
(2022) 12 OHC CK 0133

In the Orissa High Court

Case No : Writ Petition (C) No.32219 Of 2022

Satyendra Nath Khan And Others

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 14-12-2022

Acts Referred:

Orissa Estates Abolition Act, 1951 — Section 9

Citation : (2022) 12 OHC CK 0133

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

Bench : Division Bench

Advocate : Samir Kumar Mishra, Gajendra Nath Rout

Judgement

WP(C) no.32219 of 2022 and I.A. no.16263 of 2022

1. Mr. Mishra, learned advocate appears on behalf of petitioners and submits, opposite party no.5 had preferred appeal on delay of more than four years. Such appeal could not have been preferred as said opposite party was not party nor filed any objection in the proceeding, wherein settlement was granted to his clients. He draws attention to impugned order dated 16th August, 2022 to demonstrate that on returnable date, after issuance of notice, straight away the application for condonation of delay was allowed and the appeal admitted. He submits, the order is illegal and was made material irregularity, inter alia, since, section 9 in Orissa Estates Abolition Act, 1951 provides for appeal to be filed within sixty days. He reiterates, in any event said opposite party could not have filed the appeal.

2. Mr. Rout, learned advocate, Additional Standing Counsel appears on behalf of State.

3. Issue notice along with this order on opposite party nos.5 and 6 by registered/speed post with AD. Petitioners will put in requisites.

4. List on 11th January, 2023.

5. In the meantime, status quo be maintained till next date..

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