



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12326 of 2023

Shyama WSHG, Bolangir

....

Petitioner

*Mr. S.S. Rao, Sr. Advocate
Being assisted by Mr. A. Mishra,
Advocate*

-versus-

**Collector & District
Magistrate, Bolangir & ors.**

....

Opposite Parties

Mr. T.K. Biswal, AGA

CORAM: JUSTICE SANJAY KUMAR MISHRA

**ORDER
14.05.2024**

**Order No.
09.**

This matter is taken up through hybrid mode.

2. Mr. Panda, learned Counsel for the Opposite Party No.4 submits, today Vakalatnama duly executed in his favour has been filed with the Registry. Mr. Panda also prays to list the matter after ensuing summer vacation and undertakes to file Counter Affidavit before the next date of listing.

3. Counter by Opposite Party No.4, if any, be filed within four weeks hence after serving copy of the same on the learned Counsel for the Petitioner.

4. Mr. Rao learned Senior Counsel for the Petitioner, drawing attention of this Court to the interim order dated 19.04.2023 passed by the coordinate bench in I.A. No.5703 of 2023 submits, though vide the said order, as an interim measure, it was directed that impugned order passed by the Sub-collector, Balangir in respect to the Petitioner

shall not be given effect to till the next date and thereafter the said interim order got extended from time to time, but the order of the Sub-Collector, Balangir has already been given effect to in violation of the interim order dated 19.04.2023 and the said conduct of the Authority concerned is contemptuous.

5. In view of the said submission made by Mr. Rao, it would be apt to reproduce below Para-5 of the order dated 19.04.2023 passed by the coordinate Bench:-

“ 5. As an interim measure, it is directed that the impugned order dated 11.04.2023 passed by the Sub-Collector, Balangir under Annexure-8 in respect of the Petitioner shall not be given effect to till the next date.”

6. In view of the said allegation, Mr. Biswal, learned Additional Government Advocate for the State/Opposite Parties prays for an adjournment and undertakes to take instruction and file an affidavit in terms of the instruction received before the next date of listing. The same is allowed.

7. Matter be listed in the week commencing from 1st July, 2024. Affidavit be filed in the meantime. The said Affidavit is to be sworn to by the Sub-Collector, Balangir, who is the author of the Office Order dated 11.04.2023.

Kanhu

(S. K. MISHRA)
JUDGE

Signature Not Verified

Digitally Signed
Signed by: KANHU BEHERA
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 15-May-2024 17:41:00