

(2026) 02 OHC CK 1708
In the Orissa High Court
Case No : Writ Petition (C) No. 37721 Of 2025

Sulekha Dash

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 06-02-2026

Acts Referred:

Citation : (2026) 02 OHC CK 1708

Hon'ble Judges : Sanjay Kumar Mishra, J

Bench : Single Bench

Advocate : S.J. Nanda, M.K. Dash

Final Decision : Disposed Of

Judgement

S.K. Mishra, J

1. Heard Mr. Nanda, learned Counsel for the Petitioner so also Mr. Dash, learned ASC, who accepts notice on behalf of the Opposite Party Nos.1 and 2 and admits to have received copy of the writ petition.

2. An innocuous prayer has been made in the writ petition to direct the learned Member, Board of Revenue, Orissa, Cuttack (Opposite Party No.1) to dispose of OSS Case No.1773/2016 read with Misc. Case No.191/2023 within a short stipulated period to protect the property of the Petitioner, who is an old and ailing lady of 70 years.

3. On consent of learned counsel for the parties, in view of the averments made in the writ petition and innocuous prayer made therein, the writ petition is taken up for hearing and disposal at the stage of admission without noticing the private Opposite Party Nos.3 and 4.

4. Reiterating the facts detailed in the writ petition, learned Counsel for the Petitioner submits, the Petitioner being an innocent person and staying outside, could not be able to take proper steps before the Settlement Authority to record the suit land in her favour. However, subsequently, she came to know that Hal

Plot No.547 has been erroneously recorded in favour of the Opposite Party No.4. She preferred OSS No.1773 of 2016 before the Opposite Party No.1, which stood dismissed for non-prosecution on 09.05.2023, for which she has preferred Misc. Case No.191 of 2023 for setting aside the said ex-parte order and restoring OSS No.1773 of 2016 to its original number. The proforma Opposite Party Nos.3 and 4, who are the parties to the said proceeding, being noticed in the restoration application have appeared in the said case, though the matter is ready for hearing, the said restoration application is still pending for consideration.

5. Drawing attention of this Court to the averments made in paragraph No.8 of the writ petition, learned Counsel for the Petitioner further submits, the said application for restoration of OSS No.1773 of 2016 was last posted to 13.11.2025, on which date the matter stood adjourned and no further date has been provided to the Petitioner. Hence, this writ petition.

6. Per contra, drawing attention of this Court to the averments made in Misc. Case No.191 of 2023 as at Annexure-2 Series, learned Counsel for the State submits, due to laches on the part of the learned Counsel for the Petitioner, OSS Case No.1773 of 2016 stood dismissed for non-prosecution. Thereafter, the application for restoration has been preferred on 09.10.2023. Without asserting the reason for delay in disposal of the said Misc. Case he would be unable to justify such delay allegedly caused by the Authority concerned to dispose of the said Misc. Case.

7. In view of the averments made in the writ petition so also recording the submissions made by learned counsel for the parties, the writ petition stands disposed of at the stage of admission directing the learned Member, Board of Revenue, Orissa, Cuttack (Opposite Party No.1) to deal with and dispose of Misc. Case No.191 of 2023 (arising out of OSS No.1773 of 2016) at the earliest, preferably within a period of two months from the date of production of certified copy of this judgment.

8. Urgent certified copy of this judgment be granted as per rules.