

(2023) 03 OHC CK 0024

In the Orissa High Court

Case No : Writ Petition (C) No. 4359 Of 2023

Manmohan Rout

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 03-03-2023

Acts Referred:

Odisha Hindu Religious Endowments Act, 1951 — Section 9

Citation : (2023) 03 OHC CK 0024

Hon'ble Judges : Arindam Sinha, J;S. K. Mishra, J

Bench : Division Bench

Advocate : A. Suhail, A.K. Sharma, P.K. Sahu, S. Mishra

Final Decision : Disposed Of

Judgement

I.A. No.2909 of 2023

1. Mr. Mishra, learned advocate appears on behalf of applicants, who were opposite party nos. 10 and 12 in the writ petition. He submits, the writ petition stood disposed of upon it being moved on 22nd February, 2023. His clients had no opportunity to know of it and, therefore, were not heard.

2. He submits on self-same cause in the writ petition there is pending for consideration revision case no.1 of 2022 under section 9 of Odisha Hindu Religious Endowments Act, 1951. In the case, writ petitioner is opposite party no.2. That revision case is due to be heard today at 2.00 P.M.

3. Mr. Suhail, learned advocate virtually appears on behalf of writ petitioner and submits, his client is opposite party no.2 in the revision case.

4. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and Mr. P.K. Sahu led by Mr. Nath, learned advocates, appear on behalf of the Commissioner.

5. Prayer in the application is for recall of said order dated 22nd February, 2023. On query from Court Mr. Suhail submits, the order be modified to include

direction for adjudication and disposal of the revision case.

6. We by our order dated 22nd February, 2023 had not directed restraint on any pending case. As such, the order does not either require recall or modification. What does transpires is that petitioner already had a forum to ventilate his grievance in the revision case, where he is opposite party no.2. On further query from Court Mr. Suhail submits, in drafting the writ petition, he had no instruction regarding pendency of the revision case.

7. In the circumstances directions in our order dated 22nd February, 2023 are to be carried out by the Commissioner keeping in mind there is pending said revision case, to be adjudicated expeditiously.

8. The application is disposed of.

9. Free copy of this order be given to the parties on request.

.....