

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 107 of 2017 & Batch

State of Odisha and another *Appellants*
Mr. J. Katikia, AGA
-versus-

Bidulata Nayak and another *Respondents*
M/s. D.K. Mohapatra, Advocate & Associates

FAO No.491 of 2017

The State of Odisha and another *Appellants*
Mr. J. Katikia, AGA

Mamata Senapti and another *Respondents*
M/s. D.K. Mohapatra, Advocate & Associates

FAO No.530 of 2018

Ajaya Kumar Mohanty *Appellant*
M/s. P.C. Chhinchani, Advocate & Associates

State of Odisha and others *Respondents*
Mr. J. Katikia, AGA

FAO No.751 of 2018

Prabir Kumar Dasmohapatra *Appellant*
M/s. M.K. Pati, Advocate & Associates
-versus-

State of Odisha and others *Respondents*
Mr. J. Katikia, AGA

FAO No.773 of 2018

State of Odisha and another *Appellants*
Mr. J. Katikia, AGA
-versus-

Prafulla Kumar Sahoo and another *Respondents*
M/s. A.K. Mohanty (A), Advocate & Associates

FAO No.774 of 2018

State of Odisha and others

.... ***Appellants***

Mr. J. Katikia, AGA

-versus-

Mamatanjali Panda and another

.... ***Respondents***

M/s. S. Patra (1), Advocate & Associates

FAO No.777 of 2018

Ananta Kumar Patel

.... ***Appellant***

M/s. K.K. Swain, Advocate & Associates

-versus-

State of Odisha and others

.... ***Respondents***

Mr. J. Katikia, AGA

FAO No.785 of 2018

The State of Odisha and another

.... ***Appellants***

Mr. J. Katikia, AGA

-versus-

Kabita Mohanty and another

.... ***Respondents***

M/s. S. Pattanaik, Advocate & Associates

FAO No.800 of 2018

State of Odisha and another

.... ***Appellants***

Mr. J. Katikia, AGA

-versus-

Sharon Pradhan and another

.... ***Respondents***

Mr. Budhadev Routray, Senior Advocate

FAO No.802 of 2018

State of Odisha and another

.... ***Appellants***

Mr. R. Tripathy, ASC

-versus-

Debajani Pani and another

.... ***Respondents***

M/s. S. K. Swain, Advocate & Associates

FAO No.809 of 2018

State of Odisha and another

.... ***Appellants***

Mr. R. Tripathy, ASC

-versus-

Nrusingha Charan Mishra and another

Respondents

M/s. S. Pattanayak, Advocate & Associates

FAO No.810 of 2018

State of Odisha and another

.... ***Appellants***

Mr. R. Tripathy, ASC

-versus-

Puspita Patra and others

.... ***Respondents***

M/s. S. Patra (1), Advocate & Associates

FAO No.827 of 2018

Sarat Chandra Joshi

.... ***Appellant***

Mr. Sangram Jena, Advocate

-versus-

State of Odisha and others

.... ***Respondents***

Mr. R. Tripathy, ASC

FAO No.828 of 2018

Gouranga Charan Behera

.... ***Appellant***

Mr. Sangram Jena, Advocate

-versus-

State of Odisha and others

.... ***Respondents***

Mr. R. Tripathy, ASC

FAO No.829 of 2018

Ambika Prasad Samntaray

.... ***Appellant***

Mr. Sangram Jena, Advocate

-versus-

State of Odisha and others

.... ***Respondents***

Mr. R. Tripathy, ASC

FAO No.830 of 2018

Prasanta Kumar Mishra

.... **Appellant**

Mr. Sangram Jena, Advocate

-versus-

State of Odisha and others

.... **Respondents**

Mr. R. Tripathy, ASC

FAO No.845 of 2018

Antaryami Parida and others

.... **Appellants**

Mr. Sangram Jena, Advocate

-versus-

State of Odisha and others

.... **Respondents**

Mr. R. Tripathy, ASC

FAO No.847 of 2018

Dr. Rajendra Das and others

.... **Appellants**

Mr. Sangram Jena, Advocate

-versus-

State of Odisha and others

.... **Respondents**

Mr. R. Tripathy, ASC

FAO No.849 of 2018

Sudeep Kumar Purohit

.... **Appellant**

M/s. K.K. Swain, Advocate & Associates

-versus-

State of Odisha and others

.... **Respondents**

Mr. R. Tripathy, ASC

FAO No.852 of 2018

Saroj Kumar Pradhan and others

.... **Appellants**

Mr. Sangram Jena, Advocate

-versus-

State of Odisha and others

.... **Respondents**

Mr. Gajendra Nath Rout, ASC

FAO No.858 of 2018
Narayan Chandra Puri

.... **Appellant**

Mr. P. Chuli, Advocate

-versus-

State of Odisha and others

.... **Respondents**

Mr. Gajendra Nath Rout, ASC

FAO No.859 of 2018
Niranjan Pal

.... **Appellant**

Mr. P. Chuli, Advocate

-versus-

State of Odisha and others

.... **Respondents**

Mr. Gajendra Nath Rout, ASC

FAO No.865 of 2018
State of Odisha and another

.... **Appellants**

Mr. Gajendra Nath Rout, ASC

-versus-

Pradeep Kumar Rout and another

.... **Respondents**

M/s. S. Pattnaik, Advocate & Associates

FAO No.866 of 2018
State of Odisha and another

.... **Appellants**

Mr. Gajendra Nath Rout, ASC

-versus-

Gajendra Kumar Dhal and another

.... **Respondents**

M/s. S. Samal, Advocate & Associates

FAO No.868 of 2018
State of Odisha and another

.... **Appellants**

Mr. Gajendra Nath Rout, ASC

-versus-

Saroj Kanta Rath and another

.... **Respondents**

M/s. S. Samal, Advocate & Associates

FAO No.872 of 2018

State of Odisha and another ***Appellants***

Mr. Gajendra Nath Rout, ASC

-versus-

Hemanta Kumar Sahoo and another ***Respondents***

M/s. K.K. Swain, Advocate & Associates

FAO No.882 of 2018

State of Odisha and another ***Appellants***

Mr. Gajendra Nath Rout, ASC

-versus-

Gadadhar Rath and another ***Respondents***

M/s. Sameer Kumar Das, Advocate & Associates

FAO No.884 of 2018

State of Odisha and another ***Appellants***

Mr. Gajendra Nath Rout, ASC

-versus-

Madhusmita Swain and another ***Respondents***

M/s. Sangram Jena, Advocate & Associates

FAO No.888 of 2018

State of Odisha and another ***Appellants***

Mr. Gajendra Nath Rout, ASC

-versus-

Sarat Chandra Moharana and another ***Respondents***

M/s. S. Pattanaik, Advocate & Associates

FAO No.12 of 2019

State of Odisha and another ***Appellants***

Mr. Prasanna Kumar Mohanty, ASC

-versus-

Pradeep Kumar Panigrahi and another ***Respondents***

M/s. Sangram Jena, Advocate & Associates

FAO No.13 of 2019

State of Odisha and another ***Appellants***

Mr. Prasanna Kumar Mohanty, ASC

-versus-

Alok Kumar Samal and another ***Respondents***

M/s. P. Chuli, Advocate & Associates

FAO No.15 of 2019

State of Odisha and another ***Appellants***

Mr. Prasanna Kumar Mohanty, ASC

-versus-

Prasanna Kumar Biswal and another ***Respondents***

M/s. P. Chuli, Advocate & Associates

FAO No.17 of 2019

State of Odisha and another ***Appellants***

Mr. Prasanna Kumar Mohanty, ASC

-versus-

Anil Kumar Dhir and another ***Respondents***

M/s. D.K. Mohapatra, Advocate & Associates

FAO No.18 of 2019

State of Odisha and another ***Appellants***

Mr. Prasanna Kumar Mohanty, ASC

-versus-

Batakrishna Sahoo and another ***Respondents***

M/s. D.K. Mohapatra, Advocate & Associates

FAO No.39 of 2019

Amulya Ratna Jena ***Appellant***

M/s. K.K. Swain, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Prasanna Kumar Mohanty, ASC

FAO No.63 of 2019

State of Odisha and another ***Appellants***

Mr. Prasanna Kumar Mohanty, ASC

-versus-

Prabhat Kumar Behera and another ***Respondents***

M/s. S. Samal, Advocate & Associates

FAO No.85 of 2019

State of Odisha and another ***Appellants***

Mr. Prasanna Kumar Mohanty, ASC

-versus-

Pramod Kumar Nayak and another ***Respondents***

M/s. S. Pattanaik, Advocate & Associates

FAO No.87 of 2019

E. Rabi Narayan Patro ***Appellant***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Prasanna Kumar Mohanty, ASC

FAO No.98 of 2019

State of Odisha and another ***Appellants***

Mr. Prasanna Kumar Mohanty, ASC

-versus-

Kamal Lochan Darjee and another ***Respondents***

M/s. P.K. Mohanty, Advocate & Associates

FAO No.100 of 2019

Sarat Kumar Swain and others ***Appellants***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Prasanna Kumar Mohanty, ASC

FAO No.130 of 2019

Dr. Giridhari @ Giridhar Nayak ***Appellant***

M/s. Sangram Jena, Advocate & Associates
-versus-

State of Odisha and others ***Respondents***

Mr. Prasanna Kumar Mohanty, ASC

FAO No.139 of 2019

Susanta Kumar @ Sushanta Kumar ***Appellant***
Giri

M/s. Sangram Jena, Advocate & Associates
-versus-

State of Odisha and others ***Respondents***

Mr. Prasanna Kumar Mohanty, ASC

FAO No.141 of 2019

Dukhabandhu Parida ***Appellant***

M/s. Sangram Jena, Advocate & Associates
-versus-

State of Odisha and others ***Respondents***

Mr. Prasanna Kumar Mohanty, ASC

FAO No.292 of 2019

State of Odisha and another ***Appellants***

Mr. H.K. Panigrahi, A.S.C.
-versus-

Pratap Kumar Behera and another ***Respondents***

M/s. S. Samal, Advocate and associates

FAO No.340 of 2019

State of Odisha and another ***Appellants***

Mr. H.K. Panigrahi, A.S.C.
-versus-

Narayan Dash and another ***Respondents***

M/s. S.N. Sharma, Advocate and associates

FAO No.466 of 2019

State of Odisha and another ***Appellants***

Mr. H.K. Panigrahi, A.S.C.

-versus-

Sanjita Mohanty and another ***Respondents***

M/s. Purusottam Chuli, Advocate

FAO No.467 of 2019

State of Odisha and another ***Appellants***

Mr. H.K. Panigrahi, A.S.C.

-versus-

Bidhubhusan Rout and another ***Respondents***

M/s. Purusottam Chuli, Advocate

FAO No.468 of 2019

State of Odisha and another ***Appellants***

Mr. H.K. Panigrahi, A.S.C.

-versus-

Pratap Keshari Sarangi and another ***Respondents***

M/s. S.S. Pratap, Advocate and associates

FAO No.493 of 2019

State of Odisha and another ***Appellants***

Mr. H.K. Panigrahi, A.S.C.

-versus-

Harihar Panda and another ***Respondents***

M/s. D.N. Rath, Advocate and associates

FAO No.494 of 2019

State of Odisha and another ***Appellants***

Mr. H.K. Panigrahi, A.S.C.

-versus-

Manasa Ranjan Mishra and another ***Respondents***

M/s. D.N. Rath, Advocate and associates

FAO No.495 of 2019

State of Odisha and another

....

Appellants

Mr. H.K. Panigrahi, A.S.C.

-versus-

Guru Prasad Das and another

....

Respondents

M/s. D.N. Rath, Advocate and associates

CORAM:

THE CHIEF JUSTICE

ORDER

21.06.2023

Order No.

I.A. Nos.1257, 1269, 1364, 1666, 1343, 1598, 1236, 1485, 1330, 1224, 1473, 1360, 1451, 1448, 1449, 1440, 1385, 1381, 1357, 1382, 1358, 1359, 1486, 1349, 1348, 1240, 1488, 1256, 1483, 1273, 1499, 1500, 1263, 1258, 1295, 1354, 1481, 1389, 1243, 1400, 1390 of 2019 & I.A. Nos.209 of 2020, I.A. No.1441 of 2019, 1207 of 2019, 1425 of 2019, 1301 of 2019, 1293 of 2019, 1602 of 2019, 1409 of 2019, 1412 of 2019 and 1395 of 2019

06. 1. In view of the judgment dated 25th February, 2021 in ***State of Odisha v. Bichitrananda Mohapatra 2021 (I) OLR- 664*** the impugned orders passed in the respective FAOs are hereby recalled and the corresponding FAOs are restored to file.

FAO Nos.107 and 491 of 2017, FAO Nos.530, 751, 773, 774, 777, 785, 800, 802, 809, 810, 827, 828, 829, 830, 845, 847, 849, 852, 858, 859, 865, 866, 868, 872, 882, 884, 888 of 2018 and FAO Nos.12, 13, 15, 17, 18, 39, 63, 85, 87, 98, 100, 130, 139, 141, 292, 340, 466, 467, 468, 493, 494 & 495 of 2019 and I.A. No. 1599 of 2019 (in FAO No.774 of 2018)

2. Issue Notice. Respective learned counsels accept notice for Respondent No.1 in all the FAOs. Notice will now be issued to the remaining Respondents, i.e., the respective Governing Bodies through

Registered/Speed Post with A.D., making it returnable before the next date. Requisites for which shall be filed within three working days. Issue notice in I.A. No.1599 of 2019 (corresponding to FAO No.774 of 2018) on the question of limitation. Accept one set of process fee.

3. Copies of the aforementioned FAOs be served on learned counsel for the respective Respondent No.1 within three days. It is pointed out by learned counsel for the State that all these appeals required to be allowed in view of the judgments of the Supreme Court of India in ***State of Odisha v. Anup Kumar Senapati (2019) 19 SCC 626***, judgment dated 29th October, 2021 of the Division Bench of this Court in W.A. No.401 of 2021 (***Secretary, Government of Odisha v. Jashobanta Baral***) and the judgment of the learned Single Judge dated 7th February, 2023 in FAO No.659 of 2014 (***State of Odisha v. Minaketan Behera***).

4. Mr. Budhadev Routray, learned Senior Counsel appearing for some of the Respondents No.1 states that he would examine the above judgments and make submissions on the next date.

5. List along with FAO No.491 of 2019 on 17th July, 2023.

(***Dr. S. Muralidhar***)
Chief Justice

S. Behera