
(2022) 12 OHC CK 0042

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 : 05-12-2022

Acts Referred:

Citation : (2022) 12 OHC CK 0042

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

Bench : Division Bench

Advocate : S.K. Sahu, A. K. Nanda

Final Decision : Disposed Of

Judgement

I.A. no.18122 of 2021 and WP(C) no.17083 of 2014

1. Mr. Sahu, learned advocate appears on behalf of applicants and submits, his clients are the mother, widow, son and daughter of petitioner. They seek to be substituted in place of petitioner, who died on 30th July, 2020. He prays for condonation of delay, setting aside of abetment and substitution. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of State.

2. We have perused causes shown and accept them. The delay is condoned. The substitution be made by amendment. Applicants will file consolidated cause title.

3. Mr. Sahu submits, impugned is order dated 26th July, 2013 made by the Additional Sub-Collector. Thereby the Additional Sub-Collector refused to grant lease to his client.

4. Mr. Nanda submits, subject matter of the writ petition falls under entry no.9 in assignment list of the Hon'ble Mr. Justice Biswanath Rath.

5. Impugned order is one of restoration of petitioner's claim, to the Tahsildar as petitioner wants grant of lease. The order says that the Assistant Settlement Officer/Settlement Officer does not have such authority and, therefore,

restoration to concerned Tahsildar. As such we find the writ petition to come under entry no.7 in our assignment list.

6. There does not appear to be any illegality or material irregularity in impugned order. Applicant-petitioners are directed to produce our order before concerned Tahsildar (opposite party no.5) for expeditious disposal of the case. Applicant-petitioners be informed of the result within two months of communication.

7. The I.A is disposed of. The writ petition is also disposed of.

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