



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33667 of 2025

Biswanath Singh Samanta

Petitioner

None

-versus-

State Of Odisha And Ors.

Opp. Parties

Mr. S.K. Jee, AGA

CORAM:

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

20.03.2026

Order No.

01. 1. Heard learned counsel for the State.
2. By means of this application, the Petitioner seeks the following prayer;

“It is therefore humbly prayed that this Hon’ble Court may graciously be pleased to admit this Writ Petition and issue rule NISI calling upon the Opposite Parties to show cause as why: A. The order dated 07.11.2003 passed in Under Valuation Misc. Case No. 49/2002 passed by Addl. District Magistrate cum Stamp Collector, Nayagarh, the Opposite Party No.3 under Annexure-3 shall not be quashed; B. The order dated 03.10.2023 and 25.02.2016 passed by the learned District Judge, Nayagarh in FAO No. 09/2021 and FAO No.03/66/07 of 2004 under Annexures- 4 & 5 shall not be quashed; C. Such other order/orders as this Hon’ble Court may deem fit and proper and equitable to the fact of this Case.

And if the Opposite Parties fail to show cause or show insufficient cause, the Hon’ble Court may be pleased to make the rule absolute and issue writ in the nature of Certiorari or any other appropriate writ or any other appropriate directions/orders in granting the reliefs prayed for in the facts and circumstances of the case. And further be pleased to pass any other order/orders, direction/directions, writ/writs as this Hon’ble Court deem fit and proper;”



3. Mr. Jee, learned counsel for the Petitioner drew attention of this Court to the order dated 03.10.2023 passed by the learned District Judge, Nayagarh in FAO No. 09/2021, wherein, the Court observed as follows:

“Perused the case record. It is forthcoming that the present appellant filed FAO No. 3/66/07 of 2004 challenging the order dtd 07.11.2003 passed in UV Misc. Case No. 49 of 2002 on the selfsame issue. The said FAO has been disposed of on merit on 25.02.2016. On the same cause of action, i.e., challenging the same order dtd. 07.11.2023, the present FAO has been filed which in view of the principle of the provision u/s.11 of the Civil Procedure Code is not maintainable as the principle of res-judicata comes into operation. Hence, the present FAO is dismissed as being not maintainable in view of the provision of Sec.11 of the C.P.C. The copy of the order of this appeal be sent and the L.C.R. be returned to the Court of learned A.D.M., Nayagarh for information and necessary action.”

4. Keeping in view the aforesaid facts and the findings recorded by the appellate court, which appear to be in accordance with law, this Court finds no ground to interfere with the same in exercise of its writ jurisdiction.

5. Accordingly, the writ petition stands dismissed.

(Chittaranjan Dash)
Judge

Priyanka

