



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No.286 OF 2025

Shiva Narayan Rahana and another *Petitioners*

Mr. Abhas Mohanty,, Advocate

-versus-

State of Odisha & others *Opp. Parties*

*Mr. Bibekanananda Nayak,
Additional Government Advocate*

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER
31.03.2026

Order No.

08.

1. This matter is taken up through hybrid mode.
2. This CMAPL has been filed to recall the order dated 28.03.2018 passed in O.J.C. No.13549 of 2000, whereby, the writ petition was dismissed for non-prosecution.
3. Mr. Mohanty, learned Counsel for the Petitioners submits that the writ petition was listed on 28.03.2018. But due to the non-appearance of learned Counsel for the Petitioner, the same was dismissed for non-prosecution. It is his submission that the sole Petitioner in writ petition, namely, Laxman Rahana died on 30.01.2018 leaving behind the present Petitioners as the legal heirs. The death certificate of Laxman Rahana and his legal heir certificate have been annexed to the CMAPL as Annexure-2 series.
4. Mr. Mohanty, learned Counsel for the Petitioners, therefore, submits that the order sought to be recalled, has been passed against a dead person and thus, the same is a nullity. As



such, the order dated 28.03.2018 be recalled and the writ petition be restored to file.

5. Mr. Nayak, learned Additional Government Advocate does not have any objection to the prayer made by Mr. Mohanty, learned Counsel for the Petitioners.

6. In view of the above, the order dated 28.03.2018 passed in O.J.C. No.13549 of 2000 is recalled and the O.J.C. is restored to file.

7. The CMAPL is disposed of.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Banita