



ORISSA HIGH COURT : CUTTACK

WP(C) No. 11061 of 2025

An application under Articles 226 & 227 of the Constitution of
India.

* * *

Lakhan Lal Sahu

.....

Petitioner

-VERSUS-

State of Odisha & Others

.....

Opposite Parties

Counsel appeared for the parties:

For the Petitioner : Mr. K.K.Rout, Advocate.

For the Opposite Parties : Mr.D.K.Sahoo, Advocate
(for the O.P. No.3)
Mr. G.Mohanty, SC

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**

Date of Hearing: 10.10.2025 :: Date of Judgment : 10.10.2025



A.C. Behera, J. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the Petitioner praying for quashing the impugned order dated 28.02.2024 passed in R.P. No.60 of 2023 by the learned Additional Commissioner (C & S), Nuapada (O.P. No.2) on the ground that, opportunity of hearing of R.P. No.60 of 2023 has not been given by the Additional Commissioner (C & S), Nuapada (O.P. No.2) to the Petitioner.

2. Heard from the learned counsel for the Petitioner, the learned counsel for the O.P. No.3 and the learned Standing Counsel for the State.

3. It appears from the impugned order dated 28.02.2024 passed in R.P. No.60 of 2023 that, the Parties were duly noticed, S.R. Back and the O.Ps are absent on call, for which, it is presumed that, they (O.Ps) have no objection to record the case land in the name of the Petitioner.

To which, the learned counsel for the Petitioner in this writ petition objected contending that, the O.P. No.6 of R.P. No.60 of 2023 (who is the Petitioner in this writ petition) was not noticed



by the Additional Commissioner (C & S), Nuapada (O.P. No.2) for hearing of the R.P. No.60 of 2023 and drew the attention of the Court to the Annexure-3 i.e. to the summon/notice (through which, the notice was allegedly served on the O.P. No.6), in which, there is no indication about the name of any person, in whose presence the said so-called notice in R.P. No.60 of 2023 was served on the O.P. No.6.

4. On perusal of the Annexure-3, it appears that, in fact, there is no signature or LTI of any person in that Annexure-3 as the witnesses, in whose presence the said so-called notice was served against the O.P. No.6 in R.P. No.60 of 2023.

5. For which, it is held that, the notice in R.P. No.60 of 2023 was not duly served on the Petitioner of this writ petition (who was the O.P. No.6 in R.P. No.60 of 2023).

6. When it is held that, the notice in R.P. No.60 of 2023 was not duly served by the O.P. No.2 on the O.P. No.6, then at this juncture, it is held that, the said impugned order dated 28.02.2024 passed in R.P. No.60 of 2023 passed by the Additional Commissioner (C & S), Nuapada (O.P. No.2) without



complying the principles of natural justice cannot be sustainable under law.

7. Therefore, there is justification under law for making interference with the impugned order passed by the Additional Commissioner (C & S), Nuapada (O.P. No.2) in R.P. No.60 of 2023 through this writ petition filed by the Petitioner.

8. So, there is merit in the writ petition filed by the Petitioner. The same is to be allowed.

9. In result, the writ petition filed by the Petitioner is allowed.

10. The impugned order dated 28.02.2024 passed in R.P. No.60 of 2023 by the Additional Commissioner (C & S), Nuapada (O.P. No.2) is quashed.

11. The matter vide R.P. No.60 of 2023 is remitted back to the Additional Commissioner (C & S), Nuapada (O.P. No.2) to decide the same afresh as per law after giving opportunity of being heard to the Parties and complying the principles of natural justice in full.

12. The Parties to this writ petition are directed to appear before the Additional Commissioner (C & S), Nuapada (O.P. No.2) in R.P.



No.60 of 2023 on dated 22.10.2025 for the purpose of receiving directions of the O.P. No.2 as to further proceedings of the R.P. No.60 of 2023.

13. The Additional Commissioner (C & S), Nuapada (O.P. No.2) is directed to dispose of the R.P. No.60 of 2023 as expeditiously as possible within a period of three months positively from the date of appearance of the Parties before him.

14. As such, the writ petition filed by the Petitioner is disposed of finally.

*(A.C. Behera),
Judge*

*Orissa High Court, Cuttack
10th Of October, 2025/ Binayak Sahoo//
Junior Stenographer*

Signature Not Verified

Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 15-Oct-2025 10:43:25

