
(2025) 07 OHC CK 1274
In the Orissa High Court
Case No : Writ Petition (C) No.19599 Of 2025

Dasarathi Sahoo	Vs	APPELLANT
State Of Odisha & Others Vs		RESPONDENT

Date of Decision : 18-07-2025

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2025) 07 OHC CK 1274

Hon'ble Judges : Ananda Chandra Behera, J

Bench : Single Bench

Advocate : Maheswar Mohanty, Gyanalok Mohanty

Final Decision : Disposed Of

Judgement

Ananda Chandra Behera, J

1. This writ petition under Section 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for directing Sub-Collector, Talcher (Opp. Party No.2) to dispose of the representations (Annexure-5 series) of the petitioners in respect of non-compliance of the final Order of the said Sub-Collector, Talcher (Opp. Party No.2) passed in Mutation Appeal No.3/2022 (Annexure-3) by the Tahasildar, Talcher (Opp. Party No.3).

2. I have already heard from the learned counsels of both the sides.

3. It has been clarified by the Apex Court in a decision between Jayamma & Others Vrs. Deputy Commissioner, Hassan, Dist., Hassan & Others (Para No.10) reported in III (2013) CLT 94 (SC) that,

"if a subordinate authority in the Government does not act in terms of the direction or instruction issued by the superior authority, it is not for the Court to compel that subordinate authority to comply with the instruction or direction issued by the superior authority, if it is not otherwise governed by a statutory procedure. Court is not the Executing Forum of the instruction issued by the

Government to its subordinates. That jurisdiction lies elsewhere under the scheme of the Constitution. Therefore, on that count also, the writ petition was liable to be dismissed."

4. So, by applying the propositions of law enunciated in the ratio of the aforesaid decision of the Apex Court, it is felt proper to dispose of this writ petition finally directing the Sub-Collector, Talcher (Opp. Party No.2) to dispose of the representations (Annexure-5 series) of the petitioner pending before him within 15 days positively from the date of communication of this Judgment and to intimate this Court in reference to this writ petition regarding the disposal of the representations of the petitioners (Annexure-5 series).

5. Registry is directed to the communicate this Judgment along with copies of Annexure-5 series to the Sub-Collector, Talcher (Opp. Party No.2) & Tahasildar, Talcher (Opp. Party No.3) immediately.

6. As such, the writ petition filed by the Petitioner is disposed of finally.

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