by the Superior Authority. Because, High Court is not the executing forum of instructions issued by the

Superior Authority of the Government to its Subordinate Officer. So, as per law, it is the duty of the Superior Authority of the Government (who passed the order) to see the implementation of his/her own order properly.”

4. So, by applying such principles of law enunciated in the ratio of the above decision of the Apex Court to this matter at hand, it is felt proper to dispose of this writ petition filed by the petitioner finally directing the petitioner to file an application before the Sub-Collector, Cuttack praying for implementation of its final order dated 16.08.2024 passed in Mutation Appeal No.262 of 2021 and in case of non-response to the same by the Sub-Collector, Cuttack, the petitioner is at liberty to approach this Court again seeking appropriate relief for the same.

5. As such, this writ petition filed by the petitioner is disposed of finally.

6. Registry is directed to transmit the copy of this judgment immediately to the opposite party Nos.2 & 3.