

(2023) 01 OHC CK 0043

In the Orissa High Court

Case No : Writ Petition (C) No.34708 Of 2022

Santosh Kumar Sahoo And Others

APPELLANT

Vs

Collector, Jajpur And Others

RESPONDENT

Date of Decision : 11-01-2023

Acts Referred:

Citation : (2023) 01 OHC CK 0043

Hon'ble Judges : Dr. S. Muralidhar, CJ; M.S.Raman, J

Bench : Division Bench

Advocate : Pami Rath, Ishwar Mohanty, P.K. Rath

Final Decision : Disposed Of

Judgement

1. Despite notice having been issued on 21st December 2022, none of the Opposite Parties have filed a reply.
2. The short ground on which the order dated 10th November 2022 of the Collector, Jajpur in Misc. Case No.65 of 2022 has been challenged is that the present Petitioners, who run a Community Centre next to the Primary Health Centre and a toilet, have not been heard before the said order was passed.
3. Mr. P.K. Rath, learned counsel appearing for Opposite Party No.5 does not dispute the above fact. He states that an appropriate order can be passed requiring the Collector to redo the entire exercise of passing a fresh order after hearing all the necessary and proper parties including the Petitioners.
4. In that view of the matter, the order dated 10th November 2022, passed by the Collector, Jajpur in Misc. Case No.65 of 2022 is hereby set aside and the aforementioned Misc. Case No.65 of 2022 is remanded to the Collector, Jajpur for a fresh hearing and decision in accordance with law. The matter will be listed before the Collector, Jajpur on 1st March, 2023. The Petitioners as well as Opposite Party No.5 will appear on that date together with a downloaded copy of this order. After hearing all the parties including the parties to whom earlier

notices were sent under Annexure-11, the Collector will pass a reasoned order disposing of the said case within a period of four months thereafter. Till that date, status quo as of today shall be maintained. The Court clarifies that it has not expressed any view in the matter.

5. The writ petition is disposed of in the above terms. Issue urgent certified copy of this order as per rules.

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