

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1552 of 2023

Rajani Kanta Sethi

.. Appellant

Mr. D.K. Mohapatra, Advocate

-versus-

State of Odisha and others

..... Respondents

Mr. M.K. Khuntia, AGA

(for O.P. Nos.1 & 2)

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

25.07.2023

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard Mr. D.K. Mohapatra, learned counsel appearing for the Appellant.
3. By means of this intra-court appeal, the judgment dated 27.06.2023 delivered in W.P.(C) No.15246 of 2009 and W.P.(C) No. 31115 of 2022 by the learned Single Judge has been challenged.
4. It has been stated by Mr. Mohapatra, learned counsel that the premise on which the impugned order has been passed is untenable in law, as the findings as returned by the learned Single Judge are de hors the records.
5. Admit.
6. Issue notice, returnable on 31st August, 2023.

7. Call for the records of W.P.(C) No. 31115 of 2022.
8. Since Mr. M.K. Khuntia, learned Additional Government Advocate appears and waives notice for the Respondents No.1 & 2 and Mr. Sadasiba Patra, learned counsel appears and waives notice for the Respondent No.6, no formal notice is called for in respect of those Respondents. However, the Appellant shall supply one copy of the memorandum of appeal to Mr. Khuntia, learned Additional Government Advocate within three days.
8. The Appellant shall take steps for service of notice on the remaining Respondents by Registered Post with A.D. within three days from today.
9. Let the matter be listed on 31st August, 2023 along with W.A. No. 1661 of 2023.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

I.A. No.4107 of 2023

Order No.
03.

1. This is an application for staying the operation of the order dated 27.06.2023 passed in W.P.(C) No. 31115 of 2022, the order challenged in W.A. No. 1552 of 2023.

2. Heard Mr. D.K. Mohapatra, learned counsel appearing for the applicant, Mr. M.K. Khuntia, learned Additional Government Advocate appearing for the opposite parties no.1 & 2 and Mr. Sadasiba Patra, learned counsel appearing for the opposite party no.6.

3. Having regard to the nature of the controversy and glancing through the reasoning of the impugned order, *prima facie* we are of the view that the operation of the impugned order be stayed till the next date. It is ordered accordingly.

4. Issue notice, returnable on 31st August, 2023.

5. Since Mr. M.K. Khuntia, learned Additional Government Advocate appears and waives notice for the opposite parties no.1 & 2 and Mr. Sadasiba Patra, learned counsel appears and waives notice for the opposite party no.6, no formal notice is called for in respect of those opposite parties.

6. The applicant shall take steps for service of notice on the Opposite Parties No.3, 4 & 5 by Registered Post with A.D. within three days from today.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge