

(2023) 03 OHC CK 0139

In the Orissa High Court

Case No : Writ Petition (C) No.7662 Of 2018

Minakhi Das And Others

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 21-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0139

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

Bench : Division Bench

Advocate : S.K. Das, A.K. Nanda, N. Singh

Judgement

1. Mr. Das, learned advocate appears on behalf of petitioners. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of State. Mr. Singh, learned advocate appears on behalf of applicant (intervener).

2. We find from statement made in the writ petition that it arises out of, inter alia, WP(C) no.10450 of 2013, which is still pending and is the sub-item. We reproduce below the statement made.

"The matter out of which this writ application arises was before this Hon'ble Court in OJC no.676/1969 which was disposed of on 11.05.1972, OJC no.132/1974 which was disposed of on 01.09.1975, OJC no.2882/1991 which was disposed of on 16.11.1993 and WP(C) no.10450/2013 which is still pending."

3. Entry no.11 in assignment list of the Division Bench presided by the Hon'ble Dr. Justice B.R. Sarangi covers Division Bench matters upto 2015, except criminal matters and matters assigned. WP(C) no.10450 of 2013 does not fall within the exceptions. It is to be released from our list.

4. Petitioner's contention in this writ petition is arisen, inter alia, out of WP(C) no.10450 of 2013, still pending and to be released from this Bench. In fitness of things we also release this writ petition, for parties to seek appropriate assignment because two connected writ petitions being dealt with by different

Division Benches may give rise to conflict of judicial decisions. Moreover, one of us (S.K. Mishra,J.) wants to recuse from hearing the writ petition

5. The writ petition is released from our list.

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