
(2023) 04 OHC CK 0278

In the Orissa High Court

Case No : Writ Petition (C) No.17083 Of 2014

Santosh Kumar Senapati

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 26-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0278

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

Bench : Division Bench

Advocate : Pradipta Kumar Mohanty, A.K.Sharma

Final Decision : Disposed Of

Judgement

WP(C) no.17083 of 2014 and I.A. no.17673 of 2022

1. Mr. Mohanty, learned senior advocate appears on behalf of applicant, who was writ petitioner. He submits, he being unable to be present in Court, his junior had moved, inter alia, the writ petition, when it was disposed of by our order dated 5th December, 2022. He submits further, his junior could not correctly assist Court and hence, the order came to be made though, inter alia, this Bench did not have assignment. In the circumstances, his client filed I.A. no.17673 of 2022 for, inter alia, recall of said order.

2. He draws attention to page 35 in the writ petition to demonstrate that his client had made application to the Settlement Officer, disposed of by impugned order dated 26th July, 2013. The order though made by the Additional Sub-Collector, it was made by the authority discharging also, function of the Additional Settlement Officer (ASO) under Orissa Survey and Settlement Act, 1958. He adds, there was submission made to that effect by learned advocate appearing on behalf of State, as recorded in said order dated 5th December, 2022.

3. Mr. Sharma, learned advocate, Additional Government Advocate appears on

behalf of State and submits, this Bench does not have assignment. He reiterates, the writ petition falls under entry no.9 in assignment list of the Hon'ble Mr. Justice Biswanath Rath.

4. We accept contention at the Bar that we did not have assignment over the writ petition. In the circumstances, our order dated 5th December, 2022 stands recalled. The I.A. is disposed of.

5. The writ petition along with the substitution application and any other to be placed before the Bench having assignment..

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