



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 36437 of 2025

1. Sk. Habibur **Petitioners**
Rehaman

2. Sk. Azizur Rehaman

Mr. P.S. Mohanty, Advocate

-versus-

1. Sub-Collector, **Opposite Parties**
Bhadrak

2. Tahasildar,
Bhadrak

3. Sk. Imran

4. Sk. Ehsan

5. Sk. Rajwan

6. Sk. Gulistan

7. Samima Begum

8. Sk. Jahir Perwas

9. Sk. Mubarak

10. Khusnama Begum

11. Sk. Iqubal Parwez

12. Sk. Imtaz

13. Sk. Azhar Hussain

14. Sk. Manjar

15. Sk. Mazhar Hossain

16. Sk. Motihar Hossain

17. Sk. Manuar Hossain

18. Hafizur Rahaman

19. Masihur Rahman

20. Asiqur Rahman

21. Nazma Khalun

22. Md. Asif Iqubal

Mr. M.R. Mohanty, AGA
Mr. S.K. Nayak, Adv.
(For O.P. No.3 to 17)



CORAM: JUSTICE V. NARASINGH

ORDER

23.02.2026

Order No.

03. 1. Heard learned counsel for the Petitioners and learned counsel for the Opposite Parties.
2. The Petitioners assail the endorsement on the body of Rent Fixation Appeal No.04 of 2003 "not admitted" in the present Writ Petition, inter alia, on the ground that the same smacks of gross non-application of mind and therefore, seeks quashing of the same.
3. Pursuant to the notice issued, the Opposite Party Nos.3 to 17 have entered appearance.
4. It is apt to note that the private Opposite Party Nos.3 to 17 had approached this Court by filing W.P.(C) No.734 of 2006, which was disposed of by order dated 20.12.2019.
5. Considering the challenge that the orders in appeal were passed without condoning the delay, this Court remanded the matter for fresh hearing. The operative part of the order passed by this Court is extracted hereunder for convenience of reference;

"xxx xxx xxx

Taking into consideration the submission of learned counsel for the parties, the matter is remitted back to the appellate authority for fresh adjudication. Both the orders under Annexures-1 and 11 are quashed only on the ground of entertaining the appeal without condoning the delay. In that view of



the matter, the appellate authority shall first consider the issue of delay and then shall hear the appeal on merit and pass a reasoned order in accordance with law after giving opportunity of hearing to the parties concerned, if the delay in filing the appeal is condoned."

6. Pursuant to the same, petition styled as revive petition by the Petitioners as appellants was filed. While filing the same, it was specifically mentioned that the same is being filed "in view of the order passed in W.P.(C) No.734 of 06".

7. Such memorandum of appeal is on record at Annexure-1.

8. Notwithstanding the order of this Court referred to herein above, the Opposite Party No.1 did not consider the same on merits and by the cryptic endorsement "not admitted" dismissed the appeal which is the subject matter of challenge.

9. On considering the rival submissions and on hearing the learned counsel for the State, this Court is persuaded to hold that the manner of disposal as adopted by the Opposite Party No.1 is ex-facie arbitrary more so in the face of order passed by this Court dated 20.12.2019 extracted herein above.

10. Accordingly, such endorsement "not admitted" set aside.

11. The Rent Fixation Appeal No.4 of 2003 shall stand restored to the file of the Opposite Party No.1,



who is called upon to dispose of the same in accordance with law after giving the parties an opportunity of hearing, as expeditiously as possible.

12. Accordingly, the Writ Petition stands disposed of.

13. UCC as per rules.

(V. Narasingh)
Judge

Santoshi